



Clark County Planning Commission

Karl Johnson, Chair
Ron Barca, Vice Chair
Rick Torres
Steve Morasch
Matt Swindell

**CLARK COUNTY PLANNING COMMISSION
MINUTES OF PUBLIC HEARING
THURSDAY, AUGUST 15, 2019**

Public Service Center
Council Hearing Room
1300 Franklin Street, 6th Floor
Vancouver, Washington
6:30 p.m.

CALL TO ORDER & ROLL CALL

JOHNSON: Good evening. Okay. I'd like to call this meeting to order for August 15, 2019. Can we get a roll call, please.

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

GENERAL & NEW BUSINESS

A. Approval of Agenda for August 15, 2019

JOHNSON: So my name is Karl Johnson, I am the new Planning Commissioner Chair. The first thing I'd like to start out with is asking the Commissioners if they have any, if they'd like to disclose any conflicts of interest for tonight's agenda? Hearing none, I would take a motion on the approval of the agenda for August 15th, 2019.

BARCA: Motion to approve the agenda.

SWINDELL: Second it.

JOHNSON: All those in favor.

EVERYBODY: AYE

B. Approval of Minutes for July 18, 2019

JOHNSON: Make a motion to approve the minutes for July 18, 2019.

TORRES: So moved.

SWINDELL: Second it.

JOHNSON: Motion is heard and seconded. All those in favor.

EVERYBODY: AYE

C. Communications from the Public

JOHNSON: The next thing is are there any communications from the public other than what is on the agenda tonight? So if you're coming here with something that's not on the agenda and you'd like to approach the Planning Commission, now is that time.

Planning Commission Opening Statement

JOHNSON: Seeing none, I have a little piece of paper I'm going to read. I don't see Chris Cook here, whenever I see this piece of paper. We will begin these hearings with a staff report. The Planning Commissioners will ask staff questions if they have any at that point.

I will then open the public hearing for public testimony. Members of the audience who wish to testify on a hearing item need to sign in on the sign-in sheets in the back, which I will need, of the room. Members of the public wishing to give oral testimony are to come to the front of the room at the table facing the Planning Commission. At this time we would like to hear your name, and you might have to spell it if it's complicated, if it's Jones or Smith or Johnson probably not.

The chair has the discretion to make the following statement if reasonable and appropriate time under circumstances, the testimony of this is limited to X amount, I'm not going to do that tonight unless I start to see that we're being redundant or it's dragging on. So you may say what you need to say in a time, but please be respectful that we would all like to get home at a reasonable hour.

Your testimony should be related to applicable standards for this hearing item. The relevant standards are set out in the staff report copies of which are available again on the table in the back of the hearing room.

If you have any exhibits you want us to consider such as a copy of your testimony, photographs, petitions or other documents or physical evidence, please hand it to the staff and they will in turn hand it to us. This information will be included in the record for the hearing item, we will consider it as part of our deliberations.

When you testify, you must testify at the front table of the microphone so the court reporter can hear your testimony. Again, state your name and address for the record and spell your name for the court reporter. Be relevant and concise and don't repeat yourself or others testifying. I will then close the public testimony portion of the hearing.

The Planning Commission will deliberate and ask staff to answer questions or make rebuttals. The Planning Commission will then take votes on their decision. Our recommendation, and I underline that word, our recommendation will be forwarded to the Board of County Councilors who have the final decision-making authority.

Now, if you see me looking down at our great reporter here as she's grinning at me trying to slow me down, I am not the only one that has that problem, so we want to just make sure we're respectful of her duties here.

The final thing I want to add to this before we move on is we are all volunteers from the community. I like to quote everybody, Ron works for the Arrowsmith Industry, I don't know if these guys work, I'm a school teacher, we come to you with different bodies, we've all served here and we're doing our best.

So things like the county and you guys don't go very well and I've heard that a lot. So I would encourage you to respect what we're trying to do is gather this information, push it forward as only a recommendation to the County Councilors who make the decision and sometimes that is not heard in this room and it's one thing that I'm going to try desperately to do as my tenure of chair, respect us and respect what we're doing because we are citizen volunteers like many of you and your schools and other places.

PUBLIC HEARING ITEMS:

A. 2019 Annual Reviews amending the 20-Year Growth Management Comprehensive Plan and Zone Map:

1. **CPZ2019-00004 Groth** – A proposal to amend the comprehensive plan and zoning designation from Rural 10 (R-10) with Rural (R-10) zoning to Rural 5 (R-5) comprehensive plan designation with Rural (R-5) zoning on one parcel as follows: 210776000.

So with that said, we're ready to - oh, thank you - speak to our first item. Staff are you ready

for CPZ2019-0004, Goth, Groth, excuse me.

ANDERSON: We are. Good evening, Commissioners. Colete Anderson from Community Planning. Today the Planning Department has three site-specific requests for you. The first one is CPZ Number 4, Groth. Sharon, would you walk us through it.

LUMBANTOBING: Yes. Good evening, Planning Commissioners. My name is Sharon Lumbantobing with Community Planning for the record. It's not moving all of a sudden. Can you go to the second, all of a sudden it's not working. Okay.

So the first annual review before you is CPZ2019-00004, Groth. The subject parcel is located north of N.W. 304th Street and east of N.W. 71st Avenue, it's north of Ridgefield, west of the I-5.

The applicant is requesting to amend the comprehensive plan and zoning from Rural 10, R-10, to Rural 5, R-5, on one parcel, 210776000, it's 26.29 acres. This parcel was previously owned by Clark County Public Works and it was selectively logged under a forest practices permit.

The property to the north, south and west are zoned R-5 with the exception of two smaller parcels to the west which are zoned R-10, but both parcels are under one acre. This property owner has submitted a letter stating they're not interested to participate in the redesignation at this time.

The subject parcel abuts parcels to the east owned by Clark County Legacy Lands. Those Legacy Lands were initially purchased in the anticipation that the County would trade them and it didn't take place. Two of those parcels are zoned R-10 and one is zoned R-20.

The comp plan provides for a variety of rural densities for residential living in the rural area and Clark County Code also contains provisions for rural cluster development for smaller lot residential development in rural districts to maintain the rural character and conserve larger remainder parcels. The proposed change from R-10 to R-5 with a recommendation to consider a rural cluster development would protect the rural character and visual landscapes found in rural areas and is compatible with the neighboring land uses.

This request is consistent with the goals and policies of the Growth Management Act, countywide planning policies and the criteria for the comprehensive plan map and zoning changes and staff is recommending forwarding a recommendation of approval to the Council to amend the comp plan designation and zoning from Rural 10, R-10, to Rural 5, R-5, on one parcel with a recommendation for a rural cluster development.

JOHNSON: Any questions for staff?

BARCA: I have a question. So we're going from R-10 to R-5, why is that an improvement for the county?

LUMBANTOBING: The use table for both zones is the same and so it's still, you're still meeting the rural character. It's a compatible use, the site is suitable for that designation.

BARCA: Is it twice as much rural character, is it half as much rural character, is it the same rural character?

LUMBANTOBING: Same rural character.

BARCA: Same rural character. Okay. We are supposed to be providing a variety, do we have an excess of R1-10 or R-10s?

LUMBANTOBING: We do not have an excess of R-10.

BARCA: Do we have more R-5 designation in the county at this time?

LUMBANTOBING: We do. R-10 is intended as a buffer to conservation lands. The properties to the east again are not, they're Legacy Lands programs, but when we spoke to the Legacy Lands program manager, these are not lands that are going to stay in the program, they're going to be traded out at some point, they've been logged, they're not --

BARCA: So we don't have a timetable for trading them out?

LUMBANTOBING: No.

BARCA: So in regard to the timing, the landowner has come forward but we don't really have a comprehensive plan, reasoning or goal behind it, the R-10 is just as good as R-5 as far as the comprehensive plan goes?

LUMBANTOBING: Correct. There's no site plan proposal at this stage, this is just a comprehensive plan designation.

BARCA: Okay. Thank you.

JOHNSON: Any other questions?

SWINDELL: Not yet.

TORRES: No.

JOHNSON: Okay. With that said, we will open the portion now to the public. And I have names, and again, if I butcher your name I apologize, I'm trying to read sometimes handwriting I can't read. So the first person I have is Mary Wooldridge.

PUBLIC TESTIMONY

WOOLDRIDGE: Mary Wooldridge, and it's W-o-o-l-d-r-i-d-g-e, and I happen to know her, and I'm actually the two properties right in that center that aren't red and those are the ones that I own.

One of my biggest concerns is there's no information that's been submitted on the aquifer. Most of us have wells that are only 50, 60-feet deep and with as dry as it's been, there's a big concern about wells running dry around there. And so what's going to happen, am I going to have to pay if they build five houses and they have lawns and sprinkler systems and animals and all of that, am I going to have to pay for a new well to be drilled? So and that's one of my biggest concerns about this.

And also having all of a sudden I've lived there for 34 years and having all of a sudden five new houses, we do have some crime issues in the neighborhood already and is that going to go up with having five new houses and a whole bunch of new people coming and going?

Traffic on the road where it's just a two-lane country road and there's people that walk, I'm one of those that walks every day, joggers, bikers and it's dangerous now, we add more traffic and it's going to be more dangerous for us out there and, but the water is my biggest concern. And if they're fertilizing and doing things to the yard, is that going to seep down into the aquifer because it's so shallow, so that's what mine is.

JOHNSON: Mary, do you -- can you tell me, you've been, and the reason I ask this you've been there for 34 years, you have a lot of information, there's two questions I have, number one is, what are their primary use of that property now, do you know, can you tell me just what you've seen over the years?

WOOLDRIDGE: When we first moved out there there was animals, there was cattle on it grazing and then over the years part of it's grown up and the other part was hayed every year for hay.

JOHNSON: And then my second question is, is have you seen a problem in your well in 34 years or anything with water --

WOOLDRIDGE: No, I've never had yet.

JOHNSON: -- that you've had any problems?

WOOLDRIDGE: I have never had any problems in -- with my well.

JOHNSON: Okay. Thank you. Any questions?

SWINDELL: Nope.

BARCA: No.

JOHNSON: Okay. Thank you. Next it looks like is that John Shaw? John, is that John? Oh, there you are John. Is it Shaw?

SHAW: Yeah.

JOHNSON: Okay. I got it right.

SHAW: I can't hear half of what you're saying.

JOHNSON: I can't see, John, so we'll be even.

SHAW: Okay. I've never been to anything like this before so I don't know what the devil to do.

JOHNSON: John, you speak. The great thing is this is my first time chairing this event so we're going to do just fine. Okay. So what I want you to do is just tell me what's on your mind into that microphone and I think we've got your spelling and just speak into that microphone and tell me what you'd like to say about the process.

SHAW: Well, what I'd like to say is I'm definitely against this. I'm right straight across the street from what they've already clear-cut right to the ground and I've lived there for 49 years now.

The first year I was there we had a 20-foot dug well, most everybody got their water off springs and that kind of stuff and had a well driller come in, they drilled 50 feet, 52 feet I believe it was, hit blue clay, he said that's it, there's no water beyond this, all our water sits on top of that and we get nine, ten gallons a minute or something like that and this proposal is upstream from us because we dump off the back at the railroad tracks and you go up there and put in whatever they want to do, what the hell are we going to do for water, you know.

So, you know, and it's just changing everything, you know. I had woods across the road, now I got a clear-cut. The goddamn weeds are this high and anybody else would be getting a letter from the County about doing something about it. Now I go out, I hear the freeway, the east wind blows on me, it never ever did before, so it's already changing, you know, and I just don't want to see it change anymore.

You know, I took and went and talked to a bunch of neighbors and everybody says, you know, you're just wasting your time. Apparently these people that bought this, who I don't even know who they are, got it in with the County and it just -- it just a waste of time to come, but I got to come, you know, and that's that.

JOHNSON: It's never a waste of time. I want to encourage you, whether it goes your way or not, that the ability for you to stand up here and tell me, tell us what you think is critical. And so I can tell you this, there's no deals with the County, I can promise you that, but I can tell you things go this way and that way and how we vote or how we move tonight is based on the best decision with the information placed in front of us.

SHAW: Right.

JOHNSON: So I want to encourage you to come to these things and believe in them because that's the most important thing.

SHAW: Right.

JOHNSON: I have one question for you if you may. Have you ever had problems with your well in the past?

SHAW: Yeah. The first year I bought that place in, I bought it in '70, moved into it in '71 and the well went dry in August that year and so I was without water period using the hose off the neighbors, they got theirs off a spring down off by the railroad tracks and for practically a year to get somebody out there to drill a well, you know, and then they drilled down, they hit the blue clay, they said there's no sense going any farther.

And then I had a little bit of history with some sand and so they came back out, and when they came back out, both my neighbors to the north of me said, hey, as long as they're there we're going to have a well drilled too. And so the one basically borders me on the back he says I don't want to be up by the road where the well's drilled, I want it down by the house.

He drilled I think like a, they drilled it down, hit the blue clay, he had a gallon or two gallons a minute, they drilled 140 feet and finally he said, no, no, no, you got to stop, and so I don't see that we got any water below where we are. What the hell are we going to do if they do something and it affects --

I'm going to tell you one thing, Mr. Morgan, he's got a farm down at the end of our road and he was doing something down there and he took it on himself to come and test our wells and he come to our place and he said, man, I don't know what's going on here, your nitrates are through the roof. And I said, well, I don't know, you know, I don't know, and this went on, you

know, month after month and one day he comes in there and my wife is alive then and she was out with her little container putting some Weed and Feed on the yard. He said, what are you doing? She said, well, I'm trying to kill the dandelions. He said I don't think you should be doing that. She quit, three months later we had no nitrate problems.

So anything that happens upstream of us can affect us, septic tanks, well drilled, spraying, anything, who knows, you know, and when you got no water, let me tell you, that is -- that is a sad ass business, no water. You got nothing.

JOHNSON: Well, John, I want to thank you for testifying, I really do, I appreciate your information that you gave us today and I hope you come back one way or another to the Councilors or whoever, just keep the process going, but thank you.

SHAW: I just hope you guys do the right thing. Go ahead.

SWINDELL: I did want to ask, where exactly do you live again, where are you at? Are you on the west side of 71st? Where are you at?

SHAW: Take and run that arrow up just a little bit. Now, whoa. Right, just you went past it. I'm the next one.

SWINDELL: The little one. The narrow one. That's where you're at?

SHAW: Right there. And they just clear-cut right straight across the road from me.

SWINDELL: Okay. Thanks.

HOLLEY: How do you spell your last name?

SHAW: S-h-a-w.

JOHNSON: Thank you, John.

SHAW: Is that it?

JOHNSON: Yeah. Next up I have is it Jason Lee?

LEE: I'll pass.

JOHNSON: Okay. Thank you. Steve Waugh, W-a-u-g-h. Steve.

USKOSKI: Inaudible.

JOHNSON: Oh, okay. Dave Groth. Oh, that's another one. Okay. Valerie. Okay. Thomas. Thomas. Look at you guys. Jane Bonvillain, yeah. Can you spell your first and last name, please. Thank you.

BONVILLAIN: Sure will. So it's Jane, J-a-n-e, and the last name is Bonvillain, B-o-n and then V as in Victor i-l-l-a-i-n and I reside at 31212 N.W. 71st Avenue, which is just north of right below John, right there, right there, so we have about three and a half acres.

And so my husband and I live there, we've lived on the street for nine years and we bought our house about six years ago. And it's, yeah, I mean when we bought the house, one of the reasons we bought it was that we were glad -- I mean, we love the house, we love the area. And one of the reasons we bought the house was that because it was Clark County property.

Just, I mean, and so we were definitely, you know, when it sold we were definitely disappointed. And then when the, you know, one of the things that I love about Ridgefield, and I work in town as a floral designer in downtown Ridgefield, and Ridgefield in the nine years since I've been there has changed a lot. And I mean people come there and, you know, there's the old timers that have lived there for, you know, and they sold their farms or you drive anywhere.

I mean, I'm grateful where I live because so many people, you know, live in HOAs now or they live in places where, you know, things are out of their control. They just, I mean you don't, you know -- and I'm grateful where we live and, you know, it's kind of, it's almost deceiving in the way this is written.

And then a map, I wish we had a larger map because if you could see what 71st Avenue looks like and then actually where it turns into Lancaster Road, at the end of Lancaster Road from where I live to the end of to the Lewis River is a mile, a little over a mile. Today I walked my dog and everybody knows my dog is, I walked him and I was up for three hours and between 10 of 6:00 until 9:00 a.m. two cars went by.

So this is not the Ridgefield that people hear about in the newspaper, this is the Ridgefield that is like John Shaw that has lived here for 49 years and this is a place where, you know, Plas Newydd, the Morgan Farm is down there, it's 1700 acres of which 800 plus is in, I'm going to ask somebody what the word, I don't know what, it's in reserve or something like it's not going to be built out. And the thing is that they own, the Morgans own from my house probably about less than a quarter of a mile, they own from north of there.

So it's not like this is a typical area where everything is R-5. I mean, we have a wet -- we're R-5 or, I don't even know what we are, but it's like -- it's not like a typical Ridgefield subdivision area where people are building, this is like the country. And I know the staff for Clark County, you know, as far as the Planning Commission, I don't even know if they go there and see it, but it's a

very rural looking area.

As far as the houses that have been built there in the last since I've lived on the street, and I used to live further south on 71st Avenue, I think there's been three homes built on 71st Avenue in nine years since I've been there, so of which three, I think two were just built and one is being built, so it's not like an area that has a lot of growth.

And, you know, another thing is that I love about the area is that there's a certain level of being neighborly there, you know, and, you know, the people that bought this property and that they've done a clear cutting of it, they've never even come, and like I live literally across the street from there, and they don't have the decency to come over and say anything to us about what they're going to do.

So the thing is that, and I actually know, I mean I work for Riverview Community Bank and I handle their real estate so I know these, I know some of these gentlemen that own this place and it's like we would like to know, you know. One of them said they might -- they might build a house there. And so really what it is it's, you know, whether you do spec homes or whatever they're going to do, I doubt any of them are going to live there.

And so it's just -- and Mary, to see Mary stressed out about -- I mean, it's difficult. Change is difficult for us, you know, there. It's not like we're there to, anybody's there to like buy a home and then move, you know, we're there because it's home to us, and I understand change and I'm all for change also, you know. And just like John said, we, you know, it's like my husband said, we're not, you know, this is already lost, you know.

It's like my husband has stage 4 cancer, you know, and he goes to radiation and he goes to chemotherapy, he couldn't come here tonight and he's much more eloquent than I am and it's like he has much -- I mean, he shows passion, you know, and it's like we just, we're selfish, we want our -- we want our area to stay the same, you know, and it's -- but it's very, as I said, it's very deceiving to see.

Like it's just this is not the Ridgefield that people read about in the paper, this is a different type of Ridgefield. And maybe we're not, maybe this is supposed to -- we're supposed to just let it happen, you know, but I came here with a couple of the neighbors, and my next door neighbor, you know, they just bought their home less than four years ago and then to see them have to have their house also, you know, it's just -- it's --

I mean, the clear-cut was just -- it just like decimated, -- and I like, and I actually like it now because it gives me more light, so I have to say that I do. I mean, I do appreciate it in many ways. But it's like the bald eagle, there's a bald eagle, and now they're saying like, well, we saw one in 2016 but that was taken off of the endangered species list. I see bald eagles there all the time, it's like, so, okay, so it's not -- it's not against the law, they're not protected but it doesn't

mean that we want it this to be like five houses built, you know. They bought it and they were zoned to have two homes built there and now they're, you know, they're trying to get five built there.

So I know I'm rambling and I apologize, but I just want to say as much as I can and to the detriment of everybody else. And the one thing that I will say and I love it is that I did learn about when I worked at the bank was about developers agreements and the thing is that we are worried about -- we are worried about our water, and just like John had said, there's another gentleman that's lived, his family has lived there, had their property there for 80 years or something, they've had problems with their well before.

I think, I don't know the whole exact, anything about it, but is that what if we could have a developers agreement to where they could put a certain amount of money aside for us to where that it was held in escrow or whatever to where we, we know, I mean God only, we would hope that nothing's going to happen, but just like how, you know, developers agreements are done all the time.

You put a certain amount of money, \$250,000 for the 20 neighbors that all have to have wells built or whatever, you know, that you could see that as a result of the houses, five houses being built in an area that doesn't have five houses being built all the time that we're able to be compensated fairly for what is probably a result, like John said, you know, we're on the, you know, it's much higher, it's a much higher elevation and it would be logical that, a reason if there's five houses being built there with all, everything, you know, their yards, their septic tanks and everything else that we might be infected. So that's something that I would like to have taken into consideration, so... Thank you very much for your time, we appreciate it.

JOHNSON: Thank you for testifying.

BARCA: Jane, before you go, I need to clarify. Are you in favor of this?

BONVILLAIN: No.

BARCA: Okay. Because you started talking about mitigation.

BONVILLAIN: Well, you know, I'm going to be fair, you know, I mean I'm --

BARCA: I'm sorry, but I, for me, all right, I heard both sides.

BONVILLAIN: And that's the way I think it's good to have as an argument.

BARCA: And I understand your proposition that you're hoping that they'll give you some sort of compensation for what you perceive is going to be the impact, but I just need to hear, and I

think you said it, are you in favor yes or no and you said?

BONVILLAIN: I am not in favor of it being approved, I mean changed from, you know, to five-acre lots not whatsoever. Thank you so much.

JOHNSON: Thank you for your time, Jane.

BONVILLAIN: Anybody else? No. Okay. Great. Thank you very much.

JOHNSON: Okay. So it looks like we'll hear from, Valerie, is it just going to be you or does everybody want to speak?

USKOSKI: I'll come up and start things off. Valerie Uskoski, U-s-k-o-s-k-i. So I'm testifying on behalf of the landowners and we are the applicant on this.

First of all, I'd like to thank staff for their help in putting this -- oh, I'm sorry, I'll try to speak louder and directly into it. So thank you to staff for helping us work through this process, and then also I wanted to go on record and say that we understand where the neighbors are coming from and we definitely hear their comments and would like to come down and address some of those.

First off I think one of the comments that you had early on, Ron, was the relating to the difference between the R-5 and the R-10 in the comp plan. So when you look into the comp plan, the R-10 zoning was meant to act as a bit of a buffer from like a critical or a preserved or a longer like in an intermediate step between like the R-10 to like the Forestry 80 where you're protecting a resource land, so we don't have that in this particular case.

So the R-5 when you look at the use tables versus the R-10 both are equally applicable. When you look at the amount of R-5 to R-10 lands in the county, this redesignation represents about 2.4 percent if I remember my numbers correctly at conversion between the two, 2.4 percent of the area in those zones.

The other going on to Mary's comment with the aquifer, and I know John and Jane both had those comments as well and concerns about water rights, we had met with Mary earlier on to see if she was interested to join in on the rezone because of her two smaller parcels that are in, locked in between us and she brought up her concerns with the aquifer and we did do some checking and auditing of well logs in the area and looking kind of at the dates and the soils that we were seeing in some of those well logs.

And what we had seen is with some of the newer wells going in, and we did talk to some geotechs that are familiar with that area and well drillers is that there's actually that first aquifer which is what most of the wells there are tapped into, that is a shallow aquifer where

they're hitting it in that 50 to 100-foot range. There's also a second aquifer that underlies that area that's down in like 500-feet below ground surface range. So we were not limited to just sticking within that upper strata, we do know that there is water down below.

And then further, Ecology in the recent years have really heard landowners concerns on this aquifer and the recharge and too many wells being drilled into an area, and with all new development now, existing wells and stuff, they're limited to a withdrawal of groundwater at 5,000-gallons per day for beneficial use of any sort, with developments coming in, that same water right applies to the development as a whole.

So if you have one lot existing today, you have that right for 5,000-gallons per day. If you split into two lots, you're still limited to that 5,000 for both lots. So you're not going to see an increase on the water rights demand for that area, that if it was two lots, you'd still be limited to essentially like that 2500 per lot. If it went to five, it would be drop down to like 1,000 per lot that you're limited to per Ecology regulations that are in effect today.

And I think that also helps get back to like John illustrated with his wife's story with the nitrate, that's definitely a real concern with groundwater and shallow aquifers across the region as a whole and you see that nitrates occurring from the fertilizers, but also from natural decomposition and stuff like that, and then that also can tie back into like the septic, but we do have regulations in place for at the time of development, but you do have to go through that with the soil perking and establish that you can have a septic system that will work and will treat the discharge into that drain field properly, so to protect that water resource. And I think that was the majority of what I heard that I had wanted to touch on.

I will add that I know John had some concerns regarding the selective logging that was done. That area has been replanted and so we do expect that over time the trees will reestablish through parts of that area.

Does the Commission have any questions that I could try to answer for you?

JOHNSON: One more time on the water. The first aquifer you said is what?

USKOSKI: It's a shallower aquifer that appears to be about 40 to 100-feet deep just looking below ground surface, looking at some of the well logs in the area.

JOHNSON: Okay. Any questions?

TORRES: So I appreciate your clarification on the draw rate on the aquifer, I think that's pretty important for everyone to understand, that only one change, if you had one house on a property or five; right?

USKOSKI: Correct.

TORRES: So there's no development plan at this point; is that correct?

USKOSKI: That's correct. There is the intention that eventually that would develop and one of the owners has looked at putting a house on there as well, so there's definitely a vested interest in the area for a long-term. There's additional work that needs to be done before coming into development, some of that is, you know, identifying and doing some geotechnical work, looking at the soils on what would work for septic and evaluating the feasibility of that.

TORRES: Yeah. I guess my point is a lot of times when these things come up people think next month there's going to be five houses there; right?

USKOSKI: No. And even if --

TORRES: It's far beyond the scope of that.

USKOSKI: Yeah. And I don't think this is scheduled to be heard by the Council before March time frame. I think I had seen something.

LUMBANTOBING: No, I think it's October, November, but the final adopting ordinance is February.

USKOSKI: Yeah. So if that was to happen in that time and you were to submit a land use application immediately, you're still looking at, to get through that process to start right away, you're still looking at a good year or more to get through a development process, so it's not something that just happens overnight, there's a lot of due diligence and studies that need to go into that in meeting of all the regulations.

TORRES: Okay. I just wanted you to clarify that. Thank you.

USKOSKI: You're welcome.

BARCA: Thanks.

JOHNSON: Thank you, Valerie. Dave, is that Dave? Are you Dave?

GROTH: Yes.

JOHNSON: Do you want to come up Dave and address? Valerie, you can stay or go, I don't care. Dave, do you want to come over here to this microphone over there on the other side just because it will be a little easier for you. Thank you.

GROTH: My name is David Groth and the last, the first name is spelled D-a-v-i-d, the last name is spelled G-r-o-t-h.

I've listened to the comments tonight, I've taken them to heart. We -- a couple of clarifications. We did reach out to the neighborhood. I called the County and asked who the neighborhood, for lack of a better term, coordinator or representative and I think I called her number, but she was moving and there was no replacement for her, so we did make some attempt to reach out to the neighborhood and let them know what we were doing.

Yes, we did log the property. We removed the stumps and, yes, the weeds did get out of control and that's our fault and that will not happen again, the weeds will be controlled, so that's a valid criticism. We did replant the hillside. It probably is bisected by the, well, pipeline, we did replant the hillside to the east of the pipeline and hopefully the rain will allow those trees to grow. We also removed the stumps on the area that we did harvest and left the oak trees there in place.

So some of the criticisms are valid and I take them to heart and, you know, we will try to be good neighbors. The neighbors have our contact information. My partner's wife owns a building in downtown Ridgefield and she is certainly part of the community so we want to do the best thing.

JOHNSON: Questions? Thank you. I would encourage you because I can see the frustration of disconnect, it always is it seems to be, and it's a simple thing of saying, now taking responsibility and mitigating that goes a long ways to solving some of the anxieties and issues that come before you and you probably know this, so...

GROTH: I appreciate that. Thank you.

JOHNSON: I would encourage you to talk to John and all the others that came here and say what can I do because no matter which way it goes, it's still you're going to be a neighbor there and so we're hearing the, you know, the landowner saying, look, I'm trying to reach out and I understand things change, but I appreciate that, so I'd encourage you to continue that.

GROTH: We will certainly do that.

SWINDELL: David, I do have one question for you. How long have you owned the property?

GROTH: How long have we owned the property?

SWINDELL: Yeah.

GROTH: I think three years, Steve; is that correct?

WAUGH: Yes.

SWINDELL: Three years.

GROTH: Three years.

SWINDELL: Okay. Thanks.

JOHNSON: Thank you. Thank you, David.

SHAW: Inaudible.

JOHNSON: John, John, we can't -- we can't do this off the record because they can't hear you and it's being taped, but just for the lack of your first time here, why don't you come up here and speak into the microphone one more time, okay, and please make it brief because we got a lot of things in front of us too.

SHAW: This is just going to be quick and I think I said it before, you know, these guys they come in, they buy a piece of County property, it was zoned R-10, they knew it was zoned R-10 and now they want it, they're flippers, you know, and I hope that don't offend you but that's exactly what you are. You come into a neighborhood, you tear it apart, you don't live there, you never had any intention of living there, you're just going to come in --

JOHNSON: John, you want to address, let's address us, okay, because we're the ones making the decision, it's not -- it's everyone has an opinion and we got to be respectful of that, please. Okay. Thank you for your rebuttal, appreciate it.

SHAW: Thank you.

JOHNSON: With that said, is there anybody else that would like to speak on this matter? Would you come up and please state your name. I don't have you on my list I don't think. It's okay. So if I call you on the next one --

JOYCE: I'm only here for one time.

JOHNSON: Go ahead and talk into the microphone if you wouldn't mind and give your name and spell it please.

JOYCE: Gentlemen, my name is James Joyce like the Irish author. I'm a resident of N.W. 71st Avenue. I'm not a renter, I'm a property owner there, I've lived there since 1971. I'd like to

concur and reaffirm what those persons, John and some of the other people have commented and testified to regarding the rezoning of this piece of property.

I am vehemently, adamantly against it for the reasons that have already been stated and I want to call it like it is, this item has come to bear here this evening at this time so people in this room who purchased the property and get it rezoned so they can build more houses, so they can profiteer at the expense of those of us who live here.

Gentlemen, we're not talking about a piece of property downtown here at a business or a parking lot, these are our homes, we live there. And this business about having potentially possibly have to drill deeper down to 500 feet, I'll go with the information that this lady gave you, I don't know whether it's accurate or not, my well is about 56 feet, as we speak I've never had a problem with it, my next door neighbor on the north did.

I don't want to have to bear the expense. It was an expensive well to drill when I drilled it years ago and I'm sure the costs have gone up, but the bottom line on this thing, and we're seeing it all around the area as our beautiful farms and fields are being rezoned for houses, apartments, condos and this piece of property that we're talking about here, that's what this is about. There's -- I'm not going to pussyfoot around it, we all know why we're here.

Again, I'm going on the record, I'm vehemently opposed to it. I hope, and I understand what you gentlemen have said that you're all volunteers here. I live there, some of my other people here in this room they live there too and we are vehemently against it, any rezoning so other people can profit, profiteer at the expense of ourselves here and who live there and thank you very much for your time. Please pass this on. We're watching.

JOHNSON: Thank you for your testimony, James. Is there anybody else in the audience that would like to speak to this issue? Again, state your name and spell it please for the record.

FLAPPER: Hi. My name is Kevin Flapper, last name F-l-a-p-p-e-r. I live right across from the little white block in there, 31106 N.W. 71st Ave., in Ridgefield here. Me and my wife are probably the newest neighbors there, we've been there for two and a half years now.

I came from the neighborhood scene of Ridgefield. I've lived in Ridgefield all my life, gone to Ridgefield schools, I'm 32 years old, been here all my life and I've seen it change. I don't oppose change, but if I wanted to live in a neighborhood, I would go to a neighborhood where there's cookie-cutter houses and homes that aren't built to the structure of what I want.

We live in a beautiful 3,000-square foot home on a beautiful piece of land on a quiet road, dead-end road and we bought the place because we like it that way so we don't want to see it get developed to a point where, you know, across the street there's, you know, here we want two houses, now we want five, now we want 80 houses across the street and here's the

subdivision in a place that is not, it's just not for it, so...

You know, I agree with all the rest of the neighbors on all the other issues. I want to keep this short and sweet. I do not agree with it and I do not want to see the development of what Ridgefield was and what Ridgefield needs to be and what this part of Ridgefield needs to stay. All the rest of Ridgefield they can do whatever they want with it, all the housing developments and everything that they're putting in, they got plenty of other land that they can use, but our dead-end road and our street, it's beautiful and that's why I moved there.

JOHNSON: Questions?

BARCA: Mr. Flapper, what is the size of the parcel that you live on?

FLAPPER: I live on a three-acre parcel because right next door was a three-acre parcel, I live on one of the smallest parcels of land there.

BARCA: Okay. And you're aware the proposal is to go to five-acre parcels; correct:

FLAPPER: Yes, I am.

BARCA: Okay. Just want to make sure we're all clear on that. All right.

JOHNSON: Thank you very much for your testimony.

BARCA: Thank you.

JOHNSON: Once again, is there any other people that would like to testify regarding this issue? Come on up, name and spell it, please.

WAUGH: Hi. My name is Steve Waugh, last name is W-a-u-g-h and I'm one of the property owners with Dave. I think most of the things have been addressed today. But I wanted to come back to when we bought the property it was zoned R-10 for two lots on 26 acres and we thought it was a reasonable price and we bought it at auction, it was exposed to the market from the County.

When we looked into it further, we noticed that on three sides it's surrounded, it's zoned R-5 and most of those parcels are not, I would say the majority are less than five acres or five and so I don't think we're asking for anything that is unreasonable; in fact, I think it's a better, you know, mapping-wise than it is now.

It conforms to the neighborhood and I'm sure that the water issues can be resolved with further study and I don't know what that means for us because we haven't done the studies for

perc and well, we don't know how deep we need to go, we may be going to the deep aquifer so it wouldn't impact the shallow aquifer, but I just wanted to bring up those kind of basic points how we looked at it.

We're not trying to ruin the neighborhood. My wife has the business and we bought a building in downtown Ridgefield and my wife has her business there. We may move there, we may not, if it was up to my wife we would, but not me. And I'm willing to answer any questions.

JOHNSON: Thank you.

WAUGH: I do have one other thing on the reach out to the neighborhood. I know that was a big concern. We were told by the County to reach out to the representative for that area, the neighborhood district, and we did and we basically got no feedback, and that there wasn't a replacement person. So we're open to talk to the neighbors at any time. We did talk to Mary who we surround and I talked to Jane briefly in passing after we bought the property, but I'm -- I didn't follow up, but I'm willing to talk to any of the neighbors.

JOHNSON: Yeah, I think that's critical, Steve, and I appreciate that, that's twice we've heard, you know.

WAUGH: Yeah, we're not trying to hide anything. You know, we want to be good neighbors. I love Ridgefield, you know.

JOHNSON: I think that is and I think the concerns are valid, not directed at you, but they're just valid, so and we hear this quite a bit with these changes where people come in, part of it is you're changing something and change management is always a tough thing and it really begins with the person that's driving the change that you have to step forward and have what I call the crucial conversations and I would encourage you to walk up there and kick the dirt with somebody even when they don't tell you the things you like to do because it really helps us.

WAUGH: Okay.

JOHNSON: So thank you.

WAUGH: Will do.

JOHNSON: Yeah. All right. Come on up. Could you say your name and spell it please into the microphone.

FLAPPER: My name is Ashley Flapper, F-l-a-p-p-e-r, I'm Kevin's wife. I moved to the State of Washington 13 years ago from Nevada, Las Vegas to be exact, and when I moved to Vancouver, it was not for me, and I started meeting some people in Ridgefield, they are in this room as

well, they just happened to be my neighbors and I consider myself lucky to be neighbors with them on that road.

I wanted to live on a road that was quiet and peaceful and they weren't going to come in and build a neighborhood. It's already getting so busy to drive home every day from Ridgefield and I just ask that we get to keep our road the way it is, peaceful, quiet. I'm an avid fitness person, I walk and run down that road. So I'm opposed to this change. I do not want to rezone it.

BARCA: Thank you.

JOHNSON: Questions? Okay. Thank you, appreciate your time, Ashley. Any other people that would like to speak on behalf of this issue? Okay. With that said, I am going to close the public testimony portion of this and bring it back to our Commissioners and begin with some discussion.

Return to Planning Commission

SWINDELL: I do have a question for staff. With this proposal, right now they have the ability to have two homes on that piece of property?

LUMBANTOBING: Correct.

SWINDELL: If they are granted what they're asking, is the max five homes?

LUMBANTOBING: Correct.

SWINDELL: So we're talking about three more homes, so that would be a total of five homes each on a five-acre piece of land or close to a five-acre piece of land?

LUMBANTOBING: (Inaudible) cluster.

SWINDELL: In a cluster.

LUMBANTOBING: It could be one-acre with a larger remainder parcel if they do the rural cluster subdivision.

PUBLIC: (Inaudible.)

LUMBANTOBING: If they go forward with a rural cluster subdivision, it could be smaller one-acre parcels with a larger remainder lot or it could be five five-acre parcels.

SWINDELL: Okay. Depending upon the topography, where it percs, things of that nature could

affect -- okay.

ANDERSON: There's also a gas line that runs through the property as well.

TORRES: Where is that gas line, is it to the east?

LUMBANTOBING: It goes north/south right through the parcel. Here it is. No, it's not showing. It runs north/south through the parcel like that.

TORRES: So that's going to play a big part in the development of that, yeah.

JOHNSON: We have a green line on our deal here, is that it?

BARCA: I think you can see it on the actual photo.

TORRES: Is it the green line there to the west?

SWINDELL: That must be the easement for it.

LUMBANTOBING: No, it's a diagonal line that's not showing on it. It's north/south, it runs like this kind of a north/south, it's not the green line.

SWINDELL: What does that green line represent?

LUMBANTOBING: I don't know.

SWINDELL: It's not a right-of-way, is it?

LUMBANTOBING: No, it's not a meaningful line.

TORRES: I have a question. So if you look at the footprint directly to the west on the west side of the road, it looks like a very similar footprint about seven or eight parcels.

LUMBANTOBING: I'm sorry, where are you?

TORRES: To the west.

LUMBANTOBING: Yes.

TORRES: So that footprint there, that's pretty similar to the one we're looking at, right, with all those parcels, are any of those five acres, is that one to the far west there five?

LUMBANTOBING: These two parcels are less than an acre. These are -- which one? Oh, it's about five, yeah, I don't know.

TORRES: Yeah. So there looks to be about seven houses there if I can count them on my map here.

JOHNSON: Eight or nine even if you count the little one.

LUMBANTOBING: Along this road?

JOHNSON: No, the opposite parcel across from it.

TORRES: Right. Use that whole area right there, right.

LUMBANTOBING: Oh, I see. Okay. Oh, I see what you're saying.

TORRES: So there's about seven houses on, seven or eight houses on the same basic footprint, right, all on smaller lots, more congested I guess you would say than what this development would be if this were built out to five homes on five acres.

LUMBANTOBING: Yes.

TORRES: Okay.

JOHNSON: Discussion gentlemen or I will take a motion if not.

BARCA: Well, hang on. Hang on.

SWINDELL: I guess I would just say that I mean I understand about growth. I live in Ridgefield, born and raised there all my life and I see this a lot when we're talking about growth in different areas. And anybody who's been there except for John, you and I have been there the same amount of time, I've been there 49 years.

So everybody else, you've impacted my life and the traffic and everything else. I know it sounds silly, but everything else has impacted it. And I've seen Ridgefield change from 900 people in the City of Ridgefield to what it is today and is growing dramatically. I understand buying property in the rural area and wanting to keep it that rural feel. I believe in my opinion that is what the cluster development is for, I think we see that in that area already.

I do have a concern about the water. I understand that, that 50 feet, that is a -- that is a concern, but I don't think at this point is where we address that concern. I think the applicant is going to have to go through and prove that they can do what they want to do and not affect the

aquifer and everyone around them, and if it's going to, they're not going to be allowed to do what they want to do.

I think with the concern that they're not going to live there, that, you know, maybe they're flippers, maybe they're buying this to develop it, to sell it to make money, I understand that, but I would say that someone who is going to buy that parcel and build a home on it, they are going to be a landowner and a homeowner and they're going to love it and they're going to be -- they're going to become your neighbor and they're not going to be a renter or someone just, you know, that doesn't care about it.

I believe that with that type of an investment they're going to be an owner just like everyone else is, but I guess, you know, my opinion at this point is I like the idea of the cluster, I've always liked that idea out in the rural, it keeps that rural feel.

I think that to be a good neighbor the applicant may want to, if approved, moving forward should sit down with the neighbors and go over all the different options they are thinking about doing and how it's going to impact the neighbors and give them kind of a thought and say on how they want to see that come together, but the only thing that really worries me is the water, but they'll address that in the future.

JOHNSON: Ron.

BARCA: I've got somewhat of a different thought process on it. Addressing the idea of the R-10 versus R-5, it's been presented that the R-10 is to buffer property. We have R-20s and R-10s to the east of it. The County has no timeline for when that is going to change and I think it's still appropriate in the context of how it was sold that it remains as such.

I don't believe there's a degradation of rural character by keeping it R-10, I think it's an enhancement. The applicants did not mention anything about a cluster, it's in the staff report, but it was not brought up by the applicants at all and it may be an option but it isn't required.

1,000 gallons of water per household on five-acre parcels is a nominal amount if you're really dealing with five-acres. 1,000 gallons might be somewhat of a challenge, but I think in the context of rural character I don't think the County presented an argument that was in any way persuasive.

In the context of a variety of rural densities, the County did not really present anything conclusive that said there was a reason why we should reduce the number of R-10 parcels down to R-5 and I have a big concern about the aquifers from the standpoint of how many times over the years we have had citizens come forward that said after the development this was the condition of my well and the developer is no longer the people who live there and I have no recourse except for I'm out and I think we don't have a protection in place in that

regard. We have the best of intentions to work it out in advance, but we don't have a safeguard.

So I think in regard to what we're trying to do and the amount of growth that's actually taking place in the greater Ridgefield area, three extra households is not a commanding difference in the regard of needing them either, so I think I would be looking at voting against this proposal.

JOHNSON: Rick, you're up.

TORRES: No.

JOHNSON: You know, I keep going to the criterion and the criterions fit. Generally I just want to read these out so that the public understands this, you know, what defines rural lands and they're generally characterized by larger lot size; they do not require urban levels of public service; the opportunities exist for farming and mineral activities; the area is contiguous with other rural lands and can serve as a buffer between large lot residential development and resource activities or urban areas; the area is not needed to provide capacity for population or employment growth in the 20-year forecast; and the area has outstanding scenic, historic, environmental, resource or aesthetic values and I think this fits that.

I kind of like what you said, you've got a lot of information here by saying I live in Ridgefield. I live above La Center on five acres and I am very sensitive to the needs of the rural populations. I look at five acres and I look at exactly across the street and say most of those are not five acres, then I look at the R-10 on the other side of the property that we're talking about and I look at a reasonable five-acre parcel, this is only adding three houses.

We are -- do not know -- we are not hydrologists on this water. The only reason I started down the water path was because somebody that had lived there for a very long time could tell me something maybe that I didn't know and that's usually outside of what geologists could tell me, so I'm sure that that would be worked out by whoever.

We have a very, how do I say this, we have an applicant that is very sensitive to the needs of the people around them and I encourage that. That's something that we don't see. So I'm looking at this adding three houses in a cluster development is reasonable. It is not what anybody wants.

You take one side and say we ask ourselves these two questions, you have property, property rights are critical to this area, to this nation, but also there's a responsibility with that and so there's this instead of these big pushes when we do subdivisions, when we do these big giant things that are so hard to do, we're dealing with the fairground exit right now and it's just a massive change, guess what for who, Ridgefield, the largest growing city in the state, I heard one of the largest growing cities, if not the largest growing cities in the nation, the complexities

of that area, I get it and I get it when someone's living there.

I've lived here since 1971, not in Ridgefield, sorry, but I understand, I understand when there was nothing here. So we have to come together and we have to mitigate these two things and find out what is reasonable and I think this is reasonable. But I look on the other side and I'm like Ron where I've heard, you said, you said, you said, and this is where I'll take the County label, we collectively do a very poor job at doing what we said, that's the County, meaning but we do our best.

And so I don't think it's unreasonable to add three houses to a place that you're going to add two houses, it is not going to be significant traffic issues. I don't know about water, I'm not going to say it is or it isn't, I'm not the hydrologist, I'm just not. I could say I don't think so, but that's not fair to you because it's your well, so...

At the same time we're, again I'm going to be clear, we're deferring our opinion to the County Councilors, and that's where this decision is made and you have to hear that because this debate is powerful to find the things that you want to advance you need to still continue in the process.

So we can't, John, we can't go any farther with this right now, but -- we can't -- we can't hear -- I'll talk to you afterwards if that's appropriate or we can refer you to staff, okay, John, just because it's better for us, okay. So that's where I stand. So without any more discussion on this unless there's something from the --

BARCA: Well, Mr. Chair, I need a clarification. You said in your statement that you were in agreement with it as a cluster development.

JOHNSON: Based on the information that staff has given us that is what we are looking at in this development, that is what was said, I can only take what has been said. Correct?

LUMBANTOBING: No. It's a suggestion for a rural cluster subdivision, but it's not binding on the applicant.

JOHNSON: I would hope that that would be pursued because once again that is something that would mitigate other things that you could give and take on, but again, thank you, Ron, for pointing that out to me because I thought it was part of the proposal. Questions? I will take a motion if you are ready.

BARCA: Are you looking for cluster in the motion?

JOHNSON: No. I am -- I'm not looking. I won't make the motion.

SWINDELL: I'll **MOVE** that we approve CPZ2019-00004 as presented.

TORRES: **Second.**

JOHNSON: Roll call, please.

ROLL CALL VOTE

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

JOHNSON: Okay. The motion's been passed. We will now move on to CPZ2019-00006, that's the 25th Avenue Subdivision. Staff report, please.

PUBLIC HEARING ITEMS, continued

2. **CPZ2019-00006 25th Ave Subdivision** – A proposal to amend the comprehensive plan and zoning from Urban Low Density Residential (UL) with single family residential (R1-6) zoning and Highway 99 Single Family Residential Overlay to Urban Medium Density Residential (UM) with Residential (R-18) zoning and Highway 99 Mixed Residential Overlay on one parcel as follows: 145032000.

LUMBANTOBING: Thank you, Chair. This is CPZ2019-00006, 25th Avenue Subdivision. This parcel is located near the intersection of N.E. 78th Street and 29th Avenue in the Highway 99 overlay. It's approximately two acres. It's currently zoned urban low density residential with a single-family residential zoning R1-6 and it has the Highway 99 single-family residential overlay on top of that.

The applicant is requesting to amend the comp plan designation and zoning to urban medium density residential with R-18 zoning and the Highway 99 mixed residential overlay. The proposed R-18 zoning is consistent with the type and intensity of uses expected in the urban growth area and will better utilize the two-acre site by allowing higher density development, to provide a higher -- a variety of housing types.

The primary goal of the community framework plan is to provide housing in close proximity to jobs resulting in shorter vehicle trips and allowing densities along public transit corridors. The proposed amendment will provide multi-family housing near commercial, light industrial and business park properties.

The Highway 99 mixed residential overlay allows for a variety of housing types such as garden

apartment, townhomes, cottage houses, duplex, single-family and accessory dwelling. This is an example on the screen of what the Highway 99 mixed residential overlay could allow in terms of combining different housing types, the layout of buildings, parking areas, open space, circulation and landscape buffers.

Staff is recommending recommendation of approval to the Council to amend the comp plan designation and zoning from urban low density with single-family residential R1-6 zoning and the Highway 99 single-family residential overlay to the urban medium density residential comp plan designation with R-18 zoning and the Highway 99 mixed residential overlay.

JOHNSON: Questions for staff?

TORRES: So I have a question. Can you explain the Highway 99 mixed overlay on top of the original zoning, just clarify how that works.

LUMBANTOBING: So the slide shows you the different types of housing. So on this lot they could do a mix of that, it doesn't have to be all one, it could be some combination of those housing types.

ANDERSON: The Highway 99 overlay it allows different type of housing that you would normally get in a standard use table for R1-6. Okay.

TORRES: Okay. So it allows that on, you could pick and choose from there.

ANDERSON: You can get more.

TORRES: Right. Okay.

SWINDELL: Is the intent to give diversity and have, give them diversity in what they're going to build, I mean is that what the purpose of that is?

LUMBANTOBING: Well, you're getting a higher density but they could also come up with any combination.

ANDERSON: They have more flexibility.

SWINDELL: And create uniqueness, kind of a unique community setting, is that the purpose?

LUMBANTOBING: Yes. Correct. But they could also just pick one housing type and do the whole thing as the cottage housing, I mean they have flexibility of what they want to put on that site plan.

SWINDELL: Okay.

JOHNSON: Any other questions for staff? Seeing none, we have nobody here that has signed up. Is there anybody out in the audience that would like to speak to the 25th Avenue Subdivision that I'm missing? Okay. With that said, let's bring it back for any discussion or a motion either way.

BARCA: I think this is a very appropriate change in the location off of 78th within short distance of Highway 99, there's mass transit, good access to commercial development. I think the area can handle the density. I think it fits well within the comprehensive plan goals.

TORRES: I agree.

JOHNSON: Yeah, I too, it's the place that we want to see appropriately developed. So with that said, is there anybody would like to give me a motion?

TORRES: I **MOVE** that the Commission approve CPZ2019-00006 as proposed.

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

JOHNSON: Roll call, please.

ROLL CALL VOTE

SWINDELL: AYE

TORRES: AYE

BARCA: AYE

JOHNSON: AYE

JOHNSON: Motion passes. With that said, we'll move on now to CPZ2019-00007, the Neighborhood Pet Clinic, staff.

PUBLIC HEARING ITEMS, continued

3. **CPZ2019-00007 Neighborhood Pet Clinic** – A proposal to amend the comprehensive plan and zoning from Urban Low Density Residential (UL) with Single Family Residential (R 1-10) zoning to Commercial (C) with Community Commercial zoning (CC) on one parcel as follows: 118138224.
Staff Contact: Sharon.Lumbantobing@clark.wa.gov or (564) 397-4909

LUMBANTOBING: Okay. Thank you, Chair. So this is CPZ2019-00007, Neighborhood Pet Clinic. This parcel is located near the intersection of N.W. 36th Avenue and N.W. 127th Street in Felida.

The applicant is requesting to amend the comp plan designation from urban low density residential with single-family residential R1-10 zoning to commercial comprehensive plan designation with community commercial zoning on 0.29 acres.

This subject parcel is immediately adjacent to the existing community commercial, it has a pet clinic, a gas station, a convenient store, a restaurant, coffee shop, studio and offices. The applicant owns the subject parcel and the adjacent parcel that's already zoned community commercial zoning and is occupied by the Neighborhood Pet Clinic. The applicant wants to expand the pet clinic on the subject parcel and the applicant's narrative states that there's a lack of commercially zoned property in the Felida area.

The community framework plan encourages the retention of employment land for commercial development and employment purposes. Having neighborhood retail, commercial uses at this location provides opportunities for residents to walk or bike to shops. Community commercial should generally be located at minor and major arterial crossroads and serve a primary trade area between two to four miles.

There's only three vacant parcels zoned commercial in Felida and they're under active development for commercial use and not available. The closest community commercial zoning is two and a half miles away along the I-5 corridor. This request is consistent with the goals and policies of the Growth Management Act, the countywide planning policies and the criteria for comprehensive plan map and zone changes and staff is recommending forwarding a recommendation of approval to the Council to amend the comprehensive plan and designation.

JOHNSON: Questions for staff?

SWINDELL: I'm not seeing any comments from anybody in the public in here, do we have any comments that I'm not seeing?

LUMBANTOBING: If they're not posted, then there weren't any.

SWINDELL: If they're not posted, there weren't any. Okay.

JOHNSON: Just a clarification and sorry I missed the staff or the meeting. So I'm looking at expansion to the I'm assuming it's to the west?

LUMBANTOBING: West.

JOHNSON: This is the expansion piece, this is the existing one from the corner.

LUMBANTOBING: The corner is the currently commercially zoned pet clinic and the expansion would be to this red lot.

JOHNSON: And the idea is just an expansion to make the pet clinic larger?

LUMBANTOBING: Yes. So they wouldn't -- their plan is to have parking for staff there and to use the house for commercial purposes.

JOHNSON: Okay. Great. Any questions? Okay.

LUMBANTOBING: The only public comment that we received was from the Felida Neighborhood Association which was in support, it was in their actual application.

JOHNSON: Oh, okay. So we have -- we have some people that are interested in this. So now is the public comment time. Daniel Bartholomew. Daniel, will you please spell your name. Thank you.

PUBLIC TESTIMONY

BARTHOLOMEW: My name is Daniel Bartholomew, that's B-a-r-t-h-o-l-o-m-e-w, and I live at 3616 N.W. 127th, the property just north of the one that's being discussed.

We've lived at that property for about six years. A little while after that, the pet clinic became under new management is my understanding. At that point they started, if you notice my property kind of jets out right there because there's an easement there and the pet clinic contacted the County to see if it's okay to park on the easement, which the purpose of the easement is the road's too narrow and so the easement's there to make it safer for people.

The pet clinic along with those other commercial entities have used that as a parking lot which has caused quite a bit of consternation from the neighborhood. I can't go out in my yard and work without people walking by to harass me about why I'm not doing anything about the parking there, because I can't. And also the pet clinic employees consistently park in my yard and I think it's advantageous that that be changed to community commercial that way they can have adequate parking.

Along with that though I think that that road needs improvement if that gets changed to community commercial because it is too narrow, it needs to be widened. There's only a sidewalk on one side of the street. In support of expanding that community commercial, they need to add a sidewalk on that side of the street, that I know will impinge upon my property.

Where the driveway is to that property, the property in question right now, that technically I own the ground underneath the road there, you can see it in the diagram, yeah. I think that there should be stipulations on that being changed, that they have to do infrastructure improvements along with that rezoning. I don't know if that's something that can be required or not, but that's, that's where I sit.

I've had to deal with all the trash that's left there from them parking on my side. The community worked together to get the other side of the road as a no parking zone because it was so congested people were having to stop and let one car pass and then one car and scissor back and forth. It's been ridiculous. I can't even go, people know me in the neighborhood and I can't go anywhere without people stopping me and complaining to me about the parking situation. It's rather frustrating to me.

If all they're doing is adding a parking lot, I don't -- I'm all for it. I know some of the other neighbors are worried that this is just going to be a foothold into expanding the pet clinic and to adding other services like a doggie daycare or something. I don't -- I haven't heard any reason to believe that that's their intention, I know that wasn't, but if they do that in the future, you know, we'll come to it at that point, but I'm all for this.

I just would like some stipulations that they improve the infrastructure there because that road does not, it doesn't handle the traffic that's going through it right now and unfortunately if they do increase their business, that will increase even more traffic there, so... I don't have any other comments, so...

JOHNSON: Thank you very much for your comments, Daniel, appreciate it. Next up is Karena Deason.

DEASON: Hello.

JOHNSON: Hello. Can you say your name and --

DEASON: K-a-r-e-n-a, D-e-a-s-o-n. My family and I live at 3701 N.W. 127th Street which is right next to the said parcel. I strongly oppose this amendment to change the zoning from this parcel from urban low density residential with single-family residential zoning to commercial. My family and I live at 3701 N.W. 127th Street, we own this house which is next door to the said property proposal.

If this is approved, it would affect us in the way of the noise from cars going in and out to this. It sounds like what they're going to do is turn their property into a parking lot for their vet hospital. If they're not going to tear down the house right now, eventually that probably will happen, it could go into some kind of kennel which would create more noise.

They're open Monday through Friday 7:30 to 6:00, Saturday 8:00 to 2:00, during that time there will be cars going in and out, car doors being shut, car alarms being set and unset, engines revving, animals barking. This kind of noise would affect my family and myself living in that, in this home, our home right next door that the east wall of our home is only six feet from their fence which is on their property line, that concerns me for safety reasons.

Both, all of our bedrooms are on that east wall which I said is six feet close to the their good neighbor fence. So if there's to be parking there all hours of the day Saturday, Monday through Friday and Saturday, who's to say that a car that's parked there may by accident, you know, put it into drive instead of reverse and then that car would go, would go through the fence and right into our bedrooms. So I have concern for safety reasons for myself and my family. I would think that there's a safety code violation there, I don't know, I have not had the time to look into this.

Since the Neighborhood Pet Clinic has moved in and purchased the vet hospital that someone else was running, I think it was four years ago, there's been an increase in traffic, parking along the street, nearing the street with a blind hill to be turned into a one-way street. There's been numerous times myself and neighbors have witnessed almost head-on collisions because of having to let other cars go by. They now have made our side of the street where there's no parking, but the signs aren't clear and they're still parking there.

Another thing that concerns me is that with a parking lot that it is empty at night there could be increased crime and vandalism in the parking lot, potential squatters, and like I said we live right next door that could affect our home and our safety.

And lastly, concern is that with our property value, would our property value go down, would our resale value go down when we go to sell our home, who will want to buy a house next to a parking lot. Concern about the noise, and like I said, most of the days Monday through Saturday and then if we want to be outside and enjoying our backyard and peace and quiet as it has been before they moved in.

Now, right now they have a renter there with three dogs and we dealt with barking at the beginning when they first started renting there and now they have quieted down and we don't have that problem, but, you know, we've lived in this home for ten years, would like to continue to enjoy peace and quiet in our home and not see if this gets turned from residential to commercial. Concern is it will just continue to go down the street and our nice neighborhood will turn into a strip mall, so these are my concerns and I oppose this strongly.

JOHNSON: Thank you for your time.

DEASON: Thank you for hearing me.

JOHNSON: Any questions?

BARCA: I do have a question. You've been there for ten years --

DEASON: Yes.

BARCA: -- has there always been an issue about parking on that narrow strip?

DEASON: No. Previous to them buying the vet hospital, there was not. The veterinarian that owned it before had less clients and less working hours, it wasn't as busy and there was less cars and not traffic problems.

BARCA: Okay. So the proposal to get the cars off the street, do you consider that any kind of benefit?

DEASON: I do but truthfully I just, I don't see it being a hundred percent resolved. I see if they put a parking lot into that parcel that they're talking about there still will be parking on the street, it will still continue to be a problem and then most likely they will take down the house that's there even though they're saying they won't and then it will be turned into more of a vet hospital or a kennel which then we will deal with more noise, more barking, more issues.

BARCA: Thank you.

JOHNSON: Ms. Deason, have you spoke to the renters about it because some of these issues are, I mean just talking to them?

DEASON: Well, when they first bought the house next door to this parcel, they did come over and introduce themselves. She told me that they would be using the driveway for, you know, they would be using the driveway for some of their staff and I said, well, we really don't want to live next to a parking lot, you know, this was a house where Alice and her husband lived for 49 years previous, we enjoyed those neighbors, it has changed since and now they are renting the house out, but I fear that what we've been told is different than what's going to happen, and if we approve this to be rezoned commercial, then it will just continue to get worse as far as the noise and, you know, I'd like to see our neighborhood continue to be that, a neighborhood, not a strip mall.

JOHNSON: Any questions? Thank you for your testimony, appreciate it.

DEASON: Thank you.

JOHNSON: Is this Dr. Milada Allen, did I get that right?

ALLEN: Milada Allen, I'm the president of the Felida Neighborhood Association which is a huge area, 17,000 some residents in that area. And of course this particular proposal was referred to us for comment. I did have several different constituents within the area and also some of the clients of pet clinic call and trying to see what the Felida Neighborhood Association thought about that and they, also they did express concerns about parking in the easement on the property just north of that which is technically a County right-of-way I believe.

So I sat there for a couple of hours trying to see where the people were going once they parked and most of them were going to the other businesses that are adjacent, existing businesses that are adjacent to the pet clinic. So I do understand that that's a health and safety and welfare issue out there and so took it to our board and the Felida Neighborhood Association Board had voted to write a letter of support and I hope that's attached to your staff report so I don't have to go through all of that and it's a four-page letter.

But basically after reviewing and discussing the above zone change request, the executive board voted 4 to 0 and the majority of the board directors voted to write this letter of support. We're all volunteers elected by the neighborhood association stakeholders. Board member discussions and deliberations included concerns for local public health, safety and welfare need for on-site employee parking, business sustainability in a gentrified area of the original business block which is completely built out, and of course in this particular area it's a little bit gentrified and there's not much commercial, community commercial land available.

There's some mixed use zone development that does have some commercial going towards 119th Street and that one of course also included a couple of residential properties that were converted into a, quote, unquote, a business and residential on top of the business mixed use zone.

Now, in this particular case there's lack of adjacent appropriately zoned land to add the parking that they need for their staff, so the staff would be also not forced to park on the street and to accommodate the increased demand for goods and services in this particular area that has exponentially grown in the last 25 years as the farm land, vacant land and other large unutilized parcels were converted into subdivisions.

So our membership went from about 8,000 to about 17,000 and still growing between the vested subdivisions that are west of that site, there's going to be more population increase and of course also pet population increase as well and of course we're in favor of them not having to get into a vehicle and drive somewhere else.

So we are very happy that they're there and not stopping at that particular intersection where we tried to advocate for a light previously, but because we did get the light at McCann and N.W. 36th Avenue, it really doesn't necessitate another light at this particular intersection because there's also another one at the 119th.

So when the transportation study was done, of course it confirmed our suspicion that there would be no impact on transportation circulation nor on traffic in this area. But there's no space to increase capacity over the existing pet clinic and there are many complaints from neighbors about the employees parking in that right-of-way, and as I said, when I was watching, they were going to other businesses along that side.

So the pet clinic owners purchased the adjacent residential property when it was offered for sale to seize the opportunity to provide off-street employee parking and utilize the existing structure as an annex to improve effectiveness and efficiency of their clinic operation.

The basic conclusions that we came for there are no other feasible alternatives, there are no appropriately zoned CC properties and that are easily and conveniently located to this small local business that is very necessary for the area. The proposed zone change is the only viable logical option in this particular location; thus, the preferred alternative would be this particular alternative which would address mitigated impacts of rapid population growth and demand for goods and services in this particular location.

This project would also facilitate plans to improve the public health, safety and general welfare in this location and of course it would also reduce the trips, it would be also emissions, less emissions going through traveling all over the county looking for another vet, a veterinarian, excuse me.

So this site-specific proposal appears to comply with all, and I know that you had mentioned many of them within your staff reports I will not repeat them, but it meets all the criteria, it meets all the zoning ordinances, it meets all the County comprehensive growth management plans as well as the development codes and County policies, regulations, resolutions and goals as well as the urban growth area.

I understand that, as you said before, any changes to neighbors are, quote, unquote, bundles of rights and liabilities on both sides and in this particular case I think the board had concluded that the pet clinic was forced to purchase that particular lot in order to allow employee parking because there's nothing available on the streets, no parking available on the streets and they've been ostracized for allegedly parking across the street, but as I said before, those people were going to other businesses.

So the board, the Felida Neighborhood Association Board supports this particular zone change from R1-10 to CC and it would be more beneficial than the current zone designation R1-10 and this is one of those services that is extremely needed. Yes, the other veterinarian had less clientele but that's not because he didn't have the capacity, that was because of other reasons and this particular clinic is very well respected within the pet owner population and many of the other neighbors. So we do support this very much.

JOHNSON: Great. Is there any questions? No? Thank you for your testimony. So the Flappers I think aren't here anymore, I think they're on the wrong list, I've got them here. Is Wayne Edwards here?

EDWARDS: Yes.

JOHNSON: Wayne, come on up, please.

EDWARDS: It's Wayne Edwards, E-d-w-a-r-d-s. So thank you for allowing me to speak this evening. I just wanted to share a little bit about the owner's character, Dr. Rinta.

My wife who couldn't be here tonight, we very recently lost our 15-year-old Basset Hound Maggie. As so many pet owners can appreciate, she was the absolute love of our life. Throughout Maggie's senior years, Dr. Rinta was Maggie's vet and as we -- and near the end of Maggie's time, Dr. Rinta showed an unbelievable amount of caring and compassion. She did so much for Maggie, so much for us, and throughout the five years that we've known Dr. Rinta, we can honestly say that we've never met a more caring, compassionate, conscientious person.

So as community members who live and directly in this area about a quarter mile from her office, we know the traffic challenges that the 36th Avenue corridor presents and as more housing comes into the area, more businesses come into the area, the traffic is certainly going to get worse. Knowing Dr. Rinta as we do, we believe she's very much aware of this and are confident that she wants to do what's right for our neighborhood.

As we understand it, as everybody's discussed, her proposal is going to provide additional parking to help increase the safety of her patients and her employees. Moreover, it will enhance the level of care she's able to provide her patients. So having said that, we very much support what she's trying to do here.

JOHNSON: Great. Questions?

BARCA: Thank you.

JOHNSON: Thank you very much, Mr. Edwards, appreciate your time. Next up is Bruce and Becky Jensen. Bruce, looks like you've been told.

JENSEN: I'm Bruce Jensen, J-e-n-s-e-n. We live in the neighborhood there and I wasn't going to say this but as I sit here and listen to things I'm going to say it. Ever since this was sold from the former pet clinic, they've been bad neighbors, honestly they're bad neighbors.

The street is full of cars. We've seen the people in their uniforms walk across the street, you

know, their smocks and so forth, so they are parking on the other side of the street. The other day I went down that street and was going to the stop sign and right there, there's a truck parked there for landscaping, they're going to, they're landscaping and there's cars parked on the other side. I pulled over as much to the center as I could, a car came around the corner and we're facing each other. Who backs up? Who backs down? They're poor neighbors. They've been poor neighbors.

Now, they bought that other house and they're going to put parking in there, right. Well, the people that had it before put in a big driveway and they put up a sign, this is not a turnaround. Well, the sign is gone and their cars are parked there, that their parking area is full of cars and there's still cars on the other side of the street.

The street is -- the street is too small for one thing and then you get people in there that just to me they're taking advantage of it. Are they going to tear down the house and just put in a parking lot? That would be great for me, maybe not for the lady that lives next door, you know, so... That's my concerns. It's just not right.

I'm against -- I can't say I'm against it because if they do something to improve it, fine, but I don't see what they're doing to improve it. What are they going to do there? Are they going to use that house for something else or are they going to park as many cars in there as they can?

Maybe they can tear out more grass and park more cars in there and then keep the house or are they going to tear it down or are they going to put in a kennel, what are they going to do? We don't know what they're going to do, but in my opinion they have not been good neighbors. Thank you.

JOHNSON: Thank you.

BARCA: I have a question for you, Mr. Jensen. If we turn this down, what do you think will change in the circumstances that you're describing now as a poor condition?

JENSEN: Nothing will change. It shouldn't have been allowed in the first place, but nothing will change so, but if you do something, let's make it an improvement.

BARCA: Fair enough.

JENSEN: Let's not make it worse.

BARCA: Okay. Fair enough.

JOHNSON: Good response. Thank you. Matt, anything? Thanks, Mr. Jensen. Oh, Becky, come on up, Becky. Becky Jensen, sorry.

JENSEN: The one thing that I wanted to point out so that you understand a little bit of our dilemma, I agree with my husband, I'm opposed to them using the house, if they will tear down the house and make that a parking lot, I wouldn't feel so bad about that, I do feel sorry for the lady next door.

One of the problems in that area is if you look at it, 127th, 131st and McCann Avenue are the main thoroughfares through that area. McCann has a signal light, there is no visibility from that road. You have to wait for the signal light only. On 131st when you get to 36th and 131st again, there is no visibility, you cannot see very easily to make your turns, it is a very dangerous corner.

127th and 36th is one of the clearest paths to see. When you get there, you have good vision down both sides of the street and that is why most of us use 127th, it is just the safest route. So that is my concern. If they use the house and they put more facilities in the house, they're going to continue parking on the street and it's going to continue to the point where it will cause an accident because of the congestion there, it just can't happen any other way, either parking lot and tear down that house or just move away which we don't want to. That's all.

JOHNSON: Thank you. Any questions?

BARCA: No.

JOHNSON: Okay. Here's one. 12716 address, Richard, Richard, Rachel. You yield your time. Thank you. I'm sorry. I just couldn't read it. Am I bad. Okay. Steve McIrvine. Same. Okay, Steve, great. Great. And finally Steven Crockford.

CROCKFORD: I didn't realize that when I signed that (inaudible).

JOHNSON: That's all right, Steve, yeah, you better stick around. With that, is there anybody else who would like to speak on this matter? Come on up. Oh, we have one here. You both can come up if you like and then both, one can speak and then the other.

DEASON: My name is Jason Deason, D-e-a-s-o-n. My wife Karena spoke before me. We live in the house just next to --

BARCA: Get closer to the microphone, please.

DEASON: We live in the house just next to the proposed lot change. The street is too narrow, 127th Street is just too narrow. I've got photos that document traffic trying to get both directions through that intersection. When cars are parked on both sides of the street, two cars can't pass. I'm not talking about trucks, I'm talking about passenger vehicles and I stood in the middle of the street taking pictures watching this happen.

So getting -- getting the cars off the street would be a good idea, but if you're also expanding a business, you're also going to create more traffic and with more clients coming to that business. And next to the pet clinic is the gas station, the convenient store, Farrar's Bistro, the nail clinic, now there's some sort of winery that's in a house that got converted into a business and there's no parking on 36th.

So if we're going to start pushing for density and more businesses in a residential area, I think we need to do a little bit more planning than trying to push businesses and traffic down into the residential areas especially in this neighborhood when there's only three access roads. And I can't tell you in the ten years that we've lived there how many trucks have been hauling lumber, cement, construction materials down 127th to get down into Ashley Heights and all the other homes that they build down towards the farms that got converted to residential areas.

So it's a sticky situation, you know, they bought a residential house that they're going to convert into a business expansion. I don't particularly like it. My neighbor across the street just got his car window, you know, taken out last night. So I'm not saying that the pet clinic is going to increase crime, but I am saying that if they're going to expand a business and have more clients, they're going to create more traffic which is going to require more parking. Are they going to buy my house next? I don't know. I'm against it. I don't want people parking on Daniel's lawn and I've had people park in the wrong direction in front of my house.

I don't know what Farrar's is doing, but every Wednesday or Thursday night they're doing something because that street is just God awful. I've got to stop to pull into my driveway to let traffic by or, you know, pedestrians by, so, and I definitely don't want to be sitting in my backyard hearing a bunch of animals yapping, it's just going to destroy my peaceful backyard and enjoyment that we've had ten years, you know, of being able to sit out there and enjoy our backyard, so that's all I had to say.

JOHNSON: Questions? Thank you, Mr. Deason, appreciate your comments.

HOLMSTROM: Hello, Commissioners. I'm Greta Holmstrom, I represent the property owners and the applicant. Last name Holmstrom, H-o-l-m-s-t-r-o-m.

We believe that this proposal meets the purpose of the comprehensive plan and definitely meets the purpose of the annual review process to update the comprehensive plan and the zoning. This is the historic retail core of Felida and I think we can all agree Felida has changed dramatically over the last century.

It's now serving demand of a very large area that's densely populated, people bring pets with them and they need veterinary services, it needs -- the Neighborhood Pet Clinic serves those needs. The entire intent of this proposal is to provide safety, provide additional parking and

improve the transportation system in the area. This is just the first step of the process.

If this is approved, there will be a site plan review that would include making sure that the parking meets all of the County's design standards, provides a buffer to adjacent properties. The intent is to keep the existing residence, it would be used for purposes that are already taking place within the pet clinic for things like offices and grieving rooms for clients, things like that. We do believe this would be advantageous to the neighborhood and hope that you recommend approval. I'm happy to answer questions.

JOHNSON: Questions?

SWINDELL: I was just curious. I've heard a lot of testimony about employees parking in different areas, I'm just curious how many employees currently there is?

HOLMSTROM: I can have the property owner come up and answer that. I don't know for sure.

SWINDELL: Okay.

RINTA: So I'm Jackie Rinta. Do you need the spelling? Rinta, R-i-n-t-a. So we roughly have 15 employees and occasionally we do have employees that do park on the opposite side of the street, that is true. Since we moved in we knew that there were issues with parking and we have done our utmost to stand by all the laws.

We would talk with the Transportation Department regularly to make sure that all of my employees always follow the rules including not parking backwards on the wrong side of the street. My employees have been coached to just be really good neighbors and we've, that is all we have done for five years that we've been there. Any time the County says to do something we do it. And we have been harassed a lot regarding the parking. I don't think we are completely at fault.

So when this property came up, we saw it as a potential to be good neighbors, to be able to help with the negative situation of the cars. There have been traffic studies down the street, I did not see a full report, but did just get a verbal update on what happened with that and I think that was happening when they were putting in the streetlight down the street on McCann and what we found is that a lot of the people that are not following the rules down that street are people that were potentially doing construction at the far end of 127th.

So it was construction people going through our neighborhood, it was not my employees. My employees have been harassed, they've had their cars reported that they were abandoned when they weren't. I would have -- I have a college student that almost had her car towed when she came into work for, you know, just three hours. We've had people storm in our clinic and yell and it wasn't things that we did wrong.

Once the traffic study was done, signs went up and parking changed and it did need to change and it was not my staff parking on both sides of the street ever, that was not my employees, we would park on the side where the easement was, it was okay to do.

You know, one time in the middle of the night the neighbors took all the rocks that were in the fields and they pushed them forward into those spaces so when my staff and I pulled in, had no place to park, so it went from parallel parking to it just reduced the number of cars on that side of the street, and that was fine, we, you know, just continued to make sure we were parking correctly down.

And my employees do park in my parking lot, but we do try to keep the number of spaces open for my clients because we're a three-doctor practice, we have no intentions of growing hugely. We do have the plan, we've been very transparent about what our plans are and it's in the staff study and Greta has the detail. So we -- it's all very clear there. We have no plans of being a kennel. I went to veterinary school to be a veterinarian not to be a boarding facility. I also don't like barking dogs. So I want to keep the community, I want to be a good neighbor, so...

SWINDELL: And thank you. And with this purchase of this, how many parking spots are we thinking you're going to be able to get in there? I'm just curious what your thoughts are. What you're hoping to get?

HOLMSTROM: It depends on the site design and whether we use both the north and the south open areas, but I'm thinking six to eight parking spaces.

SWINDELL: Six to eight. Okay. I'm assuming not all 15 work at the exact same time?

RINTA: Correct. We don't want that space to be used for client parking, we'd like our existing parking lot to be for our clients and then for my employees, you know, there. And we have no plans of flattening the building or changing the building.

SWINDELL: Okay. Thank you.

TORRES: So I have a question. So I appreciate your clarification on the whole kennel question, right. So I'm very familiar with that area. Across the street, so you guys do, is that where all your employees end up having to park in the dirt area to the north?

RINTA: So we have maybe two or three possibly there, most of mine have to park in my parking lot, so we probably have six to eight in my parking lot and then we have an arrangement with the renter, so two of my employees can park in their driveway for certain hours.

TORRES: So is that area to the north, that's like a public, it's a public street is what it's

considered?

RINTA: Correct.

TORRES: So first come, first serve, if it's full your employees end up having to park somewhere else?

RINTA: Correct. And we've been trying to not have our employees go down the street. When we first moved in we did, sometimes we had to do that, but we've had a lot of backlash with that, so we really do try to follow all the laws and the rules. And we don't leave garbage. I do have, I mean we care about my, we care and have respect for the clinic and the beauty of that neighborhood.

TORRES: Thank you.

BARCA: For clarification purposes then. It's your intent to be able to accommodate a hundred percent of your employees with this additional development?

RINTA: I do not know if that will be able to happen.

HOLMSTROM: But that's the hope.

BARCA: And I use the word intent. So obviously as raw as this issue is for the neighborhood, if you would have additional spillover of one or two employees, we're still going to have basically the same issue even though we've gone to this expense and effort to try and accommodate the parking.

RINTA: It's possible, but our intent is to not have that happen.

BARCA: So in the confines of these two pieces of property that will be back to back with each other, are you looking at any kind of modification to your existing facility that's on the corner to maybe help accommodate?

HOLMSTROM: We're not looking at any changes to the existing parking lot. There's a stormwater facility on one side of it that's fairly constrained.

BARCA: Is that on the east side?

HOLMSTROM: Yes.

JOHNSON: Any other questions? Thank you for your testimony, appreciate it.

HOLMSTROM: Thank you.

RINTA: Thank you.

JOHNSON: So with that said, is there any other people that would like to speak on this issue today? Okay. Bringing it back to the Commission. Discussion?

Return to Planning Commission

BARCA: I'd like to start off by saying that anecdotally over a period of time I have visited this commercial strip and I have found parking to be a challenge even for the other businesses, that the accommodations for the other businesses, the amount of parking versus how much business they're doing at the time has driven clientele out of the prescribed parking area. I've seen people parking in the park, at the public park, to try and get to the businesses that they want to get to.

My overall concern is I think any one business can't take the brunt of what is probably a very popular amount of business going on in a very compact area. The design isn't optimal for how popular the area is and I would really like to see the applicant try and accommodate a hundred percent of their staff within this improvement because I think we could just say then they were genuinely taking this off the table and the concerns of the neighbors may not be fully addressed but they'll be fully addressed for the pet clinic.

I am wondering in regard to 127th where it narrows down, is this indeed a public thoroughfare all the way through?

HERMEN: For the record, Matt Hermen, Public Works. Yes, 127th is a public thoroughfare all the way to the end of, to the west. That section right there where I believe Mr. Bartholomew lives is an easement that allows the public to travel over the roadway. He is correct, he owns the land underneath the roadway basically.

BARCA: Okay. So I find that a little problematic in the idea of what we can address and what we can do. Are we in a position to post no parking and just make it the rule for that narrow area? Because Mr. Jensen's concern and the concern of other neighbors I think are genuinely valid that opposing traffic with parked cars there is a hazard and it certainly appeared that way to me when I drove down to that thoroughfare.

KLUG: Good evening. I'm Rob Klug, I'm the Transportation Division Manager for Public Works.

HOLLEY: What's your last name?

KLUG: Klug, K-l-u-g. I'm also the County Traffic Engineer. Posting no parking is something that

could be done; however, the reality of it is, it will just shove the problem somewhere else.

BARCA: I accept that. I am thinking in the narrow band of that particular area perhaps shoving the problem down as I recognized was already taking place would eliminate it from this very sore component of the neighborhood's complaints.

KLUG: If there's a specific safety reason why it should be evaluated, we can definitely look at that or the development can be required to analyze that, but just removing all on-street parking in this type of situation, just puts cars in front of somebody else's house and creates a problem for somebody else, so it isn't a solution in and of itself.

BARCA: No, I agree, it's mitigation for an existing problem, yeah.

KLUG: There would have to be a documented safety reason why.

BARCA: Well, perhaps somebody will work on that. All right.

SWINDELL: I guess I would ask while you guys are here, with that little jog out and little leg that's sticking down there whatever you want to call it, are we looking at doing anything with that, with Mr. Bartholomew, I think I got that right, in that doing some type of improvements on 127th there and trying to figure out what we might be able to do or is that a no go?

KLUG: So from a Public Works standpoint when we are required, when we look at putting improvements on public roads, we have to look at how the safety evaluation works for the investment at that location and the location.

If there's a request to provide an improvement like that, we would have to go through and actually rank it against at the requested locations around the county and build the most required one first and work our way down the list, that particular location is not a part of any list at this time.

SWINDELL: Okay. All right.

TORRES: If you don't mind, I have two points of reference for this. One is I lived about eight properties to the west on 127th from 1999 until several years ago, so I'm very aware of the issues there and obviously working with the Sheriff's Office I dealt with the traffic complaints around there quite often.

I'm also very well aware of all the development that's gone on to the north and the northwest and, you know, from my perspective I think the development there is a good thing for that neighborhood, I think it's needed. I know the traffic issue is not going to go away and I don't think that us denying this is going to resolve the traffic issue in any way, shape or form, so I'm in

favor of it.

SWINDELL: I have to say, I want to say this, I drove through on Sunday, I was taking a little ride and I wanted to see what was going on because I knew we were going to be talking about this. On Sunday evening, I don't know, it could have been 7:00, 7:30, it was -- there wasn't that much parking, there was a lot of people out at the restaurants, at the winery, maybe not down in front of this piece, but it was packed, I mean it was a lively place to be, I kind of wanted to go there, it looked like a lot of fun, but I've seen it change over the last 20 years as well and it's just incredible what's happened there.

It's unfortunate for some because of the growth and what it's done and it sounds like the vet, sorry, has done a great job of running her business and has brought a lot of people to her, unfortunately for the surrounding area, but it sounds like you're doing a good job for your clients. So I see this as a maybe not a perfect fix, but I see it as an attempt to be a good neighbor is really what I see it as.

JOHNSON: Yeah, I agree and, you know, a lot of this is about traffic and this mitigates some as best you can. I appreciate the applicant coming forward, I know that that's tough in these situations, but it really kind of spell it out in my head, so...

I think that we have to look at a problem that's already there, it's existing, and not created by the applicant, just the nature of this area. What are we trying to do? We're trying to take some of that off of the trip generation if I read it right, was it two percent increase over a long time, and it was acceptable ranges, and so I hope I got that those numbers right off of here.

As Matt said, you're trying to do your best, trying to get the streets, talking to your employees, I like those words you used, counseling them, saying, hey, be good neighbors, be good neighbors. I'm slowing down. And, again, it's tough because you are, the other side of this is naturally business encroaching into, you know.

I'm very sensitive to the neighbor to your west just the fact that I understand they're next door and I think that's the one that if you could come together and go, look, what could we do, maybe a fence or something, good neighbor fence or something, and those are things that I just keep going back to, please have conversations, please talk your way through this because I think in the end you're trying to do your best and we're trying to get cars off the street.

So I'm inclined to push forward with support and vote for this. Any other discussion? I would entertain a motion.

SWINDELL: I **MOVE** we approve CPZ2019-00007 as presented.

TORRES: **Second** that.

JOHNSON: We have a motion and second. Roll call, please.

ROLL CALL VOTE

SWINDELL: AYE

TORRES: AYE

BARCA: I'd like to say for the record before I vote that this particular stretch that seems to be of real issue on 127th is substandard to the rest of 127th and it comes out on the intersection with 36th as a high impact intersection. I do think the County could look at doing a little bit and throw this neighborhood a bone about the idea of keeping the sight visualization available and to not have the problem of people parking on there and trying to maneuver around. That being said, I believe the applicant has met the criteria and I vote **YES**

JOHNSON: AYE

JOHNSON: Motion is passed 4/0 and we move on. Can we take -- do you need like five minutes? You good. Okay. We have a request to take a five-minute quick break. Okay. So we're going to take like a five-minute quick break and then come back here.

(Pause in proceedings.)

PUBLIC HEARING ITEMS, continued

- B. CPZ2019-00029 Development Agreement Procedures** - The proposal will consider amending the Clark County Code to add new Section 40.550.030 to create consistent process and criteria for review of proposed development agreements.
Staff Contact: Matt Hermen at (564) 397-4343 or Matt.hermen@clark.wa.gov
Alternate Staff Contact: Oliver Orjiako at (564)397-4112 or Oliver.orjiako@clark.wa.gov

JOHNSON: Okay. We're back. So we're moving forward with CPZ2019-00029, this is the Development Agreement Procedures; is that correct?

HERMEN: Correct.

JOHNSON: Okay. Staff.

HERMEN: So for the record my name is Matt Hermen, H-e-r-m-e-n, with Public Works. Today I'll be presenting CPZ2019-00029. This is a Title 40 code amendment, not a comprehensive plan amendment proposal.

So through my presentation I'll hit these nine different topics and take questions with you, from you.

So the purpose of development agreements is to, first of all, they were authorized by State legislature in 1995, they do innovative design and development, they are a contract between potential developer and the county, in all instances the property owner is the signator and goes into contract with the county.

Development agreements are often executed on large developments, complex developments and developments that don't -- that want to be different than what the code currently allows. Recently you guys have seen several of these development agreements come before you in recent history in regards to the urban holding at 179th Street.

The existing condition of developments as the County processes them is there is no formal process. There is nothing in County Code that requires an applicant to submit a development agreement to a particular body, and oftentimes because there is no formal procedures in County Code, this leads to inefficiency. Staff is the one that's negotiating policy when it's not upon our purview to do so, that's the County Council's responsibility, and also there's lack of public process when development agreements are brought forward.

From the private side, this creates a lot of uncertainty and financial risk to the developer that wants to execute a contract, a development agreement with the County. Through our research, we've looked at different jurisdictions and we've seen that the specific procedures in their county codes have benefits that result from them, it includes county council or city council involvement early in the stage, it encourages creative development.

Oftentimes when a development is unfamiliar with Clark County and they're from an outside perspective, they look to our County Code first. When there's no procedures in our County Code, they don't know how to proceed with their innovative development. Oftentimes development agreements can identify the impacts and the mitigation that are necessary early on and we can assess the proportionate fees at that time so that when the development moves forward, they know exactly what will be required from them financially.

So the first four bullets up here are practices that we've seen in other jurisdictions that are specific in the County Code. The last three bullets are clauses or things specifically put into the contract. The best practices with other jurisdictions include the actual application process, the assignment of who negotiates, the procedures are adopted and there are specific criteria that a development agreement application has to abide by before they move forward in the process.

So during the work session on the 1st of August the Planning Commission asked for a tentative schedule of how a proposed development agreement, how long it takes to get through the process. So the application process starts in our proposed guidelines with the application being

submitted.

At that time there's a 21 cursory review that's done by internal staff. This is a process for which County staff can identify the concerns that they have and raise those concerns to the County Council. After that 21 days expires, the County Manager then has 7 days to schedule a public meeting for the County Council to consider the development agreement. The County Council then holds a public hearing no fewer than 10 days after that 21 days expires.

During that public meeting, the County Council can authorize staff to continue the negotiations or can say we're done, we don't want to negotiate, at that point the proposed development agreement would end. After they -- if the County Council chooses for us to continue in negotiations, a resolution is signed.

Depending on the type of development agreement, there is project-based development agreements and non-project-based development agreements. Those non-project development agreements would go through the Type IV process and go forward to you for review, that goes through a 15-day notification period before it goes to you. Based on your recommendation, it would then go to the County Council.

Their adequate notification period would start and they would then approve or deny the negotiated development agreement through an ordinance. If a development agreement is a project base, it would go through the Type II or Type III track with the County Manager forwarding a recommendation to the County Council.

TORRES: So on the project-based negotiations, there's not a timeline?

HERMEN: No. And that's something that I want to make clear, the negotiation phase after the resolution is signed, there is no specific timeline that's detailed in our proposed amendments. There's no required time to get that negotiated development agreement completed.

The comments that we've received are from two different entities. Washington Department of Transportation, they want to be involved in development agreements when the development impacts their facilities. Also the Friends of the Columbia Gorge want it to be explicit that development agreements should not be considered in the scenic area of Clark County.

Our recommendation is that this proposed code abides by the RCWs and WAC, the State laws, the Home Rule Charter and the Comprehensive Growth Management Plan. We are recommending approval and wish that the Planning Commission forwards that approval recommendation to the County Councilors. If you have any questions, I'd be happy to take those now.

SWINDELL: Yeah, can you bring that little structure everything back up there. I haven't gotten

to see it yet, this is the first time I've seen it, so I didn't make it to that part of it, sorry. If anybody else has a question, go ahead, I'm looking at that, sorry.

BARCA: The days that are outlined, are they specific, are they calendar, are they working days?

HERMEN: They are calendar days.

BARCA: They are calendar days. Okay. So I guess I'm wondering about the impact of things that happen close to major holidays and how does that affect staff's capability if we are scheduling a distinct number of days and yet expecting staff to be able to get their negotiated holiday breaks?

HERMEN: So during the drafting of the code, this code was drafted with many eyes looking on it including multiple departments, Community Planning Department, Community Development Department and Public Works Department as well as our Prosecuting Attorney's Office.

During that time we talked about that 21-day review and if that is a substantial amount of time for us to complete our cursory review, all of the departments at that time agreed that 21 days is a sufficient amount of time to reply for the cursory review.

BARCA: Okay. I'm not challenging the number of days, I'm challenging the way we're describing the days.

SWINDELL: I would just, can I just throw in this thought, I think I'm with you on this in that thought of December 9th I'm going to bring you this, December 9th, you've got 21 days, how many people are taking vacation between Christmas and New Year's, are you going to be able to get that done?

I just, I don't -- I would hate to see us put something in here and then not be able to perform because, I don't know, maybe the developers are thinking, hey, I'll bring it in December 12th, you get 21-calendar days, people are on vacation, not a whole lot of people are going to look at it, I'm going to get a quick review, I'm just throwing it out there as a thought.

COOK: For the record Chris Cook, Senior Deputy Prosecuting Attorney. When we talked about the cursory review it's to be what in law school we called issue spotting. So you get a fact pattern on a law school exam, you know, you read a one and a half page preposterous story and then you have to think about every single legal issue that might be implicated by it and then you have to write a brilliant articulate essay and you have to do that in 20 minutes and what the professor really wants to see is that you have spotted every potential legal issue that there isn't one, oh, they should have done an environmental impact statement here or, you know, and you didn't even think of that, ooh, bad.

That's the level of review that I think we are talking about here. So that Public Works can look at it and determine whether for example an improvement is on the TIP, it doesn't take a long time to do that, you know. Will the TIP have to be amended to encompass this, oh, sorry, we don't have any funding for this project. With Community Development, well, they say they want a PUD, a Planned Unit Development, but they haven't presented anything at all about Public Unit Development, so it's kind of hard to evaluate that. That's the level of response that we're talking about with community planning.

They're asking to do something for which this property is not designated or they are asking to do something for which it's designated, so there's not an issue in terms of compliance with the comprehensive plan. So it's supposed to be a very, very broad brush review that will give the Councilors when they take a look at it just some ideas about whether staff and three departments are going to spend a year on it or whether it's going to be a relatively simple proposal that just one department might have to deal with whether it implicates major policies or not.

So that's its purpose. Its purpose is not, it's different from a law school exam in that if we don't find an issue, we still get to revisit it in the negotiation process, but the idea is to give as I say a broad brush view to the Council so that the Council can make an informed decision about what policies are implicated whether it's in the County's interest to go forward and then so that the County Manager can assign it appropriately and ensure that it's staffed appropriately.

SWINDELL: So just as a, as you're talking about that, it sounds like someone could bring in an application and then you could possibly be in the middle of the review and go, wait a minute, we don't have enough information here to even move forward and kick it back to the applicant and say, hey, you've got to do this and if that happens then that time frame starts over again, correct, until they get it right?

HERMEN: Or address that with County Council and say this is a big piece of the development agreement that's missing that will need to be negotiated, if you feel like this is as important of a piece that's missing and don't want to negotiate, that's your decision to make.

SWINDELL: Okay. That makes sense. Okay.

COOK: Yeah. Council can deny it at that point.

SWINDELL: Okay. And just as a, just a quick one let's say, and I know everybody's saying they can do it in 21 days, it's an arbitrary number, if it goes to 23 or 26, there's no fine, there's no, oh, we're going to give you ten percent off on your application fee because we went over it, right, there's no penalty or do you know what I mean? Does that make sense?

HERMEN: Yeah. And the intent of the 21 days is, well, typically people take two weeks

vacation at that time, at that Christmas time, 21 days is beyond that two-week vacation but it still maximizes the efficiency of the development agreement to move forward. What we don't want to do is we don't want that cursory review period to be a large amount of period to where a lot of resources are going into a development agreement that may not be moved forward.

SWINDELL: That makes sense to me, that makes sense.

BARCA: So, Chris, I need to ask, in your analogy, who was the professor, is the professor the County Manager or is the professor the Councilors because you kind of lost me on who's going to actually know that staff made a mistake and forgot something?

COOK: Oh, staff will.

BARCA: Staff will. So staff is --

COOK: When it comes to negotiating the agreement, if you look at the draft code, the manager assigns responsibility for that negotiation to a particular department which takes the lead and involves all the other affected departments, but once there is a piece of paper that has, you know, the actual development agreement itself and all the provisions of it and you have people who are supposed to take more than a half a day over a holiday break to look at it, I guarantee you things will, things will come up, and if you doubt me, I'll have a conversation with you about the number of changes that were made to development agreement drafts in the 24 hours before they were all posted after they had been under negotiation for many months, things will be seen.

BARCA: Yeah. But that isn't how we want to do business, that isn't how we want to proceed which is why we drafted this --

COOK: Right.

BARCA: -- flowchart here --

COOK: Right.

BARCA: -- so we could streamline and rectify some of the shortcomings.

COOK: Commissioner Barca, perfection is not to be found here. You know, staff will do their best at spotting everything that they can that makes a difference. Just in my experience in negotiating transactions and in looking at the way views change about developments, and sometimes the developments themselves change, there will be changes, but this is it's a process --

HERMEN: Process.

BARCA: Yeah.

COOK: -- and we don't have one now.

BARCA: Right. Which the reason we're bringing a process forward is to try and streamline and remove some of the errors of the past that have been noticeable I imagine. This is somewhat of a service level agreement that we are doing with the development community as well.

And so I think in that regard they want to get it right, we want to get it right because time is money and everybody wants to manage their resources, our staff time and the developers time to the best of their ability, what I see going forward in the draft amendment isn't. Well, let me rephrase that.

I'm having a little trouble putting the flowchart together and follow the draft amendment and see all the steps in it. I think when we talk to people who aren't familiar with this and we're going to show this, it would be nice to be able to show where in the draft amendment those particular boxes occur. It would be just simplifying it I think in that regard, that's certainly something that we in the private sector would expect to see that there's a tie between the guidance document which I believe is the ordinance and the flowchart.

So I don't have a problem with any of this. I'm happy that we're taking the time to document what we want to do and make it transparent, I think that's great. The questions we're asking though I think are questions that the public or the development community should be aware of.

You're saying 21 days in a calendar format is still fine because it's actually very adequate for the level of review that's going to take place. Okay. We'll accept that. I think if that's the agreement, then that's the agreement. What we don't want to do is tell people it's going to be 21 days and then find out of course that it's going to run much longer.

So our questions are only to the idea to ensure that the word of this development agreement as we're putting it in the flowchart can actually be managed without crushing the resources available, that's all.

JOHNSON: Questions? Okay. To the public. Mr. Stephen Crockford, do you wish to testify?

CROCKFORD: Do you have a preference on where I sit?

BARCA: By a microphone.

PUBLIC TESTIMONY

CROCKFORD: Okay. First of all, thank you for being here tonight, I know there's other things you could be doing and you're volunteering to be here and so I appreciate that. I just have two points of clarification. First of all on this -- excuse me.

BARCA: Start with your name and spelling, please.

CROCKFORD: Oh, I'm sorry. My name is Stephen Crockford, my last name is spelled C-r-o-c-k-f-o-r-d.

JOHNSON: Continue, Mr. Crockford.

CROCKFORD: Pardon?

JOHNSON: Go ahead.

CROCKFORD: Continue. Thank you. If I'm going too fast, just slow me down. Point of clarification on this front page it says at the bottom of the first paragraph, it says once made, referring to the DA, Development Agreement, "once made they are binding on the parties and their successors." So is that successor meaning my children, so if I develop my property in a certain way then my children are bound to that as well?

HERMEN: I'm sorry, I don't know what document you're looking at.

CROCKFORD: Oh, I'm sorry. This document that was at the back that gives the definition, it's Clark County Washington Community Planning document. I can give you a copy if you'd like.

HERMEN: No, that's fine. So you're referring to the staff report and the development agreements once they are agreed to by the property owner and the County they do run with the land and they are based on the land, if the ownership changes they still stay with the land.

CROCKFORD: They still stay with the land.

HERMEN: Correct.

CROCKFORD: Okay. So it is binding. Okay. And it's binding with the County as well?

HERMEN: Yes.

CROCKFORD: Okay. Great. Then the other thing, and please forgive me, I'm a simple man, two paragraphs down from that the final statement says, "The absence of codified procedures

introduces uncertainty into the establishment of DA's," can you explain to me what codified.

HERMEN: Yeah. So right now we don't have any procedures. We have the Clark County Code where our rules and regulations lie. So when we say code we also say codified a way of making it, making law. So because we don't have any procedures that are in County Code, we have uncertainty that goes with it when a development agreement is proposed.

CROCKFORD: Gotcha. Right. And that's the reason for my presence here tonight. Presently I have five acres that I've owned since 1992, lived on it since 1995. I've had two or three weddings in my backyard for friends, family, my daughter was married there and so my wife and I wanted to develop it into a place where people could come and have weddings or 50th wedding anniversaries or class reunions and what I was told by the County is that unless I'm a winery, I'm not allowed to have events on my property and so that's why I'm here tonight. I would like to see this agreement and established so that I don't have to become a winery to have events or have family picnics at my property.

COOK: Sir, this won't allow you to agree to do things that are not permitted by the comprehensive plan.

CROCKFORD: So how do we go about changing that comprehensive plan that only allows events to take place on a winery?

COOK: What is your plan designation?

ANDERSON: What's your zoning?

CROCKFORD: My zoning is R-5, rural.

COOK: Mr. Chair, do we want to go into this at this meeting?

CROCKFORD: I was here --

COOK: This is about development agreements.

JOHNSON: No. No, I understand that.

CROCKFORD: I was misled.

JOHNSON: No. No, I understand. I think the best thing to do in this and this we kind of walk people through this is to start with we're on development agreements which we're trying to get through, but your questions are valid, but I think what we do is get him to staff and staff will get you in the right direction.

And so all we're doing today on this issue is trying to find a way to do some work that is procedurally straight, not -- we're not doing anything specific, we're just creating this, I don't want to say for a better word a framework, but it's not, but I don't want to diminish your questions and so I think the best thing is really after we're done, just get your name and we'll point you in the right direction.

CROCKFORD: So the development agreement is simply an agreement --

JOHNSON: Right.

CROCKFORD: -- moving forward.

JOHNSON: So a lot of times you have someone that comes in and says, hey, look, you know, we want to do this and the County says, okay, you can do this but we want to negotiate what's happening here lots of things, sidewalks, streets, whatever, and in the end that is usually done in a, for a better term an informal, now we're looking at a process, just to go through these to how we create these developer agreements and we haven't had one, and so some things we're talking about and, Counsel, correct me if I'm going off the reservation here, but basically we're just trying to get this is a simple thing, it's not specific to what you're doing

CROCKFORD: Okay. Thank you.

JOHNSON: Any more questions for Mr. Crockford? Don't forget to give your name to them because really they are good people about figuring it out because --

CROCKFORD: So let's go to Dairy Queen.

JOHNSON: Okay. And there's nobody else in the audience that would like to speak to this issue? With that said, bring it back to us.

TORRES: I had one question, on Page 4 of your presentation, so is this the exhaustive list of development agreements over the last three years?

HERMEN: No. So you recently reviewed development agreements associated with the urban holding area at 179th for the Holt property, the Hinton property and the Wollam property.

TORRES: I was curious like over the last three years, how many have been negotiated or just as a work, I'm trying to get an idea of workload?

HERMEN: Yeah. So typically we see I would say three to five a year.

COOK: And the workload is really variable depending on what --

TORRES: They're asking for.

COOK: -- the nature of the DA is, you know, you get one that's basically we want to extend a development approval and move a street here and then you get stuff like 179th which involves, you know, tens of millions of dollars of financing.

TORRES: There's a broad spectrum of what they can entail.

COOK: And other questions. So the staff time is as I say variable. The departments that seem to spend the most time on it I'd say are Community Development is probably the department that deals most with them and Public Works and the PA's Office seems to be involved no matter which department has it and then if you have a comp plan change Planning is involved as well.

TORRES: Well, I imagine that variable scope also goes back to the level of ambiguity for each application, right, ambiguity of the process?

COOK: Well, the development agreements themselves are pretty darn specific, so one of the objectives here I think is for the developers who are applying to be specific early and to, you know, somebody said both sides are serious on this, so let's be serious early, let's get it to the right people and let's talk about what we can do.

TORRES: Okay. Thank you.

BARCA: Just a point of clarification, these development agreements that are shown here, these have links to them.

HERMEN: Yes. Yes, these do have hyperlinks to them. This and this presentation is on the Planning Commissions' website.

BARCA: Yeah. So here's what I was going to say about that, Matt, was I found it helpful looking at some of this, but at the public hearing before the Councilors it might be worthwhile to just kind of open a couple of these and show the varied nature of the development agreements because I think as we've just discussed, we have some that are pretty compact and seem relatively normal and then we have the ability to have some that are hundreds of millions of dollars and have so many moving parts, the nature of controlling both of those now would be fit within a process and I think that's, you know, that's kind of where we're trying to drive this to, so it's just a suggestion.

HERMEN: No, I appreciate it. On May 29th we held a work session with the County Council

which the County Council gave us the authorization to proceed with your review on this. This presentation was similar to the one that we gave County Council at that time and we did go through each one of those development agreements through those hyperlinks to show them what specifically they or the elected officials before them approved.

BARCA: All right. Great.

COOK: What's interesting in the wild wild west now is that although the County Council has to approve, and that's by State law, the County legislative authority has to approve a development agreement in the first place, the DA doesn't have to be amended with the approval of the County Council, and I know at least one of those has been amended once, maybe twice, they go to the hearings examiner rather than the County Council.

I think this ordinance would put the adoption and the amendment in the hands of, both in the hands of the County Council, we think that the body that has decided that this is good policy and why should be the body that then decides whether a proposed change fits that policy.

SWINDELL: I would agree with that.

JOHNSON: Any other questions? Any other discussion? I would be open to a motion.

BARCA: I'd like to make a **MOTION** to approve CPZ2019-00029 as documented in the staff report.

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

JOHNSON: Motion has been heard and seconded. Roll call, please.

ROLL CALL VOTE

SWINDELL: AYE

TORRES: AYE

BARCA: AYE

JOHNSON: AYE

JOHNSON: Motion passes 4/0.

OLD BUSINESS

None.

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/>

*Minutes Transcribed by: Cindy Holley, Court Reporter/Rider & Associates, Inc.
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