



Clark County Planning Commission

Steve Morasch, Chair
Ron Barca, Vice Chair
Bill Wright
Karl Johnson
Richard Bender
Matt Swindell
Robin Grimwade

PLANNING COMMISSION MINUTES THURSDAY, JULY 19, 2018

Public Services Center
BOCC Hearing Room, 6th Floor
1300 Franklin Street
Vancouver, Washington

6:30 p.m.

CALL TO ORDER & ROLL CALL

MORASCH: All right. Good evening and welcome to the July 19, 2018, Planning Commission hearing. Sonja, can we have a roll call, please.

WRIGHT: HERE
BARCA: HERE
SWINDELL: HERE
JOHNSON: ABSENT
GRIMWADE: HERE
BENDER: HERE
MORASCH: HERE

GENERAL & NEW BUSINESS

A. Approval of Agenda for July 19, 2018

MORASCH: All right. Thank you. With that, we'll move on to the general and new business. Approval of the agenda. Can I get a motion to approve the agenda.

GRIMWADE: Move a **MOTION** to approve the agenda.

WRIGHT: **Second.**

MORASCH: It's been moved and seconded to approve the agenda. All in favor say aye.

EVERYBODY: AYE

B. Approval of Minutes for June 21, 2018

MORASCH: Opposed? All right. Motion carries. Has everyone had a chance to review the minutes from the June 21, 2018, meeting? And if so, I would take a motion to approve the minutes.

BARCA: **MOTION** to approve the minutes as written.

BENDER: **Second.**

MORASCH: It's been moved and seconded. Any discussion on the motion? Hearing none, all in favor say aye.

EVERYBODY: AYE

C. Communications from the Public

MORASCH: Opposed? All right. The minutes have been approved. That brings us to the communications from the public. So this is the time on our agenda where we take communications from the public on any matter that is not on our agenda for tonight.

MORASCH: Is there anyone who wants to speak to the Planning Commission on a matter that is not on the agenda? Okay. Seeing no one coming forward, that brings us to our public hearing items and we have one, one public hearing item for this evening.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION

2018 Annual Reviews and Dockets amending the 20-Year Growth Management Comprehensive Plan Text and Map, Zone Map, and Clark County Code (Title 40):

CPZ2018-00014 Proebstel Rural Center– A proposal to amend the comprehensive plan and zoning from Rural-5 (R-5) to Rural Center Residential with RC-1, RC-2.5 zoning and Rural Commercial with CR-2 zoning.

Staff Contact: Matt Hermen, matt.hermen@clark.wa.gov or (564) 397-4343.

MORASCH: The 2018 Annual Review and Docket amendment amending the 20-Year Growth Management Comprehensive Plan Text, Map, Zone Map and Clark County Code (Title 40): CPZ2018-00014, Proebstel Rural Center - A proposal to amend the comprehensive plan and zoning from Rural-5 to Rural Center Residential with RC-1, RC-2.5 zoning and Rural Commercial

with CR-2 zoning.

And before I turn it over to Matt Hermen for the staff report, I'll ask, does anyone on the Planning Commission have any conflict of interest to disclose on this matter? All right. Seeing none, I will ask Mr. Hermen if you're ready to give the staff report?

HERMEN: Mr. Chair, I believe my director, Oliver Orjiako, is going to start off.

MORASCH: All right. Very good. Oliver.

ORJIAKO: Yeah. Good evening, Planning Commission members. For the record, Oliver Orjiako, Community Planning Director. I just have a very brief remark to make and then Matt Hermen will be giving the staff report recommendation for the Council -- for the Planning Commission to consider.

Briefly, this is a proposal to consider the Proebstel area as a rural center. The petition to consider this request was submitted in 2014. And if the Planning Commission recall, at that time the County was engaged in the general plan update and the Board at the time suspended the annual review and docket and ask staff to focus on the general plan update.

Since then, as you'll recall, the 2016 general plan update was adopted in July of 2016, if you will, and in addition to that, there was additional change made to the plan policy as well as code language which the Planning Commission participated in whether expansion of a rural center should come -- should be reviewed as an annual review or as a docket. That change was granted by the Council at their request so here we are.

What we are really looking at is in reviewing the request following the criteria that is in the RCW, Revised Code of Washington, and also Washington Administrative Code or Washington -- so we are reviewing the request based on those criteria as well as the criteria that is in our comp plan and the criteria to review such a request.

I will also add - and this is the case - it is a County initiated action through the docket process, and reviewing an item on the docket process doesn't necessarily mean, even though it's initiated by the County, item on the docket doesn't necessarily mean approval even though we're reviewing it.

We still have to review it based on the criteria laid out in code and in policy, and upon that review make a recommendation to the Planning Commission for your consideration and that's what we've done here.

Matt will go over the staff report and the criteria which we reviewed this particular request. The reason I'm bringing that up is that you have 2014 and here we are, but look at what have

happened since then. So I will turn it over to Matt. I'm here also to answer questions. We have our legal counsel also in the audience if there are questions that come, arise that she will answer, I'm certainly sure that she will. So I will turn it over to Matt. I just wanted to give you that brief background.

HERMEN: Good evening, Planning Commissioners. My name is Matt Hermen, I'm a planner with Clark County Community Planning.

Tonight you'll be reviewing and forwarding a recommendation to the Clark County Council regarding the proposed rural center designation for the Proebstel rural area.

During my presentation I will present the history of rural centers in Clark County, the criteria we use to evaluate the new rural centers, the 2014 petition as Oliver mentioned, staff's evaluation and finally our recommendation. This hearing tonight has been properly noticed and all applicable SEPA or State Environmental Protection Act requirements have been processed.

So throughout my presentation I have a series of maps. The first one is in regard to Clark County's (inaudible) history of rural centers. There is detailed information in your staff report in the Background that talks about rural center designation from the 1994 comp plan till today, but during that process, there were 31 rural centers that were evaluated.

In 1998, a task force was commissioned by the, at that time Clark County Commissioners, and that task force studied the establishment of rural centers in Clark County. In 1998, the Board or the County Commissioners approved the adoption of six rural centers, they include Chelatchie Prairie, Amboy, Dollars Corner, Meadow Glade, Hockinson and Amboy. In 2000, Fargher Lake was added as a rural center and so today we have seven rural centers.

As Oliver mentioned, in 2014 we received the petition to establish Proebstel as a rural center. This petition included 22 properties. Those properties are shown in blue on this map.

We then began to look at the criteria that was required in order to establish a rural center. There are many criteria, but focusing on two main requirements in this proposal; first, rural centers must be isolated areas of more intense rural development; and, secondly, rural centers must establish logical outer boundaries.

Not only in the Growth Management Act but also in Clark County Policy, we have criteria that require an area proposed as a rural center to have existed as of July 1st, 1990, identifiable by pre-existing small lot development patterns, natural features and boundaries and access to arterials. So in processing this petition, staff went through its analysis.

This map here was shown to you at your work session, it was also presented to you tonight, this shows the petition properties in blue with the dotted, with the blue dots.

We then in order to identify small lot development, we used current Clark County zoning of rural residential inside rural centers 2.5 acres to establish a minimum threshold. The properties that you see in red are those that are below that 2.5-acre threshold as well as have, they had structures on them prior to that 1990 date, July 1st, 1990.

So in our analysis we found that there were several small lot developments that would be needed to be included in this proposal in order to proceed. So we proposed the expansion of this area here in the proposal in order to include those intense small lot developments.

At that time, we went forward with a public open house where we wanted to get, we wanted to hear from those property owners on whether they are supportive or opposed to that expanded proposed boundary. We also did individual mailings to those property owners to find out their views.

The information that we got back was this. You'll see in the blue those property owners that are supportive of the rural center, those in red that are opposed to it, and those shown inside the orange proposed boundary but with no color as having no response. You'll also see one petitioner that was included in the 2014 petition but has since switched to being opposed to the rural center designation.

So this represents -- I will show it, I can't see it -- this rural center here does not meet the 60-percent threshold that you'll see in the staff report regarding the establishment of the rural center in this expanded area.

Therefore, the proposal that you'll see tonight regards the initial petition that was turned in in 2014 without that expanded area. The proposed zoning that you're seeing here tonight is based on existing uses that are in there, in the, on the property. And with that, I want to present my staff recommendation.

Based on the criteria for consistency with the Growth Management Act, the Countywide Planning Policies, the Community Framework Plan and the Comprehensive Plan Policies, staff finds that it does not meet that criterion.

We also find that it does not meet the criterion for Criteria B, C, D and F, therefore, we are recommending denial of the proposed rural center in Proebstel.

Alternatively, we recognize that there are existing uses in this boundary that existed prior to 1990 and we recommend that the Planning Commission could consider a recommendation designating those existing uses that are commercial as Rural Commercial 1 or RC-1 outside of the rural center. With that, I'm open to any questions.

MORASCH: I have a question on the last slide, the last slide you had a pie chart and it looks like owner support but I'm looking at the map and it looks like it's mostly blue but on the pie chart it looks like it's mostly red. Can you explain what that means.

HERMEN: Sure. So there's 44 parcels included in this expanded area, most of the parcels are along this 65th Street, so of those we did not receive response from a majority of those property owners, therefore, with the no response we processed them as not favorable.

MORASCH: Okay. So the red, the red in the pie chart includes people that just didn't respond.

HERMEN: Correct. So Criteria H in your Page 14 of the staff report reads: "Before the county considers establishing a new rural center, the proponent(s) shall submit to the county a petition signed by at least sixty percent (60%)." So since the no response are not proponents, we considered them not in that equation.

MORASCH: Okay. Thank you. Any other questions for staff?

WRIGHT: Matt, I'd like to follow up on your conclusion about an alternative that might acknowledge some of the previous use issues and codify that with a zone change, is that appropriate at, based on what we're having in front of us today?

ORJIAKO: I will say, yes. We, the County's reviewing this proposal and have done all the necessary work required, SEPA notice, public open house and created a website, therefore, as part of this you could indeed consider that alternative. That is not unusual if you look at some other areas throughout the county.

I can and Matt can put that map starting with the background, if you look at Duluth which I'm sure you know where that is, that is also when we looked at the effort that was done through the task force, they came back and recommended some of those area that doesn't meet the criteria for designating them as a rural center that they be recognized as a commercial outside of a rural center, so we've done the work, you could make that recommendation to the Council.

HERMEN: And I could expand on Dr. Orjiako's talk. 16 of those 31 initial rural centers that were evaluated are not an existing rural center and are not inside a current urban growth area. Of those 16, 5 of those have rural commercial designations.

WRIGHT: Thank you.

MORASCH: Any other questions? All right. Well, in that case, we shall open it up to the public for the public hearing and the public testimony and I'm going to go over the procedures.

We'll begin with the staff report which we just heard. I'm now going to open the hearing for

testimony. Members of the audience who wish to testify need to sign in at the sheets at the back of the room, and I've got, many of you already have, but if there's anyone else that wants to testify, I think there should be another sheet.

When I call your name, please come to the front of the room and to the table and you'll state your name and then spell your name for the court reporter. Testimony on the matter will be limited to three minutes a person.

Your testimony should be related to the applicable standards for this hearing item and those standards are listed in the staff report that should be available in the back of the room and Mr. Hermen just went through them briefly, but please try to relate your testimony to those standards because that's what we're going to be basing our decision on here tonight.

If you have any exhibits you wish us to consider such as a written copy of your testimony, photographs, petitions, other documents or physical evidence, please hand it to staff and they can include it in the record, and we can also consider it in part of our deliberations.

And then when everyone's had a chance to talk, I will then close the public testimony portion of the hearing and the Planning Commission will deliberate and may ask staff to answer questions or make rebuttals.

We will then take a vote. Our vote is just a recommendation. Our recommendation will be forwarded to the Board of County Councilors who have the final decision-making authority on this matter.

So with that, I will open the public testimony, and the first person who signed up is Elizabeth Hofmann-Hicks.

PUBLIC TESTIMONY

HOFMANN-HICKS: No.

MORASCH: You don't wish to testify?

HOFMANN-HICKS: No.

MORASCH: Okay. John Breuer.

BREUER: Good evening, Commissioners. My name is John Breuer, B-r-e-u-e-r. I live on N.E. 53rd Street, have since 1994 and I drive that stretch of road at least once a day, sometimes more often if I don't plan well, and I can tell you that in that time I've seen the population of east Clark County, unincorporated east Clark County at least double, so I've seen the traffic on

that road at least double and with no mitigation.
Nobody plans to do any traffic mitigation here at all.

There are two problems with this in terms of impact and they're the end points. The intersection at 162nd Avenue and 58th, I've personally been rear-ended at that intersection.

The T where 199th comes into 58th is already a failed intersection. I see bad go, no go decisions there every day and, you know, we were told by WSDOT that they're not going to mitigate because nobody's died yet, there's no body count yet. Well, there's going to be. And, in fact, there was a mining truck accident at that intersection just recently where the mining truck left the road to miss a motorist who's impatient.

I think the problem there is partly that there's a perception, you know, we have a problem perceiving close rate from the periphery, but another problem is when you're fifth in line waiting to get on to 58th from 199th and it's taken a minute or two minutes every single car and you've been sitting there that long, you just get impatient, you say that guy's going to have to slow down for me I'm going. Okay.

This is all before the impact of 400 new homes at Green Mountain which are going to use that road to access Orchards, and there's another development east of that that's not approved yet but probably will be, so we got another 1500 trips on that road, no mitigation. At some point, you know, development has to wait for some more infrastructure and I haven't seen that happen in over 20 years. So I just hope you would consider that in your decision. Thank you.

MORASCH: All right. Thank you. Any questions? All right. Thank you. Carol Levanen.

LEVANEN: Carol Levanen for Clark County Citizens United. I have here in my hand the Growth Management Act which the LAMIRDs, what we call LAMIRDs, limited areas of development what you also call rural centers and I'm going to read what it says under the GMA.

Limited areas of more intensive rural development. Subject to the requirements of this subsection and except otherwise specifically provided in this subsection, the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited areas as follows: Rural development consisting of the in-fill, development, or redevelopment of existing commercial, industrial, residential, or mixed use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

A commercial, industrial, residential, shoreline, or mixed use area shall be subject to the requirements of this subsection. Any development or redevelopment other than an industrial area or an industrial use for the mixed-use area must be principally designed to serve the existing and projected rural population.

Clark County Citizens United was in the court in 1994. We won against taking all the rural, the rural centers out of the comprehensive plan, there were 31 of them. The court ruled they had to bring them back, all of them, but only 5 or 6 were brought back.

So the rural centers protect the rural people with commercial-type development that serves these rural communities. They're protected from being included in urban growth boundaries, they're protected from being included in city limits, they're protected from high density. These densities are only at the most an acre and most of them are two and a half and most everything in a rural center like this as you see are not large, are not small parcels, they're not high density.

And now as the cities are directed to put far more high density into their urban areas, this the rural centers are even more critical for rural people because it protects them from this high density development because that's in the rural element of the Growth Management Act. And these limited areas or these rural centers are part of the rural element of the Growth Management Act and they're not in the urban element.

So if these lands, if you don't approve this rural center and these lands go into the urban growth boundaries and into the city limits, then high density is really the name of the game for these cities right now.

So I don't know if the folks that are opposed to it want high density or if what they want is low density, but we as rural representatives, we encourage these centers because they do serve their rural community and enables rural people to have these services and yet live a rural life.

So, you know, we understand people's concerns, it looks bad, it sounds bad and to us we had to really research again and see why are people opposed to this. But we are encouraging the Commissioners or Councilors rather to include and put back all of the rural centers that were taken out because the court ordered them to do that and they didn't.

But in addition, the County has just voted to have that section of road that I think 182nd Avenue, they just put it on a priority list to do the repair that needs to be done for those roads because that was a major issue with the people, so that was just put on the TIF just recently. Thank you.

MORASCH: All right. Thank you. Any questions? All right. Thank you. Jeanne Kojis.

KOJIS: Hi. My name is Jeanne Kojis, K-o-j-i-s, and for almost the past 30 years we've lived out kind of on the way to Camp Bonneville, I figure that's the best, you must know where that is. So getting on to Fourth Plain from 182nd is really our major way to get into town. Sometimes we go the other way and come out on Fourth Plain down at the end where it turns and it's not really rural out there anymore.

I mean, when we moved out there, we had to convince people who were coming to visit that they really didn't need to pack a lunch, that we really were close in, and there is less than a mile distance from 182nd to the intersection of Fourth Plain and 164th Street where there are major developments and more things going in. There is no access, no lack of access to resources, grocery stores, other things that people would need out there.

And the real problem is going to be if there is more development along that stretch of road, it's there just is no way that that road can accommodate with that with both the developments that are along 182nd and 83rd and then the developments out near Green Mountain. So it's just a matter of what's rural and declaring something rural center isn't actually going to make that area rural again.

In fact, I just think it's going to be very challenging for people out there, especially since the State doesn't have any plans to change that road. And if, and when they do, that's going to gum up things even more, so... Just a math in traffic problem is what we see, so... Thanks for your consideration.

MORASCH: All right. Thank you. Any questions? All right. Thank you. And John Kojis, did you want to talk also?

KOJIS: No, that's all right.

MORASCH: All right. Thank you. Ann Shaw.

SHAW: No.

MORASCH: No talking. Okay. Mike - Zelda Opoka.

OPOKA: No thanks.

MORASCH: All right. Kirk VanGelder

VANGELDER. Yes. Thank you. My name is Kirk VanGelder, V-a-n-G-e-l-d-e-r. I reside at 22320 N.E. 68th Street within a mile of the proposed rural center, but I am one of the co-presidents for the Proebstel Neighborhood Association and am speaking on their behalf tonight which is the largest neighborhood association in the county.

Dear Planning Commission, first, the PNA supports the concept of rural centers in general, they make a lot of sense when they meet the requirements. Regarding the Proebstel rural center, the PNA fully supports staff's recommendation of denial for the same reasons that they've presented tonight. As you may imagine, we have a few more reasons as to why you should also deny.

First, we do take exception to the staff's determination that meeting Goal 11 of the GMA which states encourage the involvement of citizens in the planning process was not met. While we are a relatively new neighborhood association, we were never notified about the PRC proposal. We only found out about it by happen chance one week before the June 11th informational meeting and subsequently we know of no one outside the proposed PRC boundary that was notified.

So we want you to know that the PNA would really prefer to be collaborative on these kinds of proposals rather than to have to be reactive. So please involve us. For now, we submit to you that Goal 11 was not attained.

Two, the proposed PRC fails to meet the standard outlined in RC Policy 3.3.6, an area proposed as a rural center is identifiable by pre-existing small lot development patterns and as presented the proposed area is zoned R-5 currently.

At the June 21st meeting it was mentioned that the proposed PRC properties currently average 5.4 acres. So clearly the PRC does not meet the pre-existing small lot development patterns. On this issue alone, the PRC should be denied, but we're not finished yet.

Three, the PRC fails to meet the standard outlined in Policy 1.1.14, rural centers are outside an urban growth and reserve areas and provide public and commercial facilities to support rural lifestyles. This should fail on two reasons.

So first, as submitted by the staff, you can see that the blue PRC is within about a couple hundred yards of the urban growth area on one side and the City of Camas on the other. So we are, you know, technically rural, but it's right there on the edge of the urban growth center.

Secondly, as has been mentioned before, within a half mile are all kinds of commercial opportunities that we currently use and the proposed uses are would not benefit us much. Within one mile we also have further ones with even three retail buildings with 30 plus services. So there's a lot of commercial opportunities already there that would not benefit us.

Four, this is only a few of our concerns, others will share some more, but, lastly, since we do represent all neighbors in the association including the petitioners, we do agree with the staff that it may be appropriate to rezone existing commercial use properties so their zoning matches their use.

So we would support rezoning to CR those lots with existing business activities for continuation of those businesses at their existing lot sizes. We cannot support reduced parcel size, sizes or open-ended commercial uses until the nearby roads and intersections are significantly upgraded. Thank you.

MORASCH: All right. Thank you. Any questions? All right. Thank you very much. Erin Allee.

ALLEE: For the record, my name is Erin Allee, A double l, double e. I'm also with the Proebstel Neighborhood Association and our board serves to promote the common interest and welfare of all of our neighbors by promoting our neighborhoods livability and quality of life.

The board supports the County staff recommendation of a denial on the rural center. Countywide Planning Policy 1.1.14 states rural centers are to allow for commercial activities located at a crossroads to provide rural residents with an opportunity to meet many of their daily needs without going into one of the cities.

Commercial uses to be encouraged in rural centers include post offices, veterinarian clinics, day-cares, schools, small medical practices, shopping services and housing opportunities compatible with surrounding roads and utilities. These in turn reinforce the rural centers character and distinct sense of community.

Conceptually, rural centers are a great idea. They promote a community that provide a community gathering point services and a tax base for the rural community at large without forcing folks to go into the urban growth areas for services.

However, in the case of Proebstel, a rural center designation is severely misguided, and if approved, threatens the integrity of existing rural centers and sets a new precedent on future rural center designations.

The proposal is located adjacent to the urban growth boundary and within a half a mile of existing high density commercial services. It appears to be a misuse of the rural center designation serving only to unfairly enrich a few petitioners who may subdivide and commercialize under this designation rather than the rural community as a whole.

Simply put, we already get our milk from the Creekside Market and adjacent grocery stores. Any additional rural services offered by this proposal would be overshadowed by nearby existing commercial services and would fail in its attempt to provide job growth, tax base to support schools and rural and resource needs for the rural community.

In our neighborhood association meeting we hosted numerous County and State officials to address the failing road conditions within the Proebstel rural center boundaries and throughout our neighborhoods. Local and State officials briefed our neighbors about the need to address long overdue road improvements, but stated funding for any preliminary road planning is more than a decade away while current and proposed residential development is already outstripping infrastructure requirements.

This proposal serves no rural need given adjacent existing dense commercial development. It

would seriously exacerbate road safety, offers no traffic improvement fees and it would encourage poorly designed urban sprawl.

I don't know how many of you have visited the Proebstel area, but you really should if you haven't. It's stunningly gorgeous. From the rolling foothills in the west to the mountainous region of Livingston, our neighborhood provides Clark County with a substantive and sustainable tax base if we protect it.

Because of its proximity to the urban growth boundary, our neighborhood requires a comprehensive traffic plan designed to compensate for urban growth while also maintaining the rural character. This is not an impossible task but it does require vision and a collaborative planning approach, that's an approach we wholeheartedly embrace. Thank you.

MORASCH: All right. Thank you. Any questions? Okay. Thank you. Next we have David Askren.

ASKREN: Pass.

MORASCH: Okay. Cathy Askren.

ASKREN: Pass.

MORASCH: Pass. Okay. Tyler McCullough.

MCCULLOUGH: I'm going to pass, but (inaudible).

MORASCH: You support what the other people just said, okay, but you're going to pass. Okay. Thank you. Robert Rodgers.

RODGERS: Pass.

MORASCH: Pass. Ryan Seekins.

SEEKINS: Pass.

MORASCH: Pass. Windy McCullough.

MCCULLOUGH: I'm going to pass.

MORASCH: Pass. Okay. Susan Rasmussen.

RASMUSSEN: Good evening, Commissioners. Susan Rasmussen for Clark County Citizens

United, and staff.

It's been 18 years since the county has designated a rural center. And I suggest you use an inclusive approach that includes all 14 GMA planning goals including private property rights.

In 1994, the County wrote the first comp plan under GMA planning. We won in the courts, that Superior Court No. 96-200080-2, Findings of Fact and Conclusions of Law and Order, Edwin Poyfair. His words, the result is a plan that gives little regard for the realities of existing rural development in direct contradiction of the terms of the GMA.

The remand went back to the Hearings Board with direction to enter a decision and accord with this order mandating County action to correct the violations of the GMA. Those violations included the elimination of all of Clark County's rural centers.

'97, the order of judgment was upheld by Judge Nichols, an ESB 90 -- 6094 was written. In March '99, the published opinion upheld the Court of Appeals decision. Staff mentions ESB 6094 in regards to Proebstel; however, the staff report contains little language regarding the full intent of the bill and the original 1997 Poyfair remand in context.

In recognizing the importance of resource-based industries and unique character of the rural lands, counties are to recognize the patterns of development that have historically evolved to serve the communities.

These rural activity centers help to preserve rural economies, traditional rural lifestyles, foster rural based employment opportunities and hence the rural sense of community and quality of life. Once again, 6094 is intended to increase deference to local decision-makers.

We have not had a LAMIRD designation since 2000. Back in '97 it was a herculean effort to oppose the '94 plan and CCCU raised \$260,000 to oppose the plan and to get the ruling to reinstate all LAMIRDs. Without that reinstatement, this creates a headache for businesses as it forces the owners to be permitted under the highly restrictive and outdated home occupation business ordinance. It makes them nonconforming. They are nonrural businesses operating in a rural area.

For example, Thurston County inventoried their LAMIRDs, documented their land use settlement patterns along with intensity of nearby land uses. The history of land development patterns permitted issued nearby. This work created the written record and allowed the county to show its work for all that pertains to its unique rural character as stated in 6094.

The court supported Thurston's efforts and Thurston has 63 designated rural centers. Clark County has 7. Thurston is the seventh smallest county, the sixth most populous; Clark is the fifth most populous. Thurston County farm gate totals \$122,423,000; Clark County's is

50,861,000. One-third of our work force must cross the river on a daily basis to work.

Other counties inventory both rural and urban business development, both are valued. By limiting the rural centers, the county is limiting rural economies opportunities and jobs without designations. The needs of the rural businesses aren't being addressed and linger as untapped opportunities, resources for good jobs and services for rural communities. There's a demand to evaluate their needs in order to support them in the changing economic climate. This area could be subject to high density urban very quickly.

I suggest that the rural center designation, a proper designation that involves a real intense on the ground evaluation of what's gone on, the history behind this area, that will preserve the culture and the lifestyle and the large parcels of one to two and a half acres in a designated rural center; otherwise, this has an opportunity to go to higher densities when it's developed by the City of Vancouver. Why not give that opportunity right now to those landowners and respect their property rights. Thank you for your work and your opportunity this evening.

MORASCH: All right. Thank you very much. Any questions? All right. Thank you. That concludes the people that have signed in. Is there anyone who didn't get a chance to sign in that wants to testify on this matter?

All right. Seeing no one coming forward, I will now close the public testimony portion of the hearing and return it to the Planning Commission for questions from, questions of staff after the, after the testimony.

RETURN TO PLANNING COMMISSION

WRIGHT: I had a question for Chris Cook. There's been a couple of allegations in testimony that when the County did not create any rural centers and were directed by the court, you know, remand to do so, that the County has again failed to meet the standard by only creating seven and I would like to know if there's ever been any further litigation on that matter or any opinions rendered that the County is not in conformance with GMA for not having more than seven rural centers.

COOK: Good evening, Commissioners. Chris Cook, Deputy Prosecuting Attorney. Commissioner, I disagree with the characterization of Judge Poyfair's remand. The County was not ordered to reinstate 31 LAMIRDS, it was ordered to, it was told that eliminating them had been improper without further work on it. The County did the further work and indicated that there were 6 at the time that complied with the criteria and so those 6 were established and later a 7th.

No, the establishment of 6 rural centers was not appealed. The nonestablishment of the other 25 rural centers was not appealed. There's never been any order or opinion or decision by any

agency or tribunal that says that that was not lawful.

WRIGHT: Thank you.

COOK: You're welcome.

MORASCH: All right. Thank you. Any other questions? Any deliberation?

BENDER: Yeah, there is. The WSDOT basically has put that SR-500 on a fast track of 20 years to take care of it. If anybody has driven that, they understand that the lanes are of minimum width and a great portion of it has no pullover shoulders.

There are currently two failed intersections and the one of 182nd and SR-500 is about to see 1200 more trips through that intersection within the next 18 months. They've already started development on Velvet Acres and also on Fifth Creek Plain third phase, and without that intersection being mitigated, it basically is going to be a accident prone zone resulting in death and potential suit to the County itself.

Put on top of that, the opening of Bonneville, 65 percent of the Vancouver visitors will travel that corridor turning probably on 186th Avenue making a left-hand turn into oncoming traffic, that should be considered also. It's just commonsense that more traffic on that road is not what the public needs, wants or should even tolerate.

The other aspect is that the blue areas want to be rezoned I believe as commercial and there are currently businesses in that area that operate and function under a grandfather clause. One must ask themselves the question then, why do they want to go commercial, because if they're rezoned, their tax bill will go to the highest use value significantly increasing their taxes.

Well, I have been told by two or three individuals that have already been approached by developers that they want to develop that. You could put anything in there from a Safeway store to a new car dealership, there's no restrictions whatsoever. If that was to happen, getting onto SR-500 as a commercial business would just exacerbate the whole problem that area incurs.

The other thing that bothers me is that the designation of a rural area, if this was to be approved, would set a precedence that would then challenge other rural areas either currently existing or wanting to exist. You're changing the rules of the game.

There's a document written by Proebstel Association, I don't know if you have read it, it's quite well done and it brings up questions of legality from SEPA problems to PCP problems to WAC problems and I've heard nothing that has addressed any of the issues brought up in this document and I think that needs to be done also.

So, with all of that in mind, I think this area, if it's going to become rural, needs to have some problems solved so if we do do it, it's done where the County is protected and the citizens are protected. So at this point I'm voting no.

MORASCH: All right. Anyone else?

BARCA: I think that I need to clarify a couple of things, Richard. It's my understanding that this is the proposal, and, Matt, will you validate, that this is the proposal that we're voting on? I just want to be clear about it for everybody.

HERMEN: So the alternative recommendation to designate those commercial uses is shown on this map. This map differs than that map with two properties, those properties are this property here and this property here.

The reason why that differs is because those two properties have home occupation permits associated with them meaning they have single-family residences on-site but operate a commercial business through a home occupational permit.

BARCA: So isn't this proposal that's on the screen the alternative proposal that you said we could possibly consider, but this is not the item in which the staff report denied?

HERMEN: Correct.

BARCA: Okay. I just really want to be clear on what when Richard said he's wanting to say no, I want to be clear is he saying no to this or is he saying no to this, and I'm not quite sure until I see the other map up here and get clarification from Richard on what he's saying no to. So could we --

BENDER: My understanding is the map that's now up on the board is the areas that want to be designated commercial.

ORJIAKO: The Planning Commission, if I may Planning Commission members, you're just having conversation and asking questions which we may be able to answer, you haven't even made a motion.

BARCA: That's correct.

ORJIAKO: So when you make a motion to accept staff, we could come back, the alternative recommendation, we could come back and clarify that. There are indeed existing commercial that we are asking that you could use instead of designating the Proebstel area as a rural center, consider alternatively recognizing those existing commercial as a rural commercial outside of a rural center similarly to what we've done in other areas throughout the county,

and when you get to that issue, we will be able to help you identify which properties.

BARCA: So that doesn't help me at the moment. Here's what I need in regard to this, we have a staff recommendation of denial and I believe the denial is this map.

ORJIAKO: For establishment of this area as a rural center.

BARCA: This proposal.

HERMEN: Correct.

ORJIAKO: Yes.

BARCA: So the previous map that just showed all CR-1 is completely separate from the staff recommendation of denial.

ORJIAKO: Yes.

BARCA: All right. Are we all on the same page with that?

MORASCH: I think so, yeah.

BARCA: All right. Good. Because it got a little out of hand for me. Okay. All right. And so then all the proposals that we've discussed, the only proponents that came forward this evening were not landowners in the Proebstel area. I didn't hear anybody from the neighborhood association as a proponent and I didn't hear any other landowners that may have been on a petition come forward. Okay. That helps clarify for me as well.

PUBLIC: Well, we're landowners on the petition. (Inaudible. Talking from the back of the room).

HOLLEY: I can't hear what you're saying.

BARCA: That's all right. What I'm getting at is from the testimony that was given while we were asking for testimony, the only proponents were not landowners in the questioned area, so we didn't get anybody. The neighborhood association gave us a pretty firm understanding that they were in agreement with the staff denial of this proposal, that was what I was trying to clarify.

MORASCH: I think there was some written testimony submitted though I saw that came through our e-mail from an engineer submitted a couple of pages, a couple page memorandum, in favor and I think he was representing some of the property owners. Matt,

can you --

HERMEN: Yeah.

MORASCH: I didn't see that in our packet here, but I remember reading it.

HERMEN: Tab 3 has the --

MORASCH: I believe that's correct.

HERMEN: Tab 3 has all of the public comment that we've received. There are several in here that are supportive of that rural center designation. I can point you to them quickly. There was -- Rodgers Engineering is the second to the last letter, it's dated July 16th, 2018.

MORASCH: And is he the one that was representing Andersen Dairy?

HERMEN: Yes.

BARCA: Yeah.

MORASCH: Okay. So that's the one I remember reading, but I'm not seeing it in my packet.

HERMEN: We have --

WISER: Extra ones.

BENDER: Pass that down to Steve.

MORASCH: They are in support of it, that's what I read. Okay. Mr. Barca, did you have anything else?

BARCA: I have nothing else.

MORASCH: Does anyone else have any deliberation?

GRIMWADE: No.

WRIGHT: Mr. Chair, I'd like to make a **MOTION** if that's appropriate.

MORASCH: If no one else wants to speak, hearing none, I will take the motion.

WRIGHT: I would **MOVE** that we **DENY** the creation of the Proebstel rural center as proposed.

BENDER: **Second.**

MORASCH: It's been moved and seconded to **DENY** the Proebstel rural center as proposed. Is there any discussion on the motion? All right. Sonja, can we have a roll call, please.

ROLL CALL VOTE

BARCA: AYE

WRIGHT: AYE

SWINDELL: AYE

GRIMWADE: AYE

BENDER: AYE

MORASCH: AYE

MORASCH: Okay. It's been approved unanimously to deny the proposal for a Proebstel rural center. Does anyone want to make another motion?

WRIGHT: Not I.

MORASCH: All right. No one wants to make a motion, so the proposal for rezoning those properties to commercial I guess **dies for lack of a motion**. I would have supported such a motion but no one's made a motion, so... I guess that concludes our public hearing on the Proebstel rural center.

I thank everyone for coming tonight. And it looks like that is the last item on our agenda unless there's any comments from members of the Planning Commission. All right. Well, thank you all for coming, and with that, we will close the public hearing.

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>

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.

Sonja Wisner, Program Assistant, Clark County Community Planning