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CLARK COUNTY  
WASHINGTON

## Clark County Planning Commission

Steve Morasch, Chair

Ron Barca, Vice Chair

Rick Torres

Karl Johnson

Matt Swindell

Robin Grimwade

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### CLARK COUNTY PLANNING COMMISSION THURSDAY, JUNE 20, 2019 MINUTES OF PUBLIC HEARING

Public Service Center  
Council Hearing Room  
1300 Franklin Street, 6<sup>th</sup> Floor  
Vancouver, Washington

6:30 p.m.

#### **CALL TO ORDER & ROLL CALL**

BARCA: Ladies and gentlemen, I'd like to call this meeting to order of the Clark County Planning Commission for Thursday, June 20th, and we'll start with roll call, please.

JOHNSON:     HERE  
GRIMWADE:    HERE  
SWINDELL:     HERE  
TORRES:        HERE  
BARCA:         HERE  
MORASCH:      ABSENT

Staff Present: Chris Cook, Chief Deputy Prosecuting Attorney; Oliver Orjiako, Planning Director; Jose Alvarez, Planner III; Sonja Wisner, Program Assistant; Larisa Sidorov, Office Assistant and Cindy Holley, Court Reporter.

#### **GENERAL & NEW BUSINESS**

##### **A.     Approval of Agenda for June 20, 2019**

BARCA: Okay. We will start off with general business. Can I get an approval of tonight's agenda, please.

SWINDELL: I make a **MOTION** we approve the agenda.

JOHNSON: **Second.**

BARCA: Thank you. All those in favor?

EVERYBODY: AYE

**B. Approval of Minutes for May 16, 2019**

BARCA: Okay. No changes. There we go. And we have the minutes of the Clark County Planning Commission from May 16th, 2019. Are the minutes able to be approved?

GRIMWADE: So **MOVED.**

JOHNSON: Second.

BARCA: Okay. It's been moved and seconded. All those in favor of approving the minutes from May 16th?

EVERYBODY: AYE

**C. Communications from the Public**

BARCA: There we go. Okay. Great. So this is the part of the meeting this evening where we ask the general public if they have anything to bring before the Planning Commission that is not related to tonight's agenda, this is your opportunity to bring that forward and bring it to the Planning Commission. Is there anybody in the public that has something not related to the agenda this evening? Okay. Seeing none, we will move on.

**Planning Commission Opening Statement**

BARCA: We have an opening statement that we like to read. We really like to read this. I'm going to start off by asking the Planning Commission if there are any conflicts of interest on tonight, from tonight's agenda? And I see none. Okay.

So, ladies and gentlemen, what we do is we start off with the staff report for each of the agenda items and then the Planning Commission has an opportunity to talk to staff about what has been proposed.

At that point in time, we will then open it up as a public hearing and take testimony from the public in regard to the agenda specifically. We have the discretion to limit the time that each person has for testimony, I don't see any reason why we would need to do that this evening,

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but we would ask as you come forward, please state your name for the record, spell your last name and then bring forward whatever testimony you want to speak to.

Anybody who follows, please do not reiterate the exact same items, you can just agree with the speaker before you and we'll just move through the people that way. If you have any exhibits that have not been presented to the Planning Commission already, please pass them up to staff before you start your testimony so we have an opportunity to have them in our hand.

**PUBLIC HEARING ITEMS:**

**A. CPZ2019-00002 NE 152<sup>nd</sup> Ave.**

A proposal to amend the comprehensive plan and zoning from Commercial (CC) to Urban Low (R1-6) on 7.68 acres.

**Staff Contact: Jose.Alvarez@clark.wa.gov or (564) 397-4898**

BARCA: And I think that's adequate for our opening statement. So we will start the public hearing with CPZ2019-00002, NE 152nd Avenue. Staff report, please.

ALVAREZ: Good evening, Commissioners. Jose Alvarez with Clark County Community Planning.

So the first item before you tonight is, as you mentioned CPZ2019-00002, NE 152nd Avenue. This parcel is designated community commercial and the proposal is to amend the comprehensive plan designation and zone change from community commercial to urban low R1-6 zoning. The property is located along NE 152nd Avenue where this black dot is.

York Elementary School is across the street and fun for -- Fly for Fun Airport is abutting the property to the south. Just show you some of the aerial photos of the site. This is the airport, the elementary school, and again, the community commercial zoning abutting R1-6 to the west, R1-10 to the north and R1-6 to the east.

So this area was brought into the urban growth boundary in 1994 with a commercial comprehensive plan designation and a C-3, now a CC zoning. There's been a significant residential development in this area. The airport to the south is privately owned, it houses 12 single-engine airplanes.

The applicant has received preliminary approval on this site for a RV storage facility that was approved in June of 2018 and it's vested for seven years from preliminary approval that was issued in February of 2018.

You should have received some comments today from some of the neighbors concerned about the abutting zoning to the north with the R1-10 zone and then issues with traffic and overcrowding at the school, so I just wanted to address some of those issues.

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The lot size for the R1-6 zone is a range from a minimum, there's an average minimum from 6,000 to 8,000-square feet. How that is developed if it's approved in the future would be done at through the land use development process and so the, what the appearance of the development is going to be whether there's 6 or 8,000-square foot lots on that site would be determined at that time. There's range enough to buffer the parcels, so there are a range from seven to nine lots that could be along 93rd Street, but again that will be something that's reviewed during the development review process.

Additionally, the segment of road on 152nd Avenue between 99th Street to the north and the Padden Parkway to the south is scheduled to be improved as part of the six-year transportation improvement plan, that would complete the build-out of that road segment, it would have two lanes, two travel lanes, one center turn lane and sidewalks on both sides.

The issue with the overcrowding, I had spoken to Sue Steinbrenner this evening, who's representing the Evergreen School District, she had submitted a letter to the applicant letting them know that they do have some overcrowding issues and potential residents and children that are housed in this subdivision may have to be bussed.

In further conversation, the school district is looking at redistribution of their students, they have some schools that have capacity and so they do have some situations where the property owners buy properties abutting a school but don't, aren't able to attend because of overcrowding issues, she wasn't sure if the proposed changes that Evergreen School District is looking at has created additional capacity for the York Elementary School, but she just wanted me to communicate that with the Commission to let you know what's current and we'll follow up with her.

In reviewing the criteria, staff has determined that the applicant has met the criteria for the map changes, A through E, consistency with GMA and countywide policies, the conformance with location, locational criteria, site suitability, the response to better implementing the policy and then sufficient public facilities and services. That concludes staff's presentation. Do you have any questions?

BARCA: Do we have questions for staff?

TORRES: Yes. So talk to me a little bit about the development of 152nd.

ALVAREZ: Okay. So let's see if I -- in our transportation system plan we have on our schedule for the next six years we're looking at improving that section of road from 99th like I said to the north to Padden to the south and so it would be improved.

If this development would go through, they would do their improvement on their property, but the County's prepared to do the improvement on this road segment to bring it to the urban

standards. Right now it's a two-lane road, it doesn't have sidewalks all the way through, so that would be the improvement, in addition there would be a center turn lane.

Looking at some of the transportation analysis, there's a lot of traffic moving south in the morning in the a.m. peak and then a lot of traffic coming from the north to go to the school as well, so that road improvement would provide some better flow having that center turn lane and then the sidewalks.

TORRES: Is that something that would coincide with the development of this or is it a completely separate timetable?

ALVAREZ: Completely separate time. But if the development were to go through and it would happen before, we would require the development to do their share of the road improvement and the sidewalk, their half-width right-of-way improvement.

SWINDELL: Can you show us on the map where that section is. Do you have another map in there that will better show where we're going to develop the road from where anywhere?

ALVAREZ: So from here, 99th Street to here, Padden Parkway.

SWINDELL: Okay. Thanks.

BARCA: The small airport --

ALVAREZ: Yes.

BARCA: -- it has a PF zoning on it that I saw.

ALVAREZ: No. No, that was -- yes, it is. No, that's the school also. Yes.

BARCA: Okay. What would the old designation of that PF zoning be?

SWINDELL: A for airport, isn't it? There's an A on it.

ALVAREZ: So, yeah. So that the comp plan -- so the comp plan designation is public facility and the zoning is airport, that's right.

SWINDELL: Is that public facility or is it privately held?

ALVAREZ: It's privately held, but it's open to the public. Does that make sense?

SWINDELL: No, but okay.

BARCA: Other questions? None at this time.

ALVAREZ: I'll just add one more thing since you brought up the airport and I should have mentioned this earlier. The State of Washington requires us to contact the owners of the airport and there's a letter from the communication we've had with the airport owner, the State wants us to ensure that there's compatibility with the airport seeing all of the residential around it, it was hard to conclude that it was not compatible, the airport owner does, would like us to make a condition and it's in the packet under our recommendations and conclusions that future development put in a clause to let property owners know that they're buying into something located near an airport and there might be some noises and other attributes attributed to an airport next to them.

SWINDELL: Just for clarification, there looks like two parcels there where the A is and then the little square there.

ALVAREZ: Yes, they're both airports.

SWINDELL: That's both airports?

ALVAREZ: Yes.

### **PUBLIC TESTIMONY**

BARCA: Okay. Seeing no more questions for staff, we'll go ahead and we'll open it up to public testimony and we'll start off with Seth Halling.

BREMER: Can we go together? I'm right after him.

BARCA: You are right after him, LeAnne, so please, yeah.

BREMER: We're together. Good evening, Planning Commission. My name's LeAnne Bremer, I'm representing the applicant and with me is Seth Halling from AKS Engineering who put most of the work into the application.

So I just wanted to emphasize a few points in support of this change. I won't repeat everything in the staff report, I thought it was a very detailed and thorough analysis of the five criteria and how this application meets each of the criteria and the comp plan policies.

I just want to emphasis some other things that are in the application. Maybe first I'll just point out a few things that came out in the questioning.

I did, as you can see on the map up there, I did want to point out that where the airport

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properties are in relation to the subject site, you'll see that there's actually even lots closer or currently there are lots right up against the airport property.

So as Mr. Alvarez said, there already is residential properties surrounding the airport and this really doesn't change that fact. One thing in the staff report it said that the WSDOT was requesting an aviation easement and that's really not entirely accurate, there won't be an easement in favor of the State, but what the applicant has agreed to is a note on any future plat of the property providing notice to future homeowners that they are next to an airport if it wouldn't be obvious already and that there are impacts, potential impacts that the proximity of the airport to the lots, so we're agreeable to having that notice on any future plat.

And then I, in speaking about the future improvement of 152nd Avenue, it is correct that this is an excerpt from your six-year transportation plan which shows the improvement to that street, I don't -- I think we only have one copy; is that right? Okay. We can just submit a couple into the record.

The significance of that is not just that that road will be improved to accommodate future development and that the applicant when they develop before that project goes in will have to do frontage improvements, but the significance is that that road will still be a collector, and when you look at the locational criteria for community commercial zoning designation it speaks to commercial properties being on the crossroads of arterials, and so that's one reason why this property isn't appropriate for commercial, it doesn't meet that criteria of being on an arterial, and even of future improvements of 152nd it won't become an arterial.

So in the record is an economic study by E.D. Hovee & Associates which really makes a compelling case for why this property is not appropriate for commercial and why it's more appropriate for residential and that speaks to one of the criteria for the comp plan change.

First of all, the property is fairly small and isolated, there's not a whole lot of traffic that goes by it that commercial properties like to have a lot more visibility for the traveling public and the traffic counts are low and don't attract commercial developers and that's evident by the fact that this property's been commercial since 1994, even during this most recent economic activity that's going on in the county, there's just no interest in developing that as with true commercial uses.

And the other thing that the economic development study says is that folks typically shop within a two to four-mile radius from their home and they're in that radius and there's maps and the report it shows that there are shopping opportunities, existing shopping opportunities within that two to four-mile radius and so, yes, if there was something commercial here people would be closer to it, but the habits of shoppers are that they typically do go beyond right next door to shop, they'll go in this two to four-mile radius.

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The report also states that the, you know, we are getting away from, there's a lot of online retail activity occurring and that's affecting a lot of these smaller properties. Now, we still need commercial centers in the county, and it's not really a question of either or, we need both commercial and we need residential, they just have to be in the most appropriate spots and this piece, this small piece by itself is not appropriate for commercial, you know, commercial is better when it's all grouped together and so there are areas on Fourth Plain and then Ward Road and where there are commercial centers that serve these, would serve these properties. It's also more appropriate for residential.

According to the report, there's still a demand for housing even with all the growth that's occurring in the county and specifically with this site. The economist looked at the price point for potential houses and that is it's lower than some other areas of the county that would, and this is the demographics of this area is the smaller or is the younger folks with children and, you know, starting in their careers where they need affordable housing and this site is appropriate for that type of housing product.

And so I think with that I will stop, and maybe, Seth, did you want to add anything while you're sitting here?

HALLING: Seth Halling with AKS Engineering. I don't have much to add but wanted to point out --

HOLLEY: Spell your last name, please.

HALLING: Halling, H-a-l-l-i-n-g. And I just wanted to point out in regard to the six-year transportation improvement plan that 152nd Avenue improvements, one of the public comments that was received was in regard to pedestrian safety and when the County improves that section, there also will be improvements to the crosswalks there near the school, so that will be one aspect which improves the pedestrian safety.

And then I also wanted to point out, as far as the commercial at this location, you know, the traffic counts that were taken, they averaged approximately 7,000 average daily trips on 152nd in front of this site, the former Albertsons site averaged almost double that and they still have vacancies there and have for some time, and I think that just shows the additional support that this area is not well-suited for a commercial use at this time. And with that I'd be happy to answer any questions.

GRIMWADE: I've got a couple of questions. What consultation did you as the applicant's planners have with the school district?

HALLING: So we reached out to the school district just for the general, you know, is there capacity for the students as well as whether or not they would be bussed or would be walking,

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you know, to look at the safe routes to school, their response, as Mr. Alvarez summarized with his conversation with Ms. Steinbrenner, was that there was, that they're near capacity at the adjacent school; however, that there, that we would just be, should be on notice that there may be the need to, students may be bussed to other locations.

GRIMWADE: Okay. The other question I have for staff.

SWINDELL: There's a preliminary approval for what was it again, RV storage?

BREMER: Yes.

SWINDELL: I'm just curious, is that not a viable opportunity there or I'm just curious?

BREMER: Well, it's an approved, it's an approved project, it's an option if for instance this doesn't go through for some reason, it's just the owner feels that the residential makes more sense.

HALLING: One other point in that regard that in the time during the application and review for the RV storage facility there are numerous applications for other storage facilities that were received by the County and the City of Vancouver and so we felt that, you know, that there is a possibility of over saturation of that use and with, you know, we felt this location was not a prime location for it, but due to not ready available supply of RV storage that it may be suitable; however, after the other applications came about we, you know, had changed that and at this time, you know, felt that it was better suited to residential.

BARCA: Thank you.

BREMER: Thank you.

BARCA: Next up looks like Shane, is it Tapani? Shane, did I get it wrong?

TAPANI: I thought we had to sign in, I'll pass.

BARCA: Of course, that's your choice. All right. But I got your name right?

TAPANI: Yeah.

BARCA: All right. Well, at this point in time that is all that is signed up for this particular application which is NE 152nd Avenue. If there's anybody in the audience that would wish to come forward and speak on this particular application, please feel free to come forward. And seeing nobody coming forward, I guess we will close out public testimony and bring it back to Planning Commission. Do we have more questions for staff?

### **Return to Planning Commission**

GRIMWADE: Yeah, I just had one question. If this was to go to residential, what's the closest park for children of this residential development to go to?

BARCA: Right down there in the corner.

ALVAREZ: There are, there were two, one, yeah, here, there's the school facility and I think there's one to the west or to the east that's either being built or recently built.

GRIMWADE: Within a five-minute walk, ten-minute walk?

ALVAREZ: 10 to 15, yeah, within walking distance there were a couple.

SWINDELL: And just and I guess just an overview with that size of property, about 34 homes maybe is what we're thinking?

ALVAREZ: 35 to 40. 45 to 40.

BARCA: Do we have more discussion? Any thoughts we want to get out on the table before we put a motion forward?

SWINDELL: Well, I'll just say that I never like giving up any type of land that's going to produce jobs potentially, but in this instance it, to me, just it really doesn't make a lot of sense where it's at, so...

TORRES: You know, I think I'll piggyback on that, I'm pretty familiar with this area. I don't live there anywhere near, but I've patrolled there quite a bit and knowing that the Albertsons lot has been empty for so long and then the other one up towards Ward Road, I agree it doesn't really make sense to have it as a commercial zone.

JOHNSON: Yeah. The Albertsons plays in my mind, it's been sitting there. And, you know, it's always, it's always good to keep close to schools, houses close to schools. As a teacher, you know, as long as we're taking care of the mitigating the road and the crossing into York and the school district is saying, look, we're going to have to be moving kids around anyways, I'm all for it.

GRIMWADE: Yeah, I share your sentiments too. I don't think it would be a viable commercial location in today's age if the way commerce is going. I think residential is perhaps the most appropriate use subject to the necessary mitigation improvements along the roadways.

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Also recognizing the importance that those children will need access to green space for recreation and I think it would be appropriate for the residential development to sort of replicate the character and size of the neighboring allotments so it's not an intensely overdeveloped area.

BARCA: Okay. So I'm going to give you an alternate thought process here. We are taking 152nd and seeing two separate requests on 152nd this evening and whenever we divide up these regions into individual lots, they look different, they look like they are not interdependent on anything, but as I look at the way 152nd is going and that we have staff reports that are in favor of one against another one, the reasoning appears like it could be valid in both cases in either direction and what I see right now is a commercial facility that has another development opportunity on it and commercial redevelopment does happen. Once residential is put in place, it's residential.

If we don't find the highest and best use, the property is still in commercial and has ongoing job generating potential. I think as I see it almost everything that we're dealing with is this particular point in time we've had testimony that at this time this appears like the way that it is, but once you take this out of the inventory, it's out of the inventory.

Both CDERC (sic) and the City of Vancouver cautioned against the idea of the loss of job generating inventory without some mechanism to replace that which we don't really have in place short of comprehensive plan amendments where we add more land back in. So residential demand is really high right now and this area hasn't developed the density requirements for job generating facilities, and it's certainly not in the form of retail, but there are other options and I guess the way that I look at it is really in the context of long-range planning.

One of the things that we don't do well is protect the job generating inventory as well as we're able to understand the demand, and there's a great demand, there's a lot of pressure on building more houses, and I get that, but if I just go up 152nd and come to our next docket item, we're going to have a dramatically different story and I'm not sure that the circumstances are so dramatically different.

So I understand why there is a request. I certainly understand why the demand is there. I'm thinking about it perhaps maybe in a longer range where we're not facilitating immediate turnover and making the inventory available for residential. We're looking at having that inventory available for future consideration, so that's my thought. And if there's no more deliberation, we can take a motion.

JOHNSON: I make a **MOTION** to accept staff's request on CPZ2019-00002 NE 152nd Avenue.

SWINDELL: I'll **second** it.

BARCA: Okay. There's been a motion and it's been seconded. Okay. Do roll call.

**ROLL CALL VOTE**

JOHNSON: AYE  
GRIMWADE: AYE  
SWINDELL: AYE  
TORRES: AYE  
BARCA: NO

BARCA: And motion passes 4 to 1. And we are going to move on to the next agenda item which is Riverview Assets, CPZ2019-00003, staff report, please.

**PUBLIC HEARING ITEMS**, continued

**B. CPZ2019-00003 Riverview Asset**

A proposal to amend the comprehensive plan and zoning, on two parcels totaling 60 acres, from Industrial (BP) to Urban Low (R1-10) on 50 acres and Commercial (CC) on 10 acres.

**Staff Contact: Jose.Alvarez@clark.wa.gov or (564) 397-4898**

ALVAREZ: Thank you, Chair Barca. So the next item is a request just north of the last on NE 152nd north of 99th Street.

The request here is to amend the comprehensive plan on 60 acres from industrial with business park BP zoning to urban low density residential with R1-10 zoning on 50 acres and commercial with community commercial zoning on 10 acres fronting NE 152nd and I will show you a map of the proposal.

Again, this is 99th Street, 119th Street, NE 152nd and the site here is here. The aerial, the property to the north is 40 acres is also zoned industrial and this property is approximately 20 acres also zoned industrial and is owned by the Battle Ground School District.

So to the west the property is zoned R1-5, to the east across 152nd is zoned R1-6, AG-20 to the north, northeast, so we're at the edge of the urban growth boundary, and then to the south is R1-10, I believe that's Cherry Park.

So the applicant submitted a similar request in 2017 to amend the current designation to urban low R1-6 on at that point included the school site and then the 60 acres and I think there was a proposal for one acre to remain commercial to try to have some employment opportunity.

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The Commission, the Planning Commission and Council denied the request in October 2017. County Council discussed the potential change in the future if the site could not be developed for employment as intended. The applicant submitted a pre-application in 2018, November of 2018 to consider this proposal. There's been a lot of discussion from the applicant about Councils' decision and direction.

A couple of things have happened since then, one being we have two new Council members and also we've seen an increase in the request for commercial to be changed to residential in this area, you know, concurrent with what we -- the application that was just before us. Last year there was another proposal on 162nd and Ward Road to go to a higher density multi-family which was, which the Commission, the Planning Commission requested denial and then was subsequently withdrawn.

The property in this request was brought into the Vancouver UGA in 2004 as the part of our comprehensive plan update, it was designated employment center with an urban holding overlay and was the urban holding overlay was removed in April of 2007 as part of a development agreement for the lifting of urban holding of the Orchards subarea.

The Battle Ground School District purchased the tax parcel, the 20 acres in September of 2016. The Columbia River Economic Development, you should have received a letter from them as well, we had the staff work publish, they hadn't submitted a letter yet, but there was an analysis that they were performing in 2016 on parcels greater than 20 acres to try to have an inventory, those are the parcels that when they're shopping around for potential employers they like to have an inventory of those, this property wasn't listed. I think the idea was that there was going to be a proposal to change the zoning so it wasn't included as part of that and then in the recent letter that they submitted, they just requesting caution in removing employment land and converting employment land.

So staff's recommendation is to retain the business park zoning, we don't feel the applicant has met all of the criteria for the map changes particularly with the policy in our comp plan that we consider rezoning of employment center lands to non-retail or business park.

If the proponent can show that the zone change would accommodate unforeseen and rapidly changing commercial development needs and that the proposed designation is more suitable than the current designation given the land site-specific characteristics and that the proposed zone change will generate jobs at a higher land, higher density than the current comprehensive plan zone allocation, there's a limited amount of business park land, the Councilors, the Commissioners asked for a map of that and I provided that to you all.

Two of the areas are in the 179th Street overlay. There's this area and then another area in along 50th Avenue behind WSU where there's some large pieces of land there that there have been on again and off again negotiations with the University to maybe have an incubator or

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some sort of employment development there, but that area along 50th Avenue does need some infrastructure improvement and there's no sewer in that area either. So with that, that concludes staff's report and recommendation. Do you have any questions?

SWINDELL: You mentioned sewer, how close is sewer to this?

ALVAREZ: It runs along here and here to serve this property, so sewer is in 152nd.

SWINDELL: So it is, it's right there?

ALVAREZ: Yeah.

TORRES: Are there any proposed upgrades or forecasted upgrades for 152nd there up to 119th?

ALVAREZ: No, not at this point, but recognizing someday that would need to happen in order for that really to work.

SWINDELL: Where is this piece located relative to the Albertsons we were all talking about? Can we see it, is it even --

ALVAREZ: So the, yeah, that should be --

SWINDELL: It's on the corner, isn't it?

ALVAREZ: Yeah.

SWINDELL: Padden and 152nd.

ALVAREZ: Yeah, that's the Padden one.

SWINDELL: That one right there, that's where Albertsons is?

ALVAREZ: Oh, no, that's 117th -- that's 137th.

SWINDELL: 137th?

ALVAREZ: Yeah, that's right here.

SWINDELL: Right there.

ALVAREZ: The Albertsons is right here. And the other commercial is here I believe.

TORRES: Right there.

ALVAREZ: Yeah, Ward Road and 162nd.

BARCA: Just to be clear though, we're talking Business Park versus commercial, so...

SWINDELL: I understand. I'm just trying to get, yeah.

ALVAREZ: Lay of the land.

SWINDELL: Yeah.

BARCA: More questions for staff? All right then. At this time we'll open it up for public testimony. We're going to start with Thomas Thorpe.

**PUBLIC TESTIMONY**

THORPE: I just signed in, so no comment, and ditto for Suzy.

BARCA: Okay. And ditto for Suzy. All right. Sherry Fitzpatrick.

FITZPATRICK: I just signed in too.

BARCA: All right. Just a sign in. All right. Armand. Yes. Will you make sure you give your last name and spell it.

RESTO-SPOTTS: Absolutely, yeah. Armand Resto-Spotts, applicant representative for Riverview Asset on this application.

BARCA: And the spelling of your last name is?

RESTO-SPOTTS: R-e-s-t-o hyphen S-p-o-t-t-s.

BARCA: Thank you.

RESTO-SPOTTS: Good evening, Commission. Thank you for offering the opportunity to provide comment. Not intending to rehash our application materials or the response that we submitted in the staff report, which I believe is in the record, but just want to reiterate our core points and our justification for why we're proposing this specific proposal as opposed to the one from 2017.

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As staff had indicated and has made clear in the record, we were before this Commission, in front of City Council with the proposal in 2017 to convert this site completely to residential R1 through 6. It was recommended for denial by the Commission. The City Council eventually denied that request and at that hearing it was suggested that potentially going forward they would like to see a commercial element on this site to retain some sort of job producing land as opposed to converting that entire piece from business park to residential, that's what we are proposing this go around and that's why we've been flexible with a either a seven-acre commercial strip, a ten-acre commercial strip.

We look to be pretty flexible in this process. We don't have any necessarily proposed plans - thank you Jose - not necessarily committing to one another, but wanted to show that there are some options that what we could do with this site if indeed the direction is to have a commercial strip there. You know, from our perspective we were happy to continue with our 2017 proposal and show up again, but we didn't want to show up with the exact same suggestion two years later.

Having said that though, the critical point that we'd like to make is that this site as a business park has been completely incompatible with this area. It's been zoned this way for I believe approximately 15 years since it was brought in, there has been no interest on this site for a business park. The residential lands throughout that area are developing quite rapidly and clearly the highest and best use of this area is a residential use.

Again, that commercial strip element, I appreciate the question earlier with respect to where that Albertsons is located because we draw that out a little bit in our response that, you know, typically when you have an employment land it's either going to be with a commercial cluster nearby or either integrated within that. The closest commercial complexes to this site was the proposal that was just before you right now was off of 152nd, the next closest would be that Albertsons location or the other one to the southeast nearly two miles away. So we thought the commercial element would either, could serve the residential area up there and maybe provide some relief for residents that are traveling further for those commercial uses, but also to retain some job producing element if that's indeed the direction that the Council was interested in.

A couple other points. So like other business, unlike other business park sites this one in particular that I appreciate we talked about the improvements to 152nd to the south of 99th Street, this site is completely lacking in necessary transportation infrastructure to be developed as a business park in the near future and that's something that should be considered with respect to not only why this site has gotten no interest and has not developed as it's currently zoned but it's likely going to remain that way into the future.

Also in the record, and one of our I believe it's in one of the letters we had submitted during the land use review process, we had submitted a map showing some vacant industrial land within

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the nearby region and in the larger region, and staff and as Jose mentioned in the memorandum that he provided following the work session kind of highlights other industrial areas in the area, I wanted to highlight as well, that we pulled up some vacant industrial land maps in availability in this area, off of 99th and at NE 117th Street, Padden Commerce Park, Olin Business Park, both have vacancies, plenty of vacant land. This business park in particular is not sitting here waiting to be purchased and developed in the past and hasn't since been currently.

I think the Commission should also keep in mind the ongoing 179th discussions that there is some anticipation of coordinating transportation improvements with development and then as well the railroad property to the north in the ongoing efforts to potentially open up that land for industrial uses.

At the work session there was a couple of comments from the Commissioners regarding that piece to the north, the business park zoned land right to the north of our property, I just want to highlight because I don't speak for those property owners and we haven't had discussions with them at all, I just want to highlight though if you do pull up any GIS info or any map of that area, there's upwards of 50 percent wetland complex on that site, highly unlikely to be business park worthy there, so I think that should be a consideration as well.

And finally, again the commercial piece was not something that we had anticipated two years ago proposing and again we propose at this time to accommodate for the comments that we got in the last go around and, you know, staff had indicated at that hearing that depending on how that site developed over the next year or so, you know, there may be better arguments for the use of this property.

Well, here we are, you know, two years later and the property is still not getting any interest and it's still not developing as a business park and so we think the highest and best use of this site is a residential zone that fits within that area and I'm happy to answer any questions here, I'm not the technical expertise on it, but to the extent that I can, I'm happy to, but otherwise thank you again for the opportunity.

SWINDELL: I have a question. You first propose changing it all to residential and hearing what the County Councilors said, hey, we'd like to see keep some jobs, you're now proposing a piece of it to remain that, but my question would be is that really what you want or would you really rather just have all residential and not have any of that commercial there?

RESTO-SPOTTS: We'd be open to either. I think if, you know, if we had, so our druthers is to have some residential on that site whether that's the entire site, whether that's the portion that's being proposed now, you know, we could quibble back and forth, but I could go back to the 2017 proposal and our position would be the same that we would be interested in that as well.

SWINDELL: Basically what you're saying is commercial won't work there though. So to propose commercial now really you're kind of setting yourself up for failure, you're saying that it's not going to work.

RESTO-SPOTTS: Right. I'm saying industrial is clearly not working on that site and with the prior proposal with this Commission now recommending to switch that to a residential zone, there's no commercial nearby in this area. So as we're proposing a commercial piece because Council had suggested and wished for that element, our argument would be that this could serve the area and we would keep it a small seven to ten-acre piece that might benefit that region, you know, and, but we've been flexible through this process that, you know, we're submitting that in response to comments and we're happy to work with staff and the policymakers on that, but our critical thing was that this site should so clearly be a residential property and we'd like to see it like that.

SWINDELL: Okay. Thank you.

BARCA: Other questions? Thank you.

RESTO-SPOTTS: Thank you. Yeah.

BARCA: Daniel Stumpf. Did I say it wrong? It looks like Daniel Stumpf. No Daniel Stumpf? 321 S.W. 4th Avenue. Okay. I didn't say it wrong. If there's anybody else from the audience that would like to come forward and speak on this matter without having signed up, that's fine, you're able to come forward and give any testimony. Is there anybody that would like to come forward? Okay. Seeing none, I'm going to close public testimony and bring it back to staff. Questions?

### **Return to Planning Commission**

SWINDELL: I'd like to ask. This is 60 acres; correct?

ALVAREZ: Correct.

SWINDELL: And --

ALVAREZ: 59 point --

SWINDELL: And the previous one we looked at --

ALVAREZ: Seven.

SWINDELL: Seven acres. Significantly different in size. And -- okay. I just wanted to ask that.

BARCA: Jose, would you clarify for me the parcel to the north, the zoning of that, is that business park as well?

ALVAREZ: Correct.

BARCA: And the corner piece to the southwest, is that business park as well?

ALVAREZ: Business Park, correct.

BARCA: Okay. So we would be driving a large wedge between these two business park zonings if we --

ALVAREZ: That is correct.

JOHNSON: Also we got one to the south that you're on right there, that's owned by Battle Ground School District; correct?

ALVAREZ: That's correct.

BARCA: Not public facility though.

SWINDELL: Was that originally a part of that, was it an 80-acre piece and they carved out 20 to sell to the school district?

ALVAREZ: 2016 I believe.

SWINDELL: 2016 is when they did that?

ALVAREZ: Yeah.

BARCA: More questions? Okay. Always interested in hearing what you guys think.

TORRES: You know, my perspective is I look at this piece and I see it as a high value employment piece, right, and you're right, they are going to be compared to the one before this. You know, the challenge I have is seeing the location for a business park, you know, the comments that were made about it just not being feasible based on the location. I mean, it's a long way from any arterial main roads, much farther than the other piece was, it's kind of encased there in that residential area, but I struggle with the potential value of it in time, right, just because it's so large, the boundaries are on other business park zoned, so it's a tough one.

SWINDELL: I'm glad to say to that, to kind of build on that a little bit is that I grew up in Ridgefield, lived all my life, 50 years, and right now we're building a commercial development, a Rosauers and the whole entire commercial development on less acreage than that that I saw farm fields on for 50 years and we waited and waited and waited and the time was right and it's being developed now at the highest best use, and sometimes in a situation it's just best to hold on to it, and I know before in the earlier one that we were looking at that's seven acres in the middle of all these things and what happened in previous, I'm sure what happened previously there was commercial land around that and one by one by one by one the dominos fell until there's one little tiny little piece of the pie right there that doesn't make any sense anymore, 60 acres, 20, 30, 40 years down the road will make perfect sense and planning takes time, it's planning, we're looking out to the future and this is a piece that we've got to hold onto.

JOHNSON: Yeah. There are two different pieces and, you know, your 152nd comment right up the road, I'm one that says they are two different distinctly and must be looked at separately, so in this case it's a large piece, a valuable piece. I always wonder what Battle Ground School District is doing, but in this case I'm inclined to stick with staff's recommendations.

GRIMWADE: Yeah. I think this is one of those sites where while applicants may want to ride the wave that is currently occurring within the county, the fact that it's 40 acres, more than 40 acres, the fact that it's got two large adjoining pieces of land, the same zoning next to it it really lends itself for a very unique development, that unique development may not be around the corner tomorrow, it may be 10, 20, 50 years, but without being able to say we can replace that tomorrow, I would not want to give up that opportunity.

BARCA: Okay. Yeah, I think we're always under pressure to meet the demand of the market at this moment, but long-range planning isn't necessarily to react to the demand of the moment with foresight, it looks like we may be out of bed with what the economy is demanding and I don't know if there's really going to be enough available land to meet housing requirements, but once it's developed whatever choices you hoped for in the future that die is cast, so I appreciate the commentary about the size of the parcel and the strategic importance about it, I appreciate the CREDC's comments and the City of Vancouver weighing in about job generation and I think those are very, very important components for us to deal with in the long-range planning thought process. So everybody had a chance. If there's no more comments, I'll entertain a motion.

SWINDELL: Can I get clarification real quick?

BARCA: Absolutely.

SWINDELL: A motion and a vote in the positive is to go with staff recommendations to deny; correct?

ALVAREZ: Correct.

SWINDELL: So a **vote in the positive is to deny?** I just want to clarify that for everybody.

BARCA: To accept staff recommendation, yeah.

JOHNSON: Is that a motion?

BARCA: He's working on it.

SWINDELL: Oh, sorry. I'm looking for the number here. Sorry. Where's it at? You got it right there. There. Thank you. Make a **MOTION** we approve CPZ2019-00003 as staff recommendation.

JOHNSON: **Second** the motion.

BARCA: Okay. It's been motioned and seconded to accept staff recommendation for denial. Any more comments? Okay. Let's take roll call.

**ROLL CALL VOTE**

JOHNSON: AYE  
GRIMWADE: AYE  
SWINDELL: AYE  
TORRES: AYE  
BARCA: AYE

BARCA: And motion passes. And, let's see, on the agenda I know I have it somewhere, God bless you, that appears -- oh, sorry. We are at Item C, Clark County Unified Development Code Amendment, CCC 40.370.010, Jose, take it away. Thank you, Karl.

**PUBLIC HEARING ITEMS**, continued

**C. Clark County Unified Development Code Amendments, CCC 40.370.010 (Sewerage Regulation) and CCC 40.210.010 (Resource and Rural Districts) as follows:**

<i>Code Section</i>	<i>Description</i>
40.370.010	<i>Amend Title 40.370.010 (Sewerage Regulations) to allow extension of sewer to a school in the rural area.</i>
40.210.010	<i>Amend Title 40.210.010 (Resource and Rural Districts) to allow new cemeteries as accessory to an existing church in the FR-40 zone.</i>

ALVAREZ: So this is actually, you're correct, but this also is CPZ2019-00014. There are two code changes that we're proposing, the first is 40.370.010 which would amend Title 40.370.010, the sewerage regulations to allow extension of sewer to serve schools in the rural area.

There was legislation, House Bill 2243, that was passed in October of 2017 that authorizes the extension of public facilities and utilities to serve a school sited in a rural area that serves students from a rural area and an urban area subject to certain requirements, and that's captured in this code language 3 and 4 where we've added language from the House Bill and that was -- this would allow for the extension of sewer in the rural area to serve a school and any recreational facility that can't be reasonably collocated on an existing school site.

And then Number 4 would allow for intervening properties within 300 feet of the sewer line to tie into it as well and that would be optional, it wouldn't be required to tie into the sewer. Any questions about that?

BARCA: So why isn't this an extension of urban services into the rural lands?

ALVAREZ: Because the legislature made the amendment to allow it into the House Bill.

BARCA: So allowing it means it is an extension of urban services but by law it's allowed?

ALVAREZ: Correct. In a limited circumstance.

ORJIAKO: Planning Commission members, Oliver Orjiako, Community Planning Director. Yes, as Jose indicated, the legislature made the amendment and it could not be construed as extending urban services to the rural area, this is predominantly for school district that serves rural students, if you will, and they make the exception that both the sewer provider and the school district and the local jurisdiction be it a city that extend that single line or a special purpose district have to work together with the approving jurisdiction to agree to who gets hooked up, so it's not automatic, so that's the language that is also in the bill.

BARCA: And will we see that language?

ALVAREZ: This is pretty much the language out of the bill.

BARCA: This is the language. Okay. So I'm not sure what you said actually plays out in this language. Can we go over that again.

ORJIAKO: Let's see.

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BARCA: So if I may where it says "the public sewer provider and any affected cities determine that the proposed site is suitable and the school and any associated recreational facilities cannot reasonably be collocated on an existing school site," but how does that play out for all of the adjacent properties within the 300 feet?

ALVAREZ: That's under Number 4.

ORJIAKO: Under Number 4, and provided the school district, the county and the public sewer provider and any affected cities agree to their request.

JOHNSON: 3 is dealing with the school if they can't be connected to an existing school, correct, or school nearby, then they could go be connected 4 is.

ORJIAKO: I think the way to look at that is here we're talking about 300 feet if you're running a single line to serve a predominantly rural school. Let me give you an example of the Hockinson School District which is predominantly in a rural area. A single line was run to serve the Hockinson High School. You can in a given circumstances property, properties abutting that line maybe 300 feet, I see your point, you may be consider that as a creep; however, if there are properties along that single line 300 feet on both side, that may be where we limit who hook up to that line. The question will be, if you establish 300 feet, what about the other property abutting that other property, does that extend to it? So that is where this agreement has to be made on who gets hooked up on that line.

BARCA: Okay. Yeah. I think you hit the nail on the head for my concern is once we get to that 300-foot limit, now the property at that limit they hook up, is the adjacent property eligible to hook up?

ORJIAKO: I cannot answer that now, but I believe that that is the agreement or the discussion that both the sewer provider, the school district and the approving local jurisdiction be it county or city council will have to agree to, whether that is done through a local agreement or some other mechanism, that has to be done because the way that this is written it doesn't necessarily imply that by this extension you are indirectly providing sewer to the rural area, that's not the intent, this is to serve predominantly schools that are in the rural area with this caveat that this provision be reached between the special purpose district or city and then the approving body.

SWINDELL: So if I'm understanding the intent is that sewer will be provided to a school in the rural area, but we're not allowed to provide sewer to anything else beyond the school because that would be providing urban services in the rural?

ALVAREZ: Correct.

JOHNSON: But Number 4 gives you the caveat which is within 300 feet and Ron's question is, well, once you hook up 300 feet, is there another 300 feet from that person, kind of like the railroad.

BARCA: Kind of like the railroad, yeah.

ALVAREZ: So the way this is written, the way I, the property has to be within 300 feet of a sewer extension to serve the school. So if you serve a property, you cannot serve the property within 300 feet, it's the line to the school, 300 feet from that distance.

JOHNSON: That's how I read it.

ALVAREZ: And if you're serving primarily rural areas, those lots are going to be relatively large and you're going to get one lot.

SWINDELL: And if there's a commercial piece of land next to it?

ALVAREZ: A commercial piece?

SWINDELL: Like next to a school, you got like a little commercial --

ALVAREZ: Rural center.

SWINDELL: -- rural center next to a school, the school district buys a piece of property next to a rural center, they go in develop, they run the sewer to them and now they can hook up to sewer?

ALVAREZ: 300 feet.

ORJIAKO: Within the 300 feet, yes.

SWINDELL: It sounds like Battle Ground needs to buy some schools out there and start building schools in those rural areas. No, I'm just kidding. I'm teasing.

BARCA: Okay. I'd like to see maybe even a little bit more ironclad wording. Just your clarification makes me understand it clearly, but I'm not sure that the way that Number 4 is worded doesn't have some wiggle room in the interpretation.

JOHNSON: I understand what you're saying, but it says right there, the properties within 300 feet of the sewer extension.

BARCA: Yeah. I understand that and I just also have known over a period of time that gray

areas tend to fall on the side of who's interpreting with strength, so...

ORJIAKO: You are right; however, this is going to be on a case-by-case basis. Can't prescribe it now because we don't know where a given school district, there are not that many that are predominantly serving rural resident, I can think of Hockinson, I can think of Battle Ground, don't know the extent of the Ridgefield School boundary whether they intend to serve outside their school district, I don't know, but writing the rule now that's really seeing what is being proposed, where the parcels are located and who is showing interest to do so.

I think it will be on a case-by-case basis and as this statute specified whether it's the city. In this case think of Battle Ground or Camas or Washougal, if they are the one providing the sewer, it will be the city council of those jurisdiction that will be approving it. In the cases of County, we have Clark Regional Wastewater is the special purpose district, so we will be working with them and the affected school district to come up using this bill to then nail down who will be hooking up and who wouldn't be.

SWINDELL: So just as another example out at 179th Street it's a school district on a 20-acre piece of land and there's a 80-acre piece of land next to it and we run sewer to that school in the rural area that's not brought in yet, that 80 acres could be served from the sewer according to what we're reading here.

ORJIAKO: That's true. What if that 80 acres is zoned Forest 40, you can only maybe get one or two lots on it, so you're not really creating a city.

SWINDELL: There you go. Okay.

BARCA: But if it's zoned business park.

ORJIAKO: Then it's in the urban growth boundary.

GRIMWADE: But you have the opportunity to come back out to say, 12 to 18 months and say, hey, this is what we're seeing, we need to do something?

ORJIAKO: I won't be the one making the decision, it will be the elected official and probably come before you to make a recommendation to the Council. As the law is even written now, you can extend sewer to the rural area in a case of a health hazard issue.

BARCA: Certainly. We have no sign-up sheet.

ALVAREZ: Do you want to take these one at a time?

### **PUBLIC TESTIMONY**

BARCA: Well, let me get through this part first. The audience is sparse, but if there's anybody that would like to come forward and speak on this issue, we're going to offer the opportunity and then we're going to close public testimony. Seeing nobody come forward, we're going to close public testimony and then staff has recommended that we tackle these individually. So do we have individual discussion? Hearing none, motion.

### **Return to Planning Commission**

JOHNSON: I make a **MOTION** we accept staff recommendations for Code Amendment Section 40.370.010 to amend sewerage regulations.

TORRES: **Second.**

BARCA: Okay. It's been motioned and seconded. Let's do roll call.

### **ROLL CALL VOTE**

JOHNSON: AYE

GRIMWADE: AYE

SWINDELL: AYE

TORRES: AYE

BARCA: Reluctantly AYE

ALVAREZ: Okay. So the next item is amending 40.210.010, this is the forest agriculture and Ag and wildlife district to allow new cemeteries as accessory to an existing church in the FR-40 zone.

The old Apostolic Lutheran Church had contacted Council to ask for an amendment to the forest resource district to allow new cemeteries. We researched whether other counties allow cemeteries in resource districts and found that two counties, both that are planning under GMA do allow resource districts or cemeteries in resource districts, Spokane and Grant County, and so staff is proposing an amendment to allow cemeteries as in the Forest 40 zone as a conditional use, but only on a site with a church that exists as of January 1, 2019.

This would be limited, I think it worked out to actually just one parcel that meets this condition and with the limitation we think that it can serve -- better conserves the forest designated land. So the proposed change here from X to C with Footnote 11 and Footnote 11 says "A new cemetery, subordinate to a church in existence as of January 1, 2019, may be permitted subject to the approval of a conditional use permit."

BARCA: Is there a reason why we didn't go beyond the specific request of the Apostolic Church and look at Forest 80?

ALVAREZ: Again, because we wanted to, we're bound to conserve forest resource land. I don't -- I think we looked at the Forest 80, there weren't --

BARCA: There were no churches.

ALVAREZ: No churches on Forest 80.

BARCA: That's what I was hoping.

ORJIAKO: They're predominantly owned by DNR, Weyerhaeuser's, that's why.

ALVAREZ: That's it for staff's report and we're recommending approval.

BARCA: Do you happen to know if the change in regulation allowing the composting is considered cemetery use or is it different?

ALVAREZ: Not aware.

BARCA: It has to come up sometime though.

TORRES: Is there any limitation to the size of the cemetery or the footprint of it or could you foresee anything like that?

ALVAREZ: I don't think there isn't anything, I mean it would just be subordinate to the church, so given the size of the church, but I don't, there's no provision to limit that.

JOHNSON: I don't think we'd have a big problem with large resource land.

ORJIAKO: Yeah, it will be up to the church to manage that.

BARCA: All done with deliberation? Okay. A motion comes next.

SWINDELL: I'll make a **MOTION** we approve 40.210.010, amendment title or forest agricultural. What? Oh, for new cemetery, sorry, I thought I was reading the wrong one.

GRIMWADE: I'll **second**.

BARCA: Okay. It's been motioned and seconded. No more discussion? Roll call, please.

**ROLL CALL VOTE**

JOHNSON: AYE  
GRIMWADE: AYE  
SWINDELL: AYE  
TORRES: AYE  
BARCA: AYE

**OLD BUSINESS**

A. Election of Chair & Vice Chair

BARCA: All right. Now, we've gone through the agenda. Now we are at old business which includes the election of chair and vice chair.

JOHNSON: I make a motion we move that again until we get a full, it will be December before we do it.

BARCA: Yeah. Okay. There's been a request to table the election. We should be aware that we have gone well beyond our normal rotation for voting in the officials of chair and vice chair.

JOHNSON: I think it's been actually two years, hasn't it, so it's not --

BARCA: We are well beyond our normal time, yes.

SWINDELL: I guess we could just --

BARCA: We need to find a point on it.

SWINDELL: We could just make an appointment real quick, Steve's not here.

BARCA: So I think what we should do is agree that it's July 18th is our next meeting that unless that meeting is cancelled, we hold that as a date certain for electing whoever shows up.

JOHNSON: I still disagree, it's the summer, it's not that, I mean, it's important that we're all here, it's everybody's voice, if it's that big of a deal, I mean.

BARCA: Does that mean you're not going to be here on the 18th?

JOHNSON: I don't know.

BARCA: I know how that works.

SWINDELL: You need to be here on the 18th if we're going to have an election on the 18th you should be here, it's important.

BARCA: Okay. Well, we're going to table it one more time and the Commission is aware that we have due diligence, we'll elect somebody, anybody. Thank you. We are adjourned.

### **NEW BUSINESS**

None.

### **COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION**

None.

### **ADJOURNMENT**

The record of tonight's hearing, as well as the supporting documents and presentations can be viewed on the Clark County Web Page at:

<https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>

Television proceedings can be viewed on CTVV on the following web page link:

<http://www.cvtv.org/>

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