

**CLARK COUNTY
PLANNING COMMISSION MINUTES
Thursday, June 20, 2013**

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

6:30 p.m.

I. CALL TO ORDER/APPROVAL OF AGENDA FOR 06/20/2013

BARCA: Good evening. We will call to order the meeting of the Clark County Planning Commission. And I would like to start with acceptance of the agenda, please.

JOHNSON: I'd move that we accept the agenda dated June 20th, 2013.

HOLLEY: I couldn't hear you.

JOHNSON: I move that we accept the agenda for June 20th, 2013.

QUTUB: I second it.

BARCA: It's been moved and seconded.

QUTUB: Second.

BARCA: Can I go ahead and have roll call. Or we don't really need roll call, do we? No. All those in favor say aye.

EVERYBODY: AYE.

III. ROLL CALL

BARCA: Sorry. We do need to do roll call, that's where that came to my head. Yeah. If it wasn't for comedy, what would people be watching for.

BARCA: HERE.

USKOSKI: HERE.

QUTUB: HERE.

JOHNSON: HERE.

PRINTZ: We can hear that.

III. APPROVAL OF MINUTES FOR MAY 16, 2013

BARCA: So we have before us the minutes of -- well, let's start with the agenda. We did that. Let's go to the minutes of May 16th. And it appears we have April 18th minutes, or is that just a typo, on the first page? I think that's a typo. So other than that.

MCCALL: Yes, that's just a typo.

QUTUB: It should be the 16th.

BARCA: So we will ask that the minutes be amended to say May 16th.

QUTUB: 16th.

BARCA: Are there any other changes or deletions in the minutes? None being found, can I get a motion.

USKOSKI: Motion to approve.

JOHNSON: Second.

BARCA: A motion and seconded to approve the minutes for May 16th. All those in favor.

EVERYBODY: AYE

IV. COMMUNICATIONS FROM THE PUBLIC

BARCA: So this is the point in time for the Planning Commission when I ask for the public if there is any commentary unrelated to tonight's agenda. If it's unrelated to tonight's agenda and you'd like to come forward and comment to the Planning Commission, now is the public's opportunity. And seeing none, we will move back to the agenda.

V. PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION

A. CPZ2013-00010 – 99TH STREET

So we're going to open up the public hearing items for the Planning Commission, and we will start with CPZ2013-00010, 99th Street. Staff report, please.

ALVAREZ: Thank you, Commissioner. Jose Alvarez with Community Planning. As you mentioned, it's CPZ2013-00010. The applicant is requesting a amendment to the comprehensive plan.

BARCA: Pardon me, Jose, just a moment. I can see that people are having trouble hearing back there. Okay. Can you try and belt it out for us.

ALVAREZ: The applicant is requesting an amendment to the comprehensive plan, and a zone from mixed use comprehensive plan designation and zoning to urban low density and urban medium density --

BARCA: That's better.

ALVAREZ: -- with two to five acres of community commercial with the R1-7.5, R-18 zoning and C-3 zoning. The site is located along NE 99th Street. The map you have shows MU and UL. I think the UL -- the entire site is MU. The UL was just the property to the north. The label got pushed down, so I just wanted to note that.

It's approximately 88 acres. And we received two comments, public comments, that should be in your packet today from a Janet Gustofson -- oh, no. Let me get the names right. So from Matt Gustofson and Janet Shattuck, and staff's response to those public comments more of inquiries letting them know what the proposed change would be.

I'm just going to show you -- so the vicinity is, like I said, along 99th Street. It's east of 503 and west of 152nd. Let's see the aerial. So there's a large wetland and oak trees on the northern portion of the property, comprises about 34 acres of that. We also received two SEPA comments from Department of Fish and Wildlife and Department of Ecology regarding the wetlands.

In reference to the letter from the Department of Ecology, they made a reference to recommending that the wetlands and buffers on the sites be placed in a native growth protection easement. Essentially, our local standard is what's called a conservation covenant, and typically for wetlands it's required and it's common practice for habitat. So we have no concerns with the comments from either Department of Fish and Wildlife or Ecology.

And staff is recommending approving the request. There's also a covenant that was submitted from the applicant essentially looking at they wanted to get some flexibility in terms of where they locate the mixed use and commercial on the site, and ensuring that there would be -- when there's a boundary line adjustment, that we don't split zone property. The proposal has the existing four lots, and that's going to need to be amended to reflect the existing four parcels.

We've included a commercial portion to reflect the sort of minimum two acres. The R-18 is in blue and the remainders R1-7.5. And that was a revision from what was in your packet. Do you have any questions?

BARCA: So I think just to be clear on the proposal, based on the key, you're looking at the dark blue as R-18?

ALVAREZ: Correct.

BARCA: And the light blue as 1.75?

ALVAREZ: R1-7.5, yes. That's the urban low.

BARCA: And then BP is the red block?

ALVAREZ: Community commercial. It's in C-3 zone.

BARCA: Questions for staff? None? Before Mr. Printz starts, is there a sign-up sheet that I should have? Thank you. Okay, Mr. Printz.

PRINTZ: Good evening. Randy Printz, 805 Broadway. I'm here on behalf of the property owner. The record that you guys have in front of you in the application, there are a variety of things in there. One of which is a very extensive narrative that takes you through all of the comp plan policies, goals, all the criteria for amending the comprehensive plan, so that's all in the record. There's also a supplemental narrative in the record that addresses specific items raised by staff after the application was filed, so all of that is in there as well. And I'll go through some of those key points in this.

Basically the first question is why, you know, Why do we need the change? Why is this not a good MX site? And under the mixed use zone, 80 percent of this site can be either up to -- it can be up to 80 percent commercial, or it can be up to 80 percent residential under the mixed use zone. It also requires a minimum, on the residential side, a minimum of 12 units per acre, so it's a very dense development.

And so here you've got some wetlands, and if you take those out, you end up with about 50 acres of developable which means even if you did the least amount of commercial that was required to be done, that would be about 10 acres. So the question became, Is there sufficient commercial viability in this area to support 10 acres of commercial over some reasonable planning period? And the one that we picked that we had them do was ten years, which corresponds pretty closely to the end of the current comprehensive plan planning horizon which is 2024, and so we're at 2013, so it's pretty much a wash.

We hired a firm in Portland called Johnson Reid - who is a very, very well-known and well-respected sort of land use economist firm - to look at all of this and tell us whether or not they believed there was any commercial viability or not. So they go through and they look at the near-term, long-term demand in the trade area. They look at both retail and office. They look at population trends, employment and income trends, all based on the last 13 years to help establish those. They look at the existing built

environment that's around, how much office, how much commercial is actually already built out there and that could serve this area, they look at the locations of those things. They also look at how much vacant commercial land is out there that could fulfill future need. And they also look at things like traffic patterns and the numbers of trips that are out there.

And what they found was, number one, looking at trips by the door which is certainly - at least on the retail side of things - probably the biggest criteria for locating commercial. And they looked at, like, some of the key intersections around the area where there are already commercial projects. And they looked at, like, down the street here at 99th and 117th. They looked at where Heritage Market Place is which is another area - commercial area - which is close to this which is at Fourth Plain and Andresen, and at the Padden and Andresen. They looked directly south of this where the Padden Market Place is.

And what they found was, for example, at the Padden and 137th which is just south of this - that's 137th that goes south of here - there's 50,000 trips a day that goes through there. At Fourth Plain and 137th there's 74,000 trips. Down the street at 99th and 117th there's 72,000 trips. What goes by this door right here is 11,000 trips. So it's a very, very small percentage of the numbers that's needed to support commercial at least, and particularly retail.

They also looked at what is around this in terms of other uses, other commercial uses and where are they located. At 119th and 117th you've got WinCo and all of that. You've got -- you have the Padden Market Place down south. You've got an Albertsons anchored center that's got pet stores, restaurants, banks. At 76th and 117th you've got Fred Meyer's and Lowe's and all those sorts of things. So all around this area within a fairly short driving distance there is a fair amount of existing commercial that's already there.

On the office side of things, they also looked at the need for office in this. They went through all the factors, some of the factors that I just talked about. And the bottom line for them for all of this is two things. And Johnson's Reid report is in the record and in your materials.

On the retail side of things, their ultimate conclusion was that with no additional commercial being -- no additional retail being built in the trade area, there was sufficient existing retail to serve this area and the entire trade area actually for ten years. That doesn't include taking any of the not yet built, you know, vacant existing zoned commercial land out there and developing it.

On the office side, the numbers are actually even worse. Their numbers, based on what they found, was that if you didn't build anymore and you just took the office that was in the trade area for office out there, at the end of ten years you'd still have 34,000-square feet of office in excess of demand. So based on their materials, based on their analysis, they concluded that this is a very, very poor location for either retail or office.

One of the reasons that, or I guess probably the only reason that we've got the commercial where it is - or we've got two acres of commercial in this - is staff urged us to, or asked us if we would be willing to include some small commercial component to this on the, you know, on the somewhere in the area of, like, two acres to five acres, and we said we would be willing to try to do that. We don't have a lot of hope that it's commercially viable based on the experts, what the experts are telling us, but we're willing to try and so that's why you see that, the commercial component there.

Staff, the agreement that you've got in front of you, the draft agreement, does a couple of things. We said, yes, we're willing to try to do that, but we don't know today exactly where that needs to be, which side of 137th is it going to be in because we don't have a site design, we don't have a project yet. The same is true for the location of the multi-family.

So the agreement does a couple of things. One, it says that we're required to do two acres, no more than five in here. But it also says that at the time of development, we can sort of move these uses around to some extent so that -- and then we boundary line adjust the lots prior to development so that

there are no split zoned parcels, so that every use sits on its own parcel. All the commercial land would be on one lot or on two lots, and the same with the R-18 and the same with the single-family. While there are some split zoned parcels in the county, they're usually done because of an error. Some historically exist, but not very many, so it's not favored and there are good reasons for that.

It also says that we would not locate the commercial - and it actually says -- so this drawing isn't quite right. - the commercial or the multi-family adjacent to the single-family on either side, so it says that as well.

Interestingly, one of the things that this would accomplish - at least as far as the existing built environment in the neighborhood around - is it likely would have a -- it would likely reduce the impacts of development to those properties for a variety of reasons.

First of all, under the MX, you're going to have ten acres of commercial out there someplace, it's required, and that could be right next to any of the residential lots that exist right there. You could also have apartments at 18 units per acre adjacent to those things. This will actually prohibit that from happening.

The other thing that will happen is -- and there's a traffic study in the report, or in the record, that does a comparative analysis of the numbers of trips that would be generated under the mixed use zone, and the numbers of trips that would be generated under this proposal, and the numbers are about 533 p.m. peak hours less with this. So for the impacts are pretty much should be less on all fronts.

The reason for the amount of R-18 and the amount of single-family that's in this is staff asked us to do a couple of things. One, try to keep the residential numbers essentially the same, the unit numbers essentially the same between what we were proposing and what the MX would allow. And so we have done that, and it's pretty much a wash.

If you know -- as you guys know, the MX zone gives you a range to a minimum of 12 units per acre, and I think it's a max of 18, and maybe more than that, so you can, you know, you can come up with there's a range of numbers. Even in the single-family zones or the R-18, you know, you can do -- there are minimum densities and sort of maximum densities, so... So we had to take -- we had to pick some numbers.

Staff asked us to use, for the MX assumptions, the maximum amount of residential because they believe -- and I think that's probably accurate. Any of the suburban mixed use that I've ever been involved in - and there isn't a lot in the county, but -- or even in the City of Vancouver, but there's some - it usually ends up being horizontal mixed use, and the single-family or the residential is what gets maxed out. And so that's -- staff said that's probably the fair assumption to use, and I agree with that, so that's what we used.

So using those assumptions - and using the -- it's a lot easier on the -- the ranges are a lot smaller on the single-family and the R-18 to get to what the numbers ought to be - it's pretty much a wash. You know, Will it be identical unit-to-unit? We'll never know until -- well, we'll never know because the MX will never get built, but it should be close, and that was at least the target, the design target for us.

One of the things, too, when we designed this, is we tried to do it in a way that would make logical transitions. Planners typically like to see transitions from either more intense development to less or vice-a-versa.

So you've got the existing built environment around which is fairly high density. The R1-10 not so much, but certainly the R1-5, fairly high density single-family residential that would transition here into additional single-family residential. That would either be the stuff that's adjacent to R-5 would actually be less than, and the stuff that's adjacent to the R-10 would be a little bit more dense, and then into the more core of the site which would be the multi-family and then the commercial.

So you're, you know, you're buffering the existing neighborhoods with single-family detached, which is what that is, and then moving into the multi-family. And, again, that would not likely happen, or certainly it wouldn't be required to happen under the existing zoning. That's about all I have.

The comments from DOE and WDFW are the standard form letters that they send out. There are obviously wetlands on this site, like there are in lots of places. There are a host of rules and regulations that relate to those that include whether or not you can touch them at all, how far you have to stay away from them depending upon the classification of wetland and the quality of the buffer. And so all of those will be, and necessarily have to be, addressed at the time of any development review, so...

I think with that -- hopefully I didn't talk too quickly tonight. I'm here to answer any questions, and would like the opportunity if there is some public comment to have some rebuttal, if necessary. Thanks.

BARCA: Questions for Mr. Printz?

PRINTZ: Thank you.

BARCA: Seeing none, we will go to the sign-up sheet. We're going to start with Mike March. Would you like to come forward, please, sir. For the record, please state your full name and address.

MARCH: Michael Carlton March, 2407 Carlson Road in Vancouver. Well, my sister and I own property that is north of the Duluth Junction. I wish I had the exact description, but I didn't know about this until late. We're familiar with the Duluth Junction of course. Can you hear me?

ALVAREZ: You're talking about 10th Avenue. This is 99th Street.

BARCA: Yes.

PRINTZ: You're not in the wrong place, you're just --

QUTUB: Later.

MARCH: Oh, the wrong time. Okay.

QUTUB: Later in the agenda. Later in the agenda.

BARCA: You are on the agenda. And so bear with us, we'll get through a couple of these.

MARCH: Fine. Sure. Can I step out for a while and come back in ten minutes or so, would that work?

BARCA: Ten minutes would be more than adequate.

MARCH: Oh, okay. Thank you.

BARCA: So comments on 99th Street in relationship to this particular hearing item. Let's go to Matt Gustofson.

GUSTOFSON: I'm Matt Gustofson. My property --

BARCA: Can you start with an address, please.

GUSTOFSON: Oh, my address is 13900 NE 100th Circle, Vancouver, Washington 98682. My property borders the east side of this property, and so I have concern about it. Because right now I'm looking out on 90 acres of open field - and I think I knew this day was coming - but I just want to say that, you know, looking out there, it's beautiful to look out at the open field.

I know it doesn't bring in money for developers or for the County particularly like development would. In the winter months there's, like, flocks of Geese that land there and feed and there's Blue Herons that go out there, and every now and then there's a neighbor that runs cows through there that we're able

to look at. And so myself and my family, I don't think we're looking forward to this happening.

As far as the development, I mean, if it is going to be developed, I think we're more in favor of having single-family units rather than commercial there. I don't think we're in favor of commercial property on 99th Street. Like is talked about, there's, you know, just a couple of blocks down 137th, there's the Albertsons complex. And if you know that complex, there's quite a number of vacancies, and there continues to be and, you know, so it just seems like there's not the demand there, kind of like what the study said.

And also for, you know, it sounds like, you know, they're considering, like, apartments, we're not in favor of apartments either. We'd like to have, like, single-family units if that land is developed. And I don't know if people, you know -- there is wetlands up there. I don't know if people really realize, you know, like, when it's wet in the wintertime how, you know, there's big pools that form out in that land too.

I mean, there's going to be a lot to deal with. And, I think, we have concerns about, you know, if it's developed and it's not like natural, Are we going to have flooding? You know, is that going to be -- is that going to be okay for us that are still there? I think that's about all I have to say.

I just wanted to make a comment on, you know, the way it is now and, you know, to watch the sun setting there like this time of year with the grass out there how beautiful it is, and, you know, with buildings and stuff, it's not going to be the same. So I thank you for your time.

BARCA: Any questions for Mr. Gustofson?

QUTUB: I don't think so.

BARCA: So I would suggest that perhaps you just familiarize yourself a little bit with the proposal on the idea. I think in relationship to your property, that might help explain to you the potential that they're looking for. And, yeah, there will be something that goes in there, but I think it will be on the side that you were more advocating for as opposed to what potentially it could have been had the zoning remained the same.

GUSTOFSON: Yeah. It's, you know, for a layperson -- I suppose you can educate yourself, but it is a bit of a challenge to get through, I mean, there's just jargon that's used in development that the average person like MX and R-1 to 5. I mean, what does that mean to like, you know, regular people?

BARCA: It means change. Yeah, that's what it means.

GUSTOFSON: Yeah. It just would be kind of nice if it would just say, you know, spell it out, you know, in parenthesis or something, this is what this really means to you people that are around that, but that's just my comment. Thank you.

QUTUB: It is a good comment. There are things available online, though, through Clark County that will tell you exactly what these acronyms and what these different zoning things require, what they would allow. And I -- before I was ever on the Planning Commission, I happened to be in looking at that because I have a family member who has a piece of property in kind of a changing area, and it was quite an education and very interesting to see what is allowed, what is not allowed, what's conditional and all those things. So it, you know, it might actually be a fun, educating process for yourself to at least find out what they mean. There's a code that --

GUSTOFSON: So it's available online then?

QUTUB: It is. It is.

GUSTOFSON: Okay. You know, one thing I would say as well is like, you know, we've had, like, I think about two weeks since we were notified. It's, you know, it's not a lot of time, and, you know, I took the day off today just to read through what was what I was sent as an e-mail. It wasn't Mr. Alvarez, it

was somebody else that was on there that sent me this, you know, just to go through it and see what it said, so...

QUTUB: Yeah. Yeah, I understand the time limitations. I applaud you for taking the day off to actually take the time prior to this hearing. And I sympathize with what you're viewing now and want to see later, but as the Chair said, it will likely be developed more like you would rather see it developed if it has to be, so...

GUSTOFSON: Okay. Thank you.

QUTUB: Thank you.

BARCA: Thank you. And Kathy Gustofson, you are on the sign-up sheet, would you like to come forward and speak?

GUSTOFSON: No, thank you.

BARCA: Then we are at Louise Feddema.

FEDDEMA: Feddema, yeah. I spoke with Mr. Alvarez today. Thank you very much for listening to me, and I hope I make sense with my concerns on this.

BARCA: Please, for the record, would you just state your name and address, please.

FEDDEMA: Oh, my name is Louise Feddema, and I live at 9717 NE 138th Court. It's the big lots across right there, yes. And we've got 1.44 acres there. And, as a matter of fact, this is a 1989 (inaudible) and it's quite different. At that time we were told that everybody was going to have to be on one acre or better if we did it. And so we went in there and developed that little thing with the idea that everything there was going to be one acre or better. Immediately that -- I don't know. It was called something Consolidated Mining thing or something - this company that put in Pebble Creek across the way there - came in and put 6,000-square foot lots which changed everything. We realized that even coming to Planning Commission meetings - because we had a huge flock of people with old lots at that time - and it meant really nothing.

The comprehensive plan, my big complaint, when is it going to become a plan that we stick to, not the plan that a developer just comes in and goes what if and then changes it? It seems to me at some point a plan's got to be a plan and that somebody says this is it and it's not going to change for the next ten years and you can bet on it.

And I really got down to that because we had -- I mean, we have really funny little lots that were put in behind us on 140th Court. Well, 140th Court doesn't even have outlets to 99th Street, it's got an alleyway to it, there is no outlet. I would love to see a fire truck go flying in there at any speed, because it hits a bump that's about a foot deep. And that one is just, you know, it just seems like there could be more planning in the planning if it's got to be.

I have some of the same concerns they had as far as the neighborhoods remaining more or less the same. I've walked that acreage for the last 30 years off and on. The people that owned it before used to let me go back there with my Great Danes and just prowl all over it, and I love it. I just love it.

And we did have a flood within the last 40 years that was pretty substantial. It came all the way out to 99th Street. The three homes that were there got pretty good flood damage. The basement of the house that was right under 101st Street, that cul-de-sac there, it was never usable again. How they've been able to build the houses there and get drainage okay is beyond me.

I think that drainage concerns for me are one of the big ones. Because we're on wells, and the aquifer that we hit, I mean, it takes a huge funnel to fill it, each well is really feeding from a huge funnel. And if they're going to cover all of this stuff up with pavement and houses and just wreck our perfect water eventually and -- I mean, I love the permeable concrete they put out there for the sidewalks on 99th

Street. I don't know what it is, but it's some kind of compressed product that water goes right through. I wish in areas like that that it was where the water is three-feet down, you can hit it. We dug our fish pond without a liner in our backyard. I mean, there is -- you go three-feet down and you're hitting real good water. It was agricultural water, they could move it from place-to-place all over there. When -- before Dave that had almost Paradise Nursery there, he did, he used an eight-foot well to water most of his plants. He had a deeper one for his house. But for an agricultural well, he got really good water at eight feet. And so water is a real concern.

That wetland there is beautiful, but the barriers for it during a really wet year are greater than that. We've had water from that all the way out to 99th Street, and it stayed there for a few weeks and it just didn't go away there. I mean, I guess if they had to, they could go back to where the old agricultural -- it's a dutch ditch back there that would just take it and drain water to make something easier to farm, I guess they could go back to that because the farmer at sometime had done that.

But I'm concerned that our wonderful water is going to be messed up and that they're -- these really are not places that you could have homesites as far as I can see. I don't know how they're doing it over there right up against the barrier that they've created, they're right up against the water. I think it's just silly. And, you know, and I think anything under a 7 to 10,000-square foot lot to me would be hideous. Because we went in there bargaining to get an acre, and now I'm ready to settle for 10,000-square feet at this point. And it just seems that we should have some large lots. We should have access to those wetlands out there, they should be contained.

We've had Osprey out there that stole all my Koi out of my pond. And now we're used to having cheap Goldfish and now it's a (inaudible) and Osprey pond in my backyard because you can't fight them, you just go down to Walmart and buy another bucket of Goldfish. And the Heron all know that this is where you come to get Goldfish is our house, they could practically tell when we've gotten a new bucket.

But we've got these wonderful animals there. We've had a Black Bear in our backyard one time. We had -- well, before I decided to fence it all in with a five-foot fence. And we've always had tons of Raccoons and Possums and things from there. We had Deer when Dave was there because they were eating the remains of the old fruit orchard down at 99th Street, they had the pears and apples all get eaten by Deer as high as they could reach, but it was only at nighttime. So, I mean, so we do have wild animal concerns.

I see that it said that it would have very little chance that there were Indians or Native-Americans there at any time. I have an Indian grinding stone that I got from the old owners when they were moving out that they found on their property someplace, an Indian grinding stone and a (inaudible) pistol, and that came from over there. So somebody had to carry this giant rock over because it took quite a deal for me to haul it over to my property from there. So I don't know how low that was, and I don't know where it came from over there, but it was from one of the three acres.

They were all related to one another, married sisters, and all those families were at one time. So it had all really been left unfenced and grazing dairy cattle and then having other businesses there. So I don't know where it came from on the property, but that was there.

To me it just seems that there's more there than should be. I think that wetlands should be respected, and maintained is kind of sloppy wetlands so little kids can go, you know, get their shoes ruined and get pollywogs, I mean, and this kind of thing that we got in trouble for. And these are not old growth trees in there, but they're probably third growth, but they're enormous. One got struck by lightning a year and a half ago and it burned for months because it was that big of tree, it decided to just burn and burn and smolder.

So, I mean, there's -- I don't know. I want to keep my water good and I want my neighborhood to stay nice, everybody does, but I'm really sure that I want my water to stay good. I don't know. Anybody

have any questions for me?

BARCA: Any questions for Louise? So, I think, because this hearing is specifically around the idea of changing the zoning from one style to another, I would like to address your earlier comment about the comprehensive plan.

FEDDEMA: Yeah.

BARCA: So this land has been zoned for development for quite some time.

FEDDEMA: Yeah, it was.

BARCA: And so I think the discussion is really about the idea of the change and the impact of the change, not whether this open space and wetland would be or should be developed, but it's really to account for how it's developed and trying to make sure that the impact of that development is discussed and understood.

So when we're done with public testimony, I would like just briefly to have Mr. Printz come back up and explain again the safeguards that the development is going to require on the wetland so everybody can at least hear it again.

Department of Fish and Wildlife has made commentary and Department of Ecology has made commentary, and the notion of the wetlands, the Oaks, that's all been put into account already.

FEDDEMA: Oh, good. Because one big Oak was taken out when the other one was put in, and it was just a shame that it was taken out right to begin with. And that was just almost one of the first things they did was take out a large live Oak that was right near the road. And -- I don't know.

It's just I know that change has always been happening there, I just wish that it would be in a more organized way that we could count on for ten years at a time to say, okay, this is not going to happen. And we can look at these things and say, I've got it here, I know what's going to happen. And I know it must start every time they do it, but I also know that if you've got something that you want restricted to that land, that you should get your points in early.

And, like, you know, I think that they could tie some of these things into the property development at this point even, as far as if they do a change, then they have to do the -- like you're putting in 137th straight through at this point and tying it to the development.

I think there's things like the park. The County obviously can't afford to do that huge seven-acre park across the street there now. But it seemed to me, I mean, it's being used primarily as a dog park now, but it's big enough that it could be a family-type park as well as a dog park in two parts because it's a large park. And the County's never done anything, except now they mow it more frequently, and it's usually a, you know, a grass field and that's what it was until it was designated park. And it just seems that, you know, it ties something like that because I know that they're -- if they do a development, they've got to do some kind of park.

I know they probably feel like they're donating a lot already by having to maintain the wetlands in some pristine form, but I think that to tie something in at this point is - every point along the way to get a chance to tie something in - that makes it better. And I just wanted to get my voice heard at this point in the game.

So if you guys have a chance to restrict things each time, do it, please, in order to save on the rest of us. And I do appreciate that it must be a trying job to hear everybody's thing here to protect our Oak trees, protect our Pine trees, but, I mean, clouds are sort of formed there in the fall and the spring. When you see the fog across those fields, it is beautiful, he's right, but I know that there's no value to it for anybody just making fog. But I sure would like that rainwater to go down to my well as (inaudible). Anyway, I'm done. I'll hand out my ideas of mine in a little bit and give you guys --

BARCA: All right. Louise, so --

FEDDEMA: Thank you very much.

BARCA: -- you're on the record. Thank you very much. Is there anybody else that would like to come forward and speak about 99th Street? Seeing nobody else from the public, I'm going to ask Mr. Printz to return, please.

PRINTZ: Randy Printz, 805 Broadway. I guess a couple of things. One, Mr. Barca made the point - which is a very valid one based on the public testimony - this isn't about whether this property is going to get developed or not, it's under wet zoning and those sorts of things.

At least for the neighborhood, while we are attempting to sort of mirror the MX with this proposal, that I think that's the good news for the neighborhood is that whatever occurs here, will be a less dense development just by necessity. I mean, the MX is designed to be a very dense, in fact, vertically integrated, if possible, which doesn't happen in the suburban area very much which is why MX doesn't work out here very well. It does work certainly in more urban core environments.

But there will be less traffic with this. There will be much better transition on the edges for this. The wetlands, I spend a fair amount of time with our friends at the U.S. Army Corps of Engineers and the Department of Ecology, as well as at the County. And I can assure you that there is a wealth of regulations that we are required to follow, and that people make sure that we follow that relate to what, if any, impacts you can have to those wetlands including their hydrology and how far away you have to stay from them, whether or not you can cut any vegetation in them, whether you can even put a piece of equipment or take a shovel into them. So there are processes for all of that which come at the time of development review.

So at some point this project will come in for probably preliminary plat or PUD approval before the County. There will be public notices for all of that. We will be required -- the applicant has the burden of proof and is required to be able to demonstrate that they comply with each and every regulation and criteria or they don't get approved. So there are a lot of - for lack of a better term - safeguards built into the process, as well as public participation opportunities for to review any future development on this site.

BARCA: Thank you. I appreciate the clarification. And for those in the audience, MX is?

PRINTZ: Sorry. MX is mixed use. In the county -- and most jurisdictions have mixed use ordinances, they all differ. In Clark County the mixed use ordinance requires that you have some commercial and you have some residential, you can have up to 80 percent of either of those.

It requires a minimum density of 12 units per acre which is, to give you an example, the R1-10 which is 10,000-square foot lot minimums would be about, you know, three to four. The R1-7.5 which is 7500-square foot lots, that will be the single-family here, you might get six. So the MX or the mixed use density would be twice on the single-family side what we're going -- what will happen here. And a third of what the -- well, and the R-18 will probably pretty much mimic what the mixed use would be, maybe a little bit higher, but, again, in the core of this and not on the transition areas next to the existing single-family.

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

PRINTZ: Thanks.

BARCA: Seeing no more testimony, bring it back to the Planning Commission. Discussion.

JOHNSON: You know, I'm sympathetic, I really am. But I think that when we're looking at it, when you look out there sometime in the next 10 or 20 years, it's going to be gone. And so I think this is a better alternative that we're looking at something smaller.

So it's kind of a flip thing. Usually we're trying to weigh, you know, good guy/bad guy here, but I think in the end that we're trying to do something. And I hope that when it did get built, that the developers would, of course, work closely with you.

And I will tell you personally, I have a wetlands running right through my property in Battle Ground, and let me tell you something, I don't even touch it. I don't even look at it. So I'm sure that this is dealt with similarly. The County doesn't mess around, so... I am very sympathetic that it's going to go away, but hopefully they will be great neighbors and not a high-rise.

BARCA: Any other commentary? So, I think, I would just like to say, Mr. Printz, thank you for addressing a lot of the questions that came up in the work session. I think it helped the narrative and made it clear for the public and for Planning Commission, I appreciate that.

ROLL CALL VOTE

All right. Then if there's no more discussion, is there a motion, please.

USKOSKI: I'll make a motion to accept staff's recommendation for approval.

JOHNSON: Second.

BARCA: Motion and seconded. Anymore discussion? Roll call, please.

USKOSKI: AYE

QUTUB: AYE

JOHNSON: AYE

BARCA: AYE

MCCALL: 4 in favor, 0 against.

QUTUB: Motion passes.

B. CPZ2013-00011 - GAYNOR

BARCA: And let's move on to the next agenda item, CPZ2013-00011, 139th Street, Gaynor.

PRINTZ: You're going to be sick of me by the end of the night.

BARCA: Can we start with the staff recommendation before you jump in?

JOHNSON: Yeah, go ahead.

BARCA: Thank you.

ALVAREZ: Thank you, Commissioner. The proposal is to, again, amend the comprehensive plan from light industrial to community commercial with an implementing zoning designation of C-3 on approximately 3.8 acres. This is along 139th Street, NE 3rd Court. It's the Salmon Creek Fred Meyer and the library.

Just a little bit of background. This site had received a preliminary approval in 2009 to divide the property into four lots. There's an existing automotive repair on-site. The approval would have allowed an additional automotive repair shop and oil lube place, and self-storage of about 29,850-square feet of mini-storage. That short plat and site plan approval were still valid.

The proponent's application addressed all of the comprehensive plan criteria, and staff is recommending approval. There were no public comments received, nor SEPA comments on this application. I was going to show you the aerial. One of the sort of driving forces is the extension of 139th Street to the east from here making this just more suitable for commercial and extending the commercial from the

Fred Meyer site to serve that area. Do you have any questions for staff?

QUTUB: Not I.

BARCA: Not at this time it appears. Please.

PRINTZ: Randy Printz, 805 Broadway. I'm here on behalf of the applicant. Much like last time in your, in the application materials, the packets that you guys have, there is a narrative that goes through all of the applicable comprehensive plan policies, goals, community framework plan, countywide planning policies, it addresses all of those. There's a supplemental narrative that addresses the questions or comments that staff had arising out of the pre-app conference, those are in your materials as well.

This site has been zoned light industrial since about 1974, and it has never really fully developed. It does have, in fact, as indicated it does have an outdoor vehicle storage. It's got an old single-family residence on it. It has Gaynor's Automotive on it, and there's actually also a little small paving contractor that's there.

All this area was zoned, not all of it, but a portion of this area out here was zoned industrial almost like 40 years ago, which I actually hate being able to say anymore. But in those days, once you head north of Salmon Creek you were pretty much out in the hinterlands. Today - as you can just see it from this aerial - a lot has changed. And when it was zoned industrial, there was no adjacent residential, or very little through, you know, subdivisions. Fred Meyer and all the commercial wasn't there, the library and all those sorts of things.

This area has undergone, and continues to undergo, substantial change from sort of what used to be rural and industrial to a very urbanized area. The connection -- well, the 139th interchange has dramatically changed the traffic patterns here. This used to be -- 139th used to actually dead-end into this property, and so the access wasn't very good and it was kind of off the beaten path. And long ago -- or there wasn't any adjacent residential on certainly on the west side. If you were looking at this today and were going to pick a zone for this, you probably wouldn't pick industrial not based on the close proximity to the single-family across, residential, across the street or the multi-family to the west. Even the industrial that's around it is much different that what you see on this site.

What you can see sort of on the very left-hand side of the screen on the south side of 139th, that's actually a big block of industrial land, but it's actually parks and baseball fields today. You've got a driving range across the street. Also in some of that industrial there's an indoor soccer park and there's an athletic club. All of which are fine, but which sort of demonstrate that this is not sort of the traditional industrial zone or area anymore. There is some of that, and actually this is -- this piece - the limited amount that's on it - is much more of the traditional light industrial, it has outdoor storage and some things that normally would be a little farther away from the urbanized world.

To the extent that there is concern about reducing industrial land from the industrial land inventory in the county, there's about 12,000 acres of industrial land zoned in the county today, this is 3.86. On a jobs basis you'll actually end up -- and there's a market analysis that is in the record done by Paul Dennis, who's a local well-known economist, also the head of the East County Columbia River -- or the East County EDC today. Paul has submitted or prepared a lot of economic analyses for the County and in the county for a long time.

That analysis does a couple of things. One, it identifies whether or not there's a need in this area for additional commercial. And the findings in that are - as opposed to what we just looked at with all the with 99th Street - is in this area, which isn't too hard to understand why, this area actually suffers from a deficiency of commercial of about 250 acres based upon the current number of, you know, the numbers of homes, the number of units, the number of people that live there today.

What makes this also a good commercial site is the factors for commercial are the same that we just sort of talked about is trips by the door. When 139th dead-ended here, it wasn't all that great of piece. Today, with 139th coming through, there are going to be -- there are a lot of trips by the door. There's high visibility for this, you've got close proximity to the new interchange, you also are very close proximity to the Fred Meyer, the library, and there's a branch bank right there.

And this piece - if you looked at a zoning map - this is the area that's zoned industrial, this is on the edge on the what would be the southeast corner of it. So to the extent that somebody was concerned about are you taking a chunk out of the middle of an industrial area, the answer's no, this is in a transition area. And it's a good segue into why this -- another thing that this does is create probably a better transition from the industrial on the west to this, to the residential on the east and to the commercial on the south.

So if this redevelops as commercial, if it gets zoned commercial and redevelops, it will have, you know, it will have to follow the new stormwater rules which the current site doesn't meet. It will have landscape buffers that it doesn't currently have. It will produce more jobs than this piece certainly historically has. Commercial produces -- the County's assumptions for commercial are, I think, 20 units to the acre. That would, you know, this probably wouldn't produce quite that much, but it would certainly produce more than the typical industrial would on this site. The value of commercial property is higher than industrial - and certainly in this location - and so the County's property tax revenues increase.

I think another thing, too - and we've had this discussion - I've had this discussion with this Planning Commission, with the Board before, when we did the Costco area - which we sort of did one piece at a time over several years - that all used to be industrial. It looked a lot actually like this site in terms of use on it. Today you've got Costco. We did the stuff across the street from that, which we now have site plan approval for a large amount of retail, additional retail office, and 200,000-square feet of medical office for Providence.

In Camas, I just got done doing the Fisher Investment Campus over the last two years which now employs about 600 people, that was all LIBP which in Camas was light industrial business park. The original vision for that and for Camas - which was a good one at the time - was for large campus-style, high-tech development, Sharp, WaferTech, all these guys, and it worked. The marketplace, though, has changed some, and in Camas at least we've started changing some of the LIBP.

In fact, I was there Monday night on another piece that's right next to Sharp. And the City of Camas has realized that the marketplace is changing and that we're going to get a lot more jobs, and good jobs out of, in their zoning at least. It is commercial zoning which is where Fisher is right now which is a regional commercial zone that allows them to be there. We've got site plan approval, or we're working through the site plan approval process across from Fisher for another large commercial project, so...

The point of that is simply that the notion that all of our jobs come from industrial and the only thing you get out of commercial are minimum wage retail jobs isn't true today. You can certainly get a minimum wage retail job out of commercial, but you can get a lot more than that.

This property with its proximity to Legacy -- in fact, just down the street, we just rezoned in the last annual review at around 10th and 139th a piece that now is going to have medical office on it. In fact, it's been in the Business Journal, it's the green awning site that will have a number of docs in it, and so those are, you know, these are good transitions. And to me, this piece, this location makes better sense from a whole variety of reasons to be commercial rather than industrial. So with that, I don't think I have anything else unless you've got some questions.

BARCA: Questions for Mr. Printz? It appears not at this time.

PRINTZ: All right. Thanks.

BARCA: So we do not have anybody from the public signed up on the sign-up sheet. But anybody that would like to come forward and speak to this matter, they are at this time welcome to come forward. Do I see anybody from the public that would like to come forward? It appears not. So I will return it to the Planning Commission. Questions of staff? Discussion?

JOHNSON: Just, I think you told me this, but I see this picture here, what is that next to it? Is that just a truck?

PRINTZ: Yeah.

JOHNSON: It's kind of -- I thought --

BARCA: Next to it? Are you talking --

JOHNSON: No, I just was wondering what this was right here. What is this?

PRINTZ: Those are paving trucks. And so what you're looking at is probably --

JOHNSON: So they're just temporary --

PRINTZ: -- spilled asphalt.

JOHNSON: No, I just was wondering. It wasn't a company, a paving -- yeah.

PRINTZ: Yeah. It's not a very good -- it was an aerial photo and I just grabbed it in case you had some questions about what the site looked like.

QUTUB: I move we approve the staff recommendation --

USKOSKI: Second.

QUTUB: -- to approve.

BARCA: It's been motioned and seconded. Any discussion prior to vote? So I will make my comment now prior to the vote.

I understand this application, and it appears to certainly make sense with the way that the community has changed. I do know that from this point and to the west there are a lot of vested industrial land users. And even with them having a variety of choices on how they're using the land, I think they're very well accepted into the community. And I would just caution staff not to start looking at chipping away on road frontage and making it where it becomes an isolated amount behind the roads.

This one obviously has the benefit of being underdeveloped, and Gaynor - the owner of the other parcel - seems to be very willing to do this, so it looks like a good project for me.

ROLL CALL VOTE

BARCA: And I will ask for roll call if there's no other comments.

JOHNSON: AYE

USKOSKI: AYE

QUTUB: AYE

BARCA: AYE

MCCALL: 4 in favor, 0 against.

BARCA: How are you holding up?

HOLLEY: One more.

BARCA: One more.

C. CPZ2013-00012 – NE 10TH AVENUE

Then we are going to proceed to CPZ2013-00012, NE 12th - or sorry - NE 10th Avenue, and from there, staff, please.

ALVAREZ: Thank you, Commissioner. The request here is to amend the comprehensive plan designation from Rural R-5 to Rural Commercial with a CR-1 implementing zoning designation. This is approximately four parcels totaling approximately 15 acres just west of the intersection of 219th and 10th, northwest of there.

The property to the south, there's a stormwater facility for the State that the State had put in there for the extension of 219th to the interchange. The State has bought the property to the west along 219th - I think that was a question that came up at the work session - there is no access allowed. The State has purchased the access rights along 219th Street and along 10th Avenue approximately to about here where there's a right-in/right-out allowed.

The request was just for the 15 acres, but the question came up at work session about the property to the north and why we didn't look at including that. Essentially, other than the -- we just thought that the existing sort of private road and the existing vegetation would act as a better screen than including the parcel to the north. Again, and the property owner didn't request that either. I did hear from the property owner to the north - or his representative - and he's interested in that.

The arguments made for this change, though, were really relating to the impacts of the extension of 219th Street going to the interchange. And the nature of the commercial that would be allowed in this area, we don't feel would be as impactful on the property to the north. So that's why we were sort of keeping the recommendation. It might be something that comes before you next year if they want to pursue that, but we wouldn't recommend including that at this point.

There was a comment from the Department of Fish and Wildlife regarding the stream in this area being fish bearing, we recognize that. Again, at the time of development those issues will be addressed regarding what the buffers would be and what areas would be allowed to be developed on the site.

Again, I did have a conversation with the representative from the property owner to the north and, I believe, there's a remainder lot for the subdivision, a cluster subdivision, had an inquiry about changing their zoning. I know that typically with a cluster subdivision the remainder lot is not allowed to be further divided unless it's brought into an urban growth boundary.

BARCA: Could you repeat that, please.

ALVAREZ: The remainder lot of a cluster subdivision is not allowed to be further subdivided until it's brought into an urban growth boundary. Since it's still in the rural area, no further subdivision would be allowed at this time.

BARCA: Then would you point out the remainder lot, please.

ALVAREZ: This area here.

BARCA: All of what is undeveloped at that point that goes right to the freeway?

ALVAREZ: Yes, all of this. And staff is recommending approval. That's all for --

BARCA: Questions of staff? Seeing none, we'll have the applicant's representative come forward.

PRINTZ: Randy Printz, 805 Broadway. Again, in the record that you have - sorry I have to do this, but each record is separate so - there is a narrative that goes through all the criteria, and there's also a supplemental narrative that addresses the issues and questions raised by staff.

This has been zoned R-5 since about 1994 since we did the comp plan, the first comp plan. Out of the 15 acres that are there, there's 10 or less that's probably developable. There to the west side of the

site certainly has some constraints, and there's - as staff indicated - there's a small stream or ditch that goes through running north, kind of north/south, through the sort of the middle of it, so it's chopped up some.

With the opening of the interchange and the improvements to 10th, the, you know, the amount of traffic that's here now is substantial. The storm facility now is large. The storm facility is built right there. There's a lot more noise. There's a lot more glare. It's just not a really great place to live or to build, you know. If you're going to go build a house today, that's probably not a place that you would seek out as being sort of a prime residential place, particularly if you're doing it at five-acre minimums and you're looking for some sort of bucolic sort of an existence, probably next to a freeway interchange isn't one of those.

So if it's not residential, then what do you do with it? In the rural area your options are somewhat limited. Because of its proximity to the interchange, and because of its proximity to 10th and 219th, and from a visibility standpoint and from a numbers of trips or traffic now, it makes some sense to be commercial. And in the rural area, there are essentially two choices under the rural commercial designations. One of them is CR-2 which is a more intense commercial designation which is only allowed in rural centers, and this is not a rural center. It sort of functions as one, but it's certainly smaller than something like Hockinson. But the other one, the other designation, is CR-1 which is a fairly limited commercial zone that allows -- the purpose for it is to provide services to the sort of the surrounding rural area and to sort of the traveling public.

So one of the issues that we identified early on was, What does Battle Ground think about this? And there are some interlocal agreements that talk between the County and the City that say for development out here, the City wants to be consulted on that. And the City's concern -- well, the City's concerns and the County's concerns are a little bit different, but they're somewhat harmonious.

On the County side what they don't want to see is they don't want to see Fred Meyer or a Walmart or people out here that take the transportation capacity out of the interchange, that's been the County's biggest concern for this area from a transportation side. From the City side, they don't want to see Ridgefield, they don't want to see the Junction take away all of the commercial services from downtown. And obviously those two jurisdictions are different. And it's not that one's good or bad or right or wrong, that's just Battle Ground's feeling about this area.

And so I've met with the City a number of occasions on this, in fact, as recently as two weeks ago, they are fine with our proposal. They wouldn't be fine if we were looking for, you know, for 50 acres or if we would put Fred Meyer there or we wanted to dramatically expand the uses that were allowed or the intensity of those uses out here, but they are quite comfortable with the amount of acreage, and with the uses that, the limited uses that are allowed in CR-1.

In this area - thanks, Jose, or, Marilee, whoever's moving that - as you can see, there is rural commercial that is CR-1 in the area there to sort of the southeast kitty-corner across the intersection, so... And on the north side of that directly east of the site, there's the Z-Mart is there and there's a little diner that's there. And so - at least from a compatibility standpoint - having something in this area would be, certainly would be consistent with that and compatible with that with the commercial development around, or limited commercial development, around this interchange and around this major arterial intersection.

There is a fair amount of vegetation on the north property line. So to the extent that there's not a lot of development on the north side, but there is some, and obviously there's a home that's directly north kind of in the, it would be the northwest corner - yeah, that one - so there is a fair amount of trees and vegetation back there. Also, I think the good thing is - at least if I'm them and I don't want to do development - is the west part of this is pretty wet. And if you look at the wetlands maps, it's not likely that you're going to get much, if any, development back in there. I don't -- you know, I won't be the

one in front of a court trying to argue that we're going to go fill five acres of wetland back there, so... So, I mean, I think that piece is probably fairly insulated from the amount of, you know, the limited amount of commercial that would go in here.

Jose is correct, that from an access standpoint -- another reason why this -- even if this zone would allow it, you'd never get major commercial development here. You've got zero access onto 219th, and WSDOT will never ever, ever allow that to occur - at least not in probably in our lifetimes - and there is limited access off of 10th. There is access off of 10th, but, you know, you're not going to have signalized access which a major commercial center normally almost requires from a market standpoint, so... The likely, you know, what's going to go here, they don't know, but in the CR zone there, you know, the uses are fairly, fairly limited and not particularly intense.

There's also, there is a market analysis in the record that Paul Dennis did as well that talks about the need or the limit -- you know, that this -- because of the rural area here - and it's to the north primarily and some to the west, and the numbers of trips going by and the visibility to the interchange now - this piece does have some commercial viability, more actually for office than it does for retail, some limited for retail. But their analysis is that because of what's happening at the Ridgefield Junction and WSU and 179th, this area actually - and because of its proximity to the interchange - might actually work pretty well for sort of incubator office space. So that would be small office would be allowed in the CR-1, and so that's a possibility. I think those are the same more salient points for all this. I'm happy to answer any questions that you guys have.

BARCA: Questions for Mr. Printz?

PRINTZ: Thanks. And there is some public testimony, so I'd like an opportunity to respond to that if there is any. Thanks.

BARCA: So we will go through the public list that I have. Right now I have two names. I'm going to bring up Mr. March.

MARCH: Would you like me to state my name again?

BARCA: Please.

MARCH: Yes. Michael March, 2407 Carlson Road, Vancouver, Washington 98661. The property that my sister and I own is north of the Duluth Junction. There's a -- on the northern part of our property we put in 20 houses about ten years ago. It's across from Al Ost who had property - dairy farm there for decades - and the -- I mean, I'm mentioning that just to make it clear where my property or try to is. The rest stop that is on I-5, that used to be our property, and that would be the southwestern portion of about 80 acres that we have there. Are you familiar with where I'm referring to?

BARCA: Are we speaking of the Gee Creek?

MARCH: Right. Correct. And my question is, am I correct in understanding that the next zoning meeting will be in 2016; is that correct?

BARCA: Comprehensive plan update.

ALVAREZ: Correct. June 30th, 2016, is when we -- is the deadline to update our next comprehensive plan.

MARCH: Well, my sister was interested in knowing, is there a possibility, if we wanted to rezone that, how we would apply for that? Is there a procedure that we would go through?

BARCA: There isn't a procedure through the Planning Commission. Jose can talk to you separately about what the comprehensive plan update would look like. Is that fair, Jose?

ALVAREZ: Sure. Yes. No problem.

MARCH: Let me see if I have anything else.

BARCA: I'm interested to know, do you have any comments about the proposal?

MARCH: Are you referring to what this gentleman was referring to?

BARCA: Yes.

MARCH: I wasn't sure about exactly the area he was talking about. He was referring to north of us, was he not, in Battle Ground?

BARCA: So can you see the map?

MARCH: Yes.

BARCA: Where the red dot is, that parcel there down to 219th, that is the proposed change. It's about 15 acres, and the proposal is to change it to commercial.

MARCH: I see. Well, he mentioned Battle Ground and --

BARCA: He mentioned Battle Ground as a participant in the commentary about the outcome.

MARCH: Right, as I remember it. Well, I remember reading something. Didn't the mayor of Battle Ground make some sort of comment that he was going to sue if any commercial enterprises were put in near that Duluth Junction area, or he was going to contest it? Am I correct in understanding that?

BARCA: Well, there's no representative of Battle Ground here this evening, so I don't think we could actually make comment on what their intentions are.

MARCH: I see. All right. The area that he's referring to, this 15 acres, how close is that to the land that I'm referring to? Well, I can speak to Jose; correct?

ALVAREZ: Yeah. You're talking about the --

MARCH: Oh, I see. Okay. Why don't I get together and speak to you when the meeting's over.

ALVAREZ: Sure. Okay.

BARCA: Okay.

MARCH: That will work. Thank you very much.

BARCA: Thank you, Mr. March. Any questions? No. Okay. So then I'd like to go to Mike Dougherty.

DOUGHERTY: Mark.

BARCA: Mark. Sorry.

DOUGHERTY: Mark Dougherty, 710 NE 221st Street, Ridgefield, 98642. And I own the two five-acre parcels just to the north of this proposed development.

BARCA: Can you see the map there?

DOUGHERTY: Yes.

BARCA: And Jose is putting the cursor over it, those are the two?

DOUGHERTY: Yeah, those two. Those are the two, yeah. So, of course, it seems apparent to me that at some point in the future this corner will develop into something. Now, a lot of the comments that were made by the, I think, the applicant's representative he referred to himself, would indicate that that's maybe not so apparent based on access and those sorts of things. So I do have a question about

the plan. With the limitations we've talked about, what's the planned access to this property? Is it off of 10th Avenue, then, and approximately where?

ALVAREZ: Yeah. It's 10th Avenue. I think it's just south of -- well, between right in this area here. So it will be south of the private road access to your property.

PRINTZ: Jose, I think it's the parcel on -- I think that's it, right on that parcel.

DOUGHERTY: So it would be right there?

ALVAREZ: Yeah.

DOUGHERTY: Again, the representative made a comment that this is not really desirable residential area, and living there on that property, I find that it's actually not too bad today. But with commercial development right in front of it, it certainly does affect that, and I would think that the Planning Commission would take that into consideration that you're leaving three pieces of five-acre zoned property right in between what's a multiunit -- or I don't know what the designation is, but they're high density housing to the north and commercial to the south.

I'm also a little concerned with the CR-1 zoning. I understand that means that there's no public sewer required for that, and the amount of businesses that might be put in on that size of a piece of property could have some negative impact on residential and livability of our property just to the north of that. I think that's a true statement, that they do not need to have public sewer to develop that.

ALVAREZ: That's correct. And that would be another of the limiting factor as to what type of commercial you would see on that site.

DOUGHERTY: And I would just also urge that -- and, again, I'm not a planner, but there was a comment made in one of the earlier discussions that about planning ahead and how we planned at this part -- at point a in time we planned and what we did made sense. So I'm just questioning if taking this kind of minimal approach of zoning this as CR-1 is really the right thing to do, or whether it should be considered to be perhaps CR-2 now, so...

BARCA: So just for my clarification, is it your position that you'd prefer to see it CR-2 rather than CR-1, or are you just trying to get clarification as to why one determination was over the other?

DOUGHERTY: Well, I think I know why CR-1 is preferred right now because there are no services available, and the cost to develop that property would be significantly higher than what it would be if it's zoned as CR-1. But, again, I would, you know, being a concerned property owner in the area. And, you know, as we said, this is probably not destined to be R-5 zoning for too much longer probably, or I would be surprised if it stayed that way after the 2016 growth boundary, that perhaps we should look at that now. Because the CR-1 designation will just mean that these businesses can build and go into this area and then, you know, and then later on it will be a neg- -- it would be a negative impact to the property owners just to the north of this.

BARCA: Just to the north of you?

DOUGHERTY: Well, no, myself and then the neighboring property to the east of me.

BARCA: I see. Okay. So earlier I heard in your testimony, I thought, you asking for consideration on whether your property and the property adjacent to you to the east should be in the consideration, is that a fair statement?

DOUGHERTY: Yes.

BARCA: It just helps me clarify, then, in the discussion. Okay. Are there any other questions for Mr. Dougherty? Anything else you'd like to add?

DOUGHERTY: No. Thank you.

BARCA: Thank you very much. So this is all I have at the moment for public testimony. Is there anybody else from the public that would like to speak prior to Mr. Printz coming forward? Yes, we do have somebody else.

CURREY: Sorry.

BARCA: Please don't apologize.

CURREY: My name is Leslie Currey, and we own --

BARCA: Can you state your full address, please.

CURREY: Sure. It's 170 South Pekin Road, Woodland, Washington. We own the property directly north of the subject property, east of the Dougherty's property who was up here just speaking. And we just learned about this process happening about two weeks ago when we got the public -- when we got the notice for this meeting, so we were quite surprised.

That property has -- we've owned it for about ten years. And right after we purchased it, the State approached us and said the interchange was going to go right through it. We bought it with the intent to build a house on it. When they said that they were going to build the interchange through it, of course we couldn't build on it, and then they changed it to where it exists now, so we've been sitting on that property. We were just looking in this last two months to build on it again and then got notice of this.

So that property has been a real problem for us. We're sitting with bare land. We can't build on it. We don't know what's going to happen. We've never known what was going to happen to it. So we are looking for it, and we would like to be considered in the whole plan. You've put ours and the Dougherty's property kind of in this no man's land where it's not great to build on, to live there, to put a house on. It's not commercial yet. It's not within the comprehensive plan. It's between the big neighborhoods and now the commercial property. And so we just don't know what, you know, what direction to go with it. So we would definitely like to be considered in this whole package of commercial zoning.

QUTUB: Did you have a question?

JOHNSON: No. Go ahead.

QUTUB: How large is your parcel?

CURREY: It's approximately five acres.

QUTUB: Five acres. Okay. Thank you.

BARCA: Other questions?

USKOSKI: No, actually I don't have any.

BARCA: So before you leave - Jose, the parcel that is just north, that is a separate parcel with somebody who we haven't heard from yet; is that correct?

ALVAREZ: I believe she owns this parcel --

CURREY: That is correct.

ALVAREZ: -- but we haven't heard from this person, and I believe Mr. Dougherty owns these two.

BARCA: And there's that tiny little segment right there. Yeah, it looks like --

CURREY: The State owns that. That is --

BARCA: The State owns that.

CURREY: That's a water --

ALVAREZ: Stormwater facility.

BARCA: Stormwater facility.

CURREY: Stormwater, yeah. And when they purchased that from us, they actually gave us ingress and egress from 10th Avenue. So there is access on our property that is -- that could go either direction because the divider doesn't go down that far.

BARCA: Thank you very much.

CURREY: You're welcome.

BARCA: Mr. Printz.

PRINTZ: I thought I'd wait just to make -- once bitten. I guess the only comment I would have is that the comment about, you know, changing the plan, well, that's what this process is, you know, is designed to look at. And Commissioner Barca will certainly appreciate this since we were both around in 1994 when the comp plan was adopted - the original comp plan was adopted under GMA - the County, and all counties, nobody goes and looks at each parcel on an individual basis and does any kind of real analysis on it, there's neither time nor money, you'd be talking about billions of dollars.

So the comp plan, in large part - and particularly originally - was done with a lot of broad-brush strokes, actually more in the rural area than in the urban area. The rural area, all the ag was originally pretty much just based on parcel size and soil type, whether it could support agriculture or not, and we've gone through lots of changes in years and litigation over all of those things.

And, again, this was originally zoned in '94 long before the interchange was here - or the thought of the interchange being here - and the fact that it is here now, and there is commercial at this location, the farther north you go certainly the better it gets to be able to live in that area. But to be adjacent to the interchange and this intersection and in a really large storm facility, just simply doesn't make this a really great place to have a home.

There are a variety of options and opportunities for buffering the impacts of this limited commercial to any of the properties to the north by way of, you know, trees, screening, there's just a whole host of things that we do all the time through the development review process, and that can certainly be and would necessarily be part of this. So, and again, a good chunk of this site isn't developable anyway, mostly on the west end and some of this stuff actually in the middle, so... Anyway, that's the only comments I've got unless you've got some questions.

USKOSKI: Yeah. Did your market analysis look at it being just a really small limited, that it would support nothing larger?

PRINTZ: I would love to tell you that I could make the case for it supporting more, certainly more retail, and it doesn't do that, it makes the case for some limited commercial. To the extent that -- I mean, we certainly don't have any objection if PC or the Board wanted to add more.

The limiting factor, or I guess the issue for me, would be what does the City of Battle Ground, you know, think about. I know they have -- I don't know where their limit is for them for what they would say this is okay, but we, you know, we're concerned about that. I just -- I don't know where that line is for them. I know that this is below it, but I don't know how far. So I'm not trying to dissuade you from doing that, I'm just being forthcoming about our discussions with the City.

QUTUB: My question would be for the staff to remind me again, after we had the work session on this and had the discussion about these parcels to the north and now we're back here, and I think you said -- you started off by saying, well, we're leaving it just this 15-acre parcel. Tell me again why that was -- why you came to this conclusion.

ALVAREZ: So the CR-1 zone is essentially to reflect existing commercial. This existing commercial -- there's existing commercial here, and the case is that this is an expansion of it in a small area. Most of this site is not developable. I mean, essentially you're looking at tripling the size if you expand these parcels to the north.

Again, the City of Battle Ground has had some concerns. They're okay with a limited amount of commercial here. And I'd remind you, again, that to the south at 179th Street interchange there's commercial designation there, urban. This is rural, and so there's an industrial overlay in this area essentially. When we look at the comprehensive plan again, we were looking at this - at the interchange - to be sort of more kind of industrial, so we really wanted to limit the commercial to just this portion.

The County's making a rather large investment in sewer coming down in this area. So when the urbanization happens, we don't want to preclude these parcels from already have being developed, so we want to try to protect that investment. That's also part of the concerns that Battle Ground has. So that's kind of the balance that we're trying to have here.

QUTUB: The sewer to be developed and that property to be developed in what way?

ALVAREZ: Well, right now it's rural. So industrial, I think, urban reserve overlay is what is currently the comprehensive plan designation in this area from 10th to I-5 north of 219th, and there's a portion south of it also. So the intention is to have more sort of industrial development in this area. But, again, it's something we'll look at through the comprehensive plan in by 2016.

QUTUB: 2016.

ALVAREZ: Yes. And I know it's if you've been waiting a while.

QUTUB: Yeah. You don't own the property, Mr. Barca.

BARCA: Well, I'm saying that in just, it's always just a few years away --

QUTUB: I know.

BARCA: -- but we have landowners that have already spoken about their concern, and we're discussing this at this point in time. I just find it just a little bit - and don't take this in the wrong way - but the hypocrisy of saying we have the rural commercial on one side of the street that we have already okayed, and we want to reserve the rest of it for industrial, but we will go ahead and rezone this - this small part here - but not the rest of it, which really takes and creates this sliver between the cluster development and now a rezoned portion and leaves them in limbo until 2016.

And I think our policies were discussed at the last comprehensive plan that interchanges were to be one of the target areas for development. And if that's the case, why are we not recommending the appropriate development that we say we want?

If we say that it's okay for this proposal to go forward as commercial, let's just include those parcels to the north of it, create the commercial node that would then be able to be developed. It's right on the interchange. It's compatible with the RC to the southeast, and we would then say that we actually have planned that particular intersection. I don't think it really impacts the industrial overlay or the future sewer development by doing that.

And if that seems too aggressive or too much of an impact, then I would propose that perhaps this entire application is too aggressive for what the County's policy is. But I have a very hard time saying that those parcels to the north should not be able to be at least reviewed and included in the opportunity to go commercial when we know that the back half of the proposal is not going to pan out anyway, so that very small chunk is, it seems to me, it's a lot of compromise for a very small change. And I'm having a little trouble trying to understand why we're willing to open the door just a crack, but

say we can't open it all the way because we have a plan.

USKOSKI: Well, I guess my concern with opening everything up is where we have the rural commercial right now - between that and the ag - we have what appears to be another ten acres roughly that would be standalone, or we'd have to bring him in, and at that point you're essentially going from 10-acres maximum of expanding that rural commercial to adding in an additional 30 acres. That seems a pretty big jump without getting some input from the City of Battle Ground, and getting a little bit more of a bigger picture view knowing that we're coming right into a comprehensive plan update where we could better address some of that for the other parcels.

PRINTZ: I'd also add one thing on the industrial urban reserve, the purpose for that - and there's a huge area of it out here, and there is also some at the La Center Junction as well. And there probably is at Ridgefield, although probably not very much at Ridgefield, but definitely at La Center and here - was more than anything to maintain parcel size on pieces that either were ag or something else.

What the County wanted to try to do when they created that was - and the idea of the Discovery Corridor, and at some day if this area urbanized that those - you have large enough parcels out here for, you know, for larger industrial projects. In order to do that, though, you would still need to have this area be part of an urban growth boundary in order to be able to do all of that. And the City of Battle Ground has certainly not advocated getting out to the Junction like Ridgefield did, in fact, their 50-year vision wants and calls for a break between the city limits and I-5.

So the only other alternative is to grow the Vancouver urban growth boundary north from 179th. And while that's certainly a possibility, the folks that live between here south to 179th, they had actually been - and some of them are actually inside the UGA - they've been talking to the Board about getting out of the UGA, which they can't do. But -- well, maybe they could, but, I mean, I -- other than one little piece in Ridgefield for legal reasons, I've never -- no piece in Clark County has ever come back out of the urban growth boundary, so...

My only point in this is that this area is not going to urbanize in 2016 or any time close to that. And which isn't to say that the urban reserve policy isn't a good one, but it's 2016 isn't going to change the urban growth boundary out to here from either Battle Ground or the City of Vancouver.

Commissioner Barca would probably more than anybody know how the vacant buildable lands analysis works in doing the math. And good luck trying to -- I'm usually the one who is here arguing trying to justify the boundary expansion - and I've represented a lot of development clients in '94 including the Home Builders and also in the last comp plan - and it's tough to make the math work. And it was, you know -- we could do it when we had growth rates that were expediential. You would have an extremely hard time -- I don't know how you would make the math work now for 2016.

So the only point in that is in terms of, you know, is this going to in 2016 or 2018 going to all of a sudden, you know, is Intel going to be here or are you going to have hundreds and hundreds of acres of urban development out here, and the answer is no. Which sort of takes you back to this is a rural area - at least for the foreseeable future - and what's appropriate for that, for this intersection, and is it more appropriate to have some limited commercial opportunity here and a few jobs, or to have a not very good piece of dirt to try to build a home on. Thanks.

BARCA: Thank you. More discussion?

JOHNSON: You know, you look at that, the State takes the property from the west, there's no access off of 219th, there's a treatment area off of 219th. So Battle Ground is, you know, they may be saying they like it, but it sounds like there's potential reservations if it gets bigger, so... I don't know. The gut feeling here, this thing just looks messy. And the access -- and I usually am a big proponent of let, you know, let it go, but I'm also sympathetic to the northern stakeholders.

It just seems that this could be done better, and I can't quite articulate how other than, you know -- there's no access except off of 10th Avenue, so then if you did, if in the future whenever those northern properties were added, what would we have, another access or another egress? I don't know. To me --

PRINTZ: You'd meet spacing. I mean, there's more than enough land there if that were to occur to meet the County's spacing requirements for access.

LEBOWSKY: Commissioners, Laurie Lebowsky, Community Planning. The spacing standards for this area would be 230 feet approximately. If you look at the property, it will probably -- they would locate the access on 221st, it would probably be a right-in/right-out, but you also have to consider the properties on the east side as well and spacing with those driveways.

BARCA: And to me that is even more of an argument for the idea of making the plan with everything included rather than piecemealing a portion of it now and then going back in and having to put in another option. I think commercially if we look at this interchange and the traffic that goes by it and the rural area around it, Duluth used to be more of a thriving community, they had a really nice tavern there --

PRINTZ: Yes, they did.

BARCA: Yeah. -- and there's an opportunity I think to create community around there again, but part of that is going to be a matter of whether there's enough that gets developed there commercially to draw people in.

JOHNSON: I think - also to add to that - especially with what the State's done and that the mixed messages to the community -- and it's not just one, but where that all was going to go took a long time. And, so again, when you talk about people's lives on hold, I wouldn't like it if someone told me, well, maybe we're going to run it through your property and then maybe we're not, and, so... I don't know.

It seems to me that -- and this is the first time I'm probably going to jump out on a limb here, so don't be offended, but it doesn't seem to be planned well to me. It doesn't seem to be looked at in a broader this is an interchange, it is the newest -- I drive that thing almost every day and I'm always going, well, I wonder what's going to happen here, and it looks pretty cut up. And now knowing that there's no access off 219th, it seems like we should relook at this thing. I'm just saying.

PRINTZ: The problem is is that until it comes into the urban area - which is going to be a long time - the options that you have aren't -- you don't have a lot of options. I mean, you're stuck with the rural options until this becomes into an urban growth boundary.

JOHNSON: Just for that piece of property. But I'm saying - and correct me, this is a question here - for those three northern properties, could they not be -- couldn't they receive the same --

PRINTZ: They could be made rural commercial, yes. They couldn't be made, I mean, you couldn't have an urban commercial development here, so you could have the limited uses. And then the question is is how much market is there for 30 acres or 40 acres of CR-1 of what's allowed in there?

JOHNSON: That's a good point.

PRINTZ: You know, certainly the piece that makes the most sense is the one that we're here on and requesting because it's at the intersection, it meets the locational criteria in the comp plan for rural commercial which is at the intersections of arterials. But I understand what you're saying. And you're right, you don't have the tools in the box that you'd sort of like to have to go plan the interchange with huge employment centers which is what everybody would like because the --

JOHNSON: Yeah. And I'm really starting to formulate this opinion right now about how the State handled 503 and what it really did to this community to -- help me out. 72nd up the road, it just --

QUTUB: Meadow Glade.

JOHNSON: It just -- the anxiety is high, and we understand that this happens. But, again, what could we do, what could we do for our part to mitigate some of that anxiety? And maybe this isn't the place to do it, but it just doesn't -- this is one I look at and go, what? You know, I mean, what do we see here? I mean, to me an interchange -- what's the interchange on I-5 south, coming from the south? What is it, 134th is the gas station? I mean, think about what you come off the freeway for.

Common sense says I get off there for a sandwich or a small diner or a gas station which, too, it's a burger joint, very small, a very small -- one gas station there, so you'd think this could turn into kind of a little mini pit stop. That's just my thoughts. What's before that coming from the south is 134th; right?

ALVAREZ: No, 179th.

JOHNSON: 179th. So why don't we do it right? And I don't know if, again --

QUTUB: So would the City want to allow for that kind of thing?

JOHNSON: What do you see happening there, I mean, now? If this is -- and I know you got a dream here, but what do you think is going to go there?

PRINTZ: There are a variety of things that are allowed in CR-1 that conceivably could go there. You could have something that you just described, you know, you could have a service station and some sort of a mini-mart. I don't know if that, you know, that's necessarily what anybody would want, but from a locational standpoint you could have that. You'd have some --

QUTUB: Drivers on the freeway might want it.

PRINTZ: Right. Some jobs associated with that, absolutely. You could have some small office that could be a, you know, a real estate brokers' office there, there could be a lot of different small office opportunities. It would be -- it's actually a pretty good site for either, you know, a large church, or one of the things that Paul talked about - and it's talked about in his report a little bit - is some sort of recreational facility here. It's centrally located and so there's some options. But, again, you're, you know, you're in the rural area and so you're limited on, you know, on what you can do.

And the comment about sewer is valid. And, I mean, we do -- there's a lot of rural commercial out there, and even some rural industrial, there's even schools that are on septic in the right soils. But here, you know, you're going to have, you know, you're going to have soils that aren't great, so you're, you know, you're not going to be able to have a Fred Meyer there anyway probably unless you had sewer, but you can certainly have limited commercial opportunities that create some jobs and some services for this surrounding area.

And at least, you know, again, I go back to -- and you -- I mean, you could say, well, why don't we wait until 2018 or 2020 or whatever, and you could certainly do that, but in the meantime, I mean, I don't think anybody would agree that this would be a great place to build a house. And so the same thing that you talked about with I-5 and WSDOT, while the City of Battle Ground actually fought long and hard with their local legislatures to get, you know, to get the interchange, it was going to go up north and, you know, now all of a sudden it went through these guys' (inaudible).

So they -- and the same sort of thing happened, and I understand the reasons for all of that and I'm not saying that this is in the wrong place or anything else, but it's just it's not -- it's not a great thing for these guys. These guys have come in through the process and are trying to demonstrate that they can meet the criteria and there are good policy reasons at least for doing this, which doesn't preclude you next year or in 2016 from adding onto that, there's nothing that would happen here that would preclude development to the north.

BARCA: Other than us recommending that it be changed in zoning.

PRINTZ: I don't --

BARCA: If we do not recommend that the parcels to the north change with the proposal to the same zoning designation that you're asking for, then your statement about there's nothing that precludes them is just that.

PRINTZ: Oh, correct.

BARCA: We would have to come back and do that for them in the future.

PRINTZ: Correct. Yeah. I meant precluded in the future from happening.

BARCA: Yes.

JOHNSON: And maybe that's the way to handle it. I mean, you know, we're looking at this property right here. I got to keep my focus on the ball and --

QUTUB: Yeah. I --

BARCA: No, I don't think so. I think that's exactly what we're about is the idea that there is a proposal in front of us, and I recognize that, but we're also supposed to be talking about planning, and long-term planning. And if we agree that it's going to be a long-term proposition before something different is offered to the landowners to the north -- we know the cluster development is very well set. But I think we're putting the squeeze on these people and making it where it's uncomfortable to build.

There's no certainty about what will happen, but they know that maybe sometime in the future something's definitely going to happen, I think we should offer them a little bit of certainty. And even if the proposal is not high density commercial because it is in the rural land, it's probably the best that could be offered to them as a proposal. So, yes, we have specific boundaries from the applicant, but that is not where we must draw the line, we don't have that requirement.

USKOSKI: No, but we do have the requirement of the comp plan goals being met. And, I guess, I don't have a lot of confidence at this point that the parcels beyond what's currently proposed by the applicant adequately address all those goals of the comp plan at this time, that we haven't looked at those properties in relation to meeting those.

BARCA: So you think if Mr. Printz hadn't had these parcels available to him at the time and they were a part of his application, we wouldn't have been able to meet comp plan goals? He wouldn't have been able to make a proposal that was meeting those comp plan goals?

The comp plan is certainly written in a fashion that we could make it malleable, and this proposal I think certainly can meet those goals in the context of what we're trying to provide to the rural area. This commercial will cut down on trips, it's good for the environment, it's right there along the highway. I don't believe it would be difficult in our proposal to say that this is beneficial to the rural area and the county therefore.

JOHNSON: Jose, nothing stops these people from coming forward again and proposing --

ALVAREZ: Correct.

QUTUB: I guess my comment, a couple of comments. There is a house on one of these properties already, so they've chosen to build there, that's number one, and he said it's pretty nice the way it is there. The other people want to build a house there, they wanted to build it when they bought the property quite a few years ago.

So changing how, you know, changing this parcel that's south of them seems to me that it's exacerbating what is happening to them. It's a dead zone. They can't do anything with it until they come and

probably spend a lot of money and decide they, you know, can come and say, well, let's just, you know, till they can come to the best land use advisers in the City apparently since you're up here today several times.

But I -- and I understand they haven't been brought into this particular piece in the planning piece of it as far as the numbers that you've created for your client, but I see it as -- I do see it as a little bit of poor planning not to allow them to be in this piece.

Although, I guess the other question I would have is, is it detrimental? It sounds to me it may be detrimental to the whole plan simply because Battle Ground is not going to like that there are another, what is it, is it 15 more acres? Is that what it is? Or is it 5 and 5, is it 10 or 15?

USKOSKI: Well, it would be about 20 when you -- it looks like about 15 that you have up above, 15 or 20 in there, and then you also have the other parcel.

QUTUB: And then this 15.

USKOSKI: Yeah. That 15 that's under proposal. And then you have the little odd guy out that's on the east side that's all in the trees there.

PRINTZ: And I don't want to oversell, or I don't want to represent Battle -- you know, what -- I'm just conveying to you what their concerns were. And I don't know whether five more acres or ten more acres, or I don't know what their threshold was. They just said, you know, we don't want to see a bunch of, you know, intense commercial development out there, we're okay with this for whatever that's --

BARCA: And I think the rural commercial pretty much precludes intense just by its own zoning designation. Okay. So I would like to see the other property included. I'm looking for somebody that's willing to make a motion under any circumstance to move this along.

JOHNSON: I'd make a motion that we accept the project as stated.

BARCA: And I don't hear a second, so...

USKOSKI: New motion?

MOTION

BARCA: I'll make a motion that we take the applicant's parcels and the parcels to the north up to the cluster development and include it in the proposal for the rural zoning of commercial.

USKOSKI: Are you excluding the parcel on the east side of the road that's --

BARCA: I am.

USKOSKI: -- in AG --

BARCA: I am.

USKOSKI: -- and RC?

BARCA: I am.

USKOSKI: I'll second that.

BARCA: So moved and seconded. Discussion? Karl, do you want to say anything before we go?

JOHNSON: I'm fine with -- I mean, I'm glad you're adding it. But, I mean, it's a -- I did not want -- I like how you phrased it, because I did not want it to go away just because we disagreed with if this is what's on the table, this is what we need to do. I don't want to the development lost. I'm starting to get - as a young commissioner here - just a slight bitter taste in my mouth with --

BARCA: Gosh, that didn't take long.

JOHNSON: No. No. Well, the City of Battle Ground --

PRINTZ: It goes away, doesn't it, Ron, at some point?

JOHNSON: Like, again, just bear with me guys. Because, you know, this City of Battle Ground thing, I understand we're trying to do this right, but I think sometimes when we look at these things, we're looking at a freeway interchange, we're looking at a potential there for something really special. And so I don't want to torpedo, you know, what you're doing, I really don't. I'm glad that we're extending it, so I'm probably getting a better deal if it happens. But I don't, you know -- Jose, you can bring it up next.

USKOSKI: Yeah. And I'd actually like to see the City of Battle Ground weigh in on this before it goes to the Commissioners.

PRINTZ: I'm sure they will.

USKOSKI: Yeah, I'm sure they're watching in horror right now.

BARCA: And that's one of the choices.

QUTUB: And my comment would be, too, that I, like Commissioner Johnson, I don't want to see what's before us be spoiled or go away. But I just, I hate to see the land to the north in the dead zone, and it could be, it could actually be a part of it, too, so...

JOHNSON: So, Jose, if you get back and Battle Ground wants to sue everybody and you say there's no way, can you bring this back to us and just say, okay, look guys, I tried to --

ALVAREZ: No. The Board will make the decision.

JOHNSON: No. But, I mean it will be --

QUTUB: We're recommending this --

JOHNSON: We're just recommending this. Okay.

QUTUB: -- and the Board will take it up and will decide for us --

ALVAREZ: Yes. They'll consider your --

QUTUB: -- will make the policy decision. So we'll be off the hook.

BARCA: So we've had some spirited discussion. We have a motion on the table here.

USKOSKI: And I seconded it.

BARCA: And seconded, yes. So are we ready for roll call? Please.

ROLL CALL VOTE

QUTUB: AYE

USKOSKI: AYE

BARCA: AYE

JOHNSON: AYE

PRINTZ: This could be the first time in 25 years I've ever gotten more than I asked for.

BARCA: We are going to take an intermission here --

PRINTZ: Thank you.

BARCA: -- allowing everybody to have a moment to breathe and rest.

(Pause in proceedings.)

D. KENNELS/NOISE STANDARDS

BARCA: We are going to go ahead and reconvene tonight's hearing, please. And we will pickup the next agenda topic for the Planning Commission, and it is known as kennels/noise standards.

SNELL: Good evening, Commissioners. We spent some time a couple of weeks ago at the Planning Commission work session prepping this. The County code has regulations related to kennels at Chapter 40.260, it's Section 110. These rules have been in place for about three years or thereabouts.

We've had recent applications, and, namely, one application that has gone through this process, through an appeal. A hearing examiner issued a decision that left some questions open for staff and the Board of County Commissioners on some of the standards in the kennel ordinance, namely the noise standards for the structure that houses the dogs.

What you have in front of you this evening is a proposed amendment that addresses the enclosed structure. We also had a secondary issue involving whether or not the operator, owner/operator of the kennel has to be a resident of the property, or if they're not the resident of the property, is there a requirement to have an owner/operator on-site, a caretaker on-site.

So you'll see on Page 1 of the staff report there's a strikethrough and an underline amendment at the bottom of Page 1. And then on Page 3 for both commercial kennels in the rural area and commercial kennels in the urban area, there's language regarding "If the owner/operator of the kennel does not reside on the property on which the kennel is located, the owner/operator shall provide for an on-site caretaker or operator to ensure that the kennel operates within the requirements of this section."

Since the Planning Commission work session a couple of weeks ago, I worked a bit with Chris Horne on elaborating on the standard for noise. And you'll see a handout, at the top of it reads "Optional Amendment #2," this amendment would simply amend b(1)d to read "Dogs shall be kept in an enclosed structure."

And the next proposed amendment carries on up at the top of Page 2. It elaborates on the noise level standards under Subsection e, and the addition is in red text there with an underline. What this does is it takes the State standard of the decibels from the noise source and the receiving property, and in this case most residential properties are Class A properties.

So this amendment, this proposed amendment, would have a decibel threshold of 55 decibels, that would be the maximum noise standard emanating from the enclosed structure. And below the table are further restrictions, that between the hours of 10:00 p.m. and 7:00 a.m., those noise standards are reduced by 10 decibels. So 45 decibels would be the maximum threshold from 10:00 p.m. to 7:00 a.m. from residential-to-residential property.

And then there are some other limitations based on kind of spiked, if you will, spiked noises lasting either 15 minutes for any one-hour period, five minutes and one and a half minutes. So that's the optional amendment for your consideration. With that, I'll answer any questions that the Planning Commission may have.

BARCA: And your recommendation in the staff report is one proposal, and the optional amendment is a separate proposal, is that not your recommendation then?

SNELL: From what I can kind of gather, I think that it's in the better interest to have objective criteria on what the noise standards are, and the Optional Amendment #2 actually calling out those noise standards from the WAC are a better amendment. So I would offer that the Optional Amendment #2

would be that standard that would be applied for noise emanating from the enclosed structure. The other two amendments, which are under h and g of different sections, would still --

BARCA: They remain the same?

SNELL: -- they remain the same.

BARCA: So I think just for clarification for the Planning Commission, then, staff recommendation is now considered Optional Amendment #2.

SNELL: That's correct, sir.

BARCA: Okay. Questions for staff? Eileen.

QUTUB: I'm just looking at this chart and the 5, 10 and 15, the spikes --

BARCA: Yes.

QUTUB: -- those are, that's the spike amount?

SNELL: Yeah. So for any noise of 15 minutes in a one-hour period, it's not -- you reduce it by 5. So during the daytime it's 50, during the evening it would be 55 less 10 less 5, so it would be 40, that's the way I read this.

QUTUB: All right.

BARCA: So seeing no other questions of staff, we'll go ahead and we'll go to public testimony. And we have one on the sign-up sheet we'll start with, Aleta Beck.

BECK: Good evening. My name is Aleta Beck. I live at 89 --

BARCA: Just give us a moment.

BECK: Okay. There we go. My name is Aleta Beck and I live at 8909 NE 223rd Circle, Battle Ground, Washington. And I really have no issue with the noise of standard as proposed. Whether it's attainable or not for a large kennel on five acres is - even with the enclosed structure - is going to be questionable at best. I've lived with this for ten years and I'm somewhat of an expert on dog noise and what is attainable and what isn't for a large number of large dogs, and it's pretty difficult especially during the daytime hours when they are not in an enclosed structure, we do have those to consider too, but the WAC should take care of those.

What I am more interested in was in the discussion that was still not brought up here was the residency or the on-site caretaker provision in the code. It is our belief - and it has been from the beginning - that without the owner living on the property, operating the business on a residential property, then that makes it a commercial enterprise without having the person apply for a change of zone usage for commercial property.

Unless that caretaker has a vested interest in the business, then it is -- they are a hired person and this is strictly commercial property, which residential is -- our property is not zoned for. And that's the case with all of the kennels, they are on residential property and they should not be zoned, allowed to operate commercially, so the owner has to live on the property.

As far as the clause put in here for an owner, I mean a caretaker, I'm going to call this what it is, and I call it the Redwood Krest clause. Because what we have in the county is a situation where a property owner has operated an illegal business for ten years, moved away from the property where the kennel is located to a gated community with CC&Rs, that means no dog kennels there, before his permit was with the conditions was even approved.

I don't think it is the County's responsibility to write clauses into code to help mitigate the responsibility of a property -- a property owner must face for operating illegally for such a long time, and that is

basically what this clause is. I do not recall any testimony anywhere relating to kennel codes where the kennel operators came and said, you know, we really need to move away from our properties, there is only one out there that has, and I don't think it's the responsibility of the County to do that.

I think you need to recommend to the Commissioners that you set this code right, you put it back on track, you process it as a home business because that's what it is supposed to be on residential property. Otherwise, it is commercial and they need to apply -- if that's the case, then they need to go through a zone change process to change the property from residential to commercial. And I don't -- I think that's probably against the Growth Management Act, cherry picking little pieces of properties specifically and turn them into commercial property in residential areas.

Another thing that I have a lot of concerns about, the caretaker position, I've talked about how this would destabilize the residential area that the kennel is operating in. And one of the things that is very disturbing about it is if the property owner does not live on the property, how far does he live away, 10, 15, 20 minutes, the next county, the next state, across the county, across the country.

You've kind of opened up a Pandora's box here to allow anyone who wants to have a kennel come in and buy a piece of property, turn it into a commercial operation and not have to pay any of the costs that any other commercial -- a person who wants to operate a commercial property in Clark County that they have to do, the taxes, the increased property rates. I don't understand why kennels get this specific little prerequisite or privilege that other commercial businesses don't have.

So with the fact that how far away does the owner live from the property, then you have a question of supervision. I mean, if they -- how far away do they live and how often do they come in and how often will they come in to supervise what's going on on the property. And I can really tell you where the supervision will hit, it hits -- it will be the responsibility of the homeowners around it through the complaint process if there's no one there to really supervise what is going on, and I don't think that is something that neighbors should have to have the responsibility of doing.

So I am going to ask you to recommend to the Commissioners that this code does get righted, that it gets processed as a home business and with all the requirements of a home business and not a commercial property. Does anybody have any questions?

BARCA: Questions for Ms. Beck?

USKOSKI: Actually I do have one. So it sounds like you're in support of the Optional Amendment #2 that lays out the noise standards --

BECK: Yeah.

USKOSKI: -- with the exception of it having that caveat on there that allows for a caretaker or an operator to be there rather than the owner/operator?

BECK: Right. I've always been opposed to the kennel -- well, actually any kennel that -- it has to be -- well, this comes into the planning part and the code part when someone applies. Then they have to figure out, well, is this an appropriate use, you know, when the person applies, is this an appropriate use for this property, and then they go through and do that. That's -- not that that's being done correctly, but that's the way it should be.

The noise standards work for me. Soundproofing would mean to me enough so that you can comply with the WAC. I'm not sure anyone really knows how quiet 45 decibels is, but it's really quiet.

QUTUB: It's not that quiet, I can guarantee you.

BECK: I've got a dosimeter that says it is.

QUTUB: Whispering --

BECK: It is.

QUTUB: -- is 45 decibels?

BECK: Yeah, it really is. I was going to bring my dosimeter in and I forgot to, and, sorry, I was going to demonstrate for you. But I sat there with it and I have talked in a normal talking voice, like -- well, this is louder because I'm miced, but it's -- we all talk, we all blow past it about 70 all the time when we talk anymore.

QUTUB: Interesting.

BECK: It really is. So just a little enlightenment.

BARCA: So just for clarification, you mentioned the term soundproofing, and soundproof has been stricken.

BECK: Yes. Yes.

BARCA: I just wanted to make sure.

BECK: Yeah. I just mentioned, you know, well, soundproofing, you know, unless you can set that thing back 200 feet from the property line, it probably will have to be practically soundproofed when you put 50 dogs inside of it.

USKOSKI: And I just had one other clarification from you, Marty. With the Optional Amendment #2, we're proposing that the dogs just must be kept indoors, flat out --

SNELL: Yes.

USKOSKI: -- rather than just between the hours of 7:00, or 10:00 p.m. and 7:00 a.m.?

SNELL: Let me just take a look at something. Excuse me. I don't think that's the case. So, yeah, absolutely, that's actually the staff report, the earlier staff report, "Dogs shall be kept in an enclosed structure between the hours of 10:00 p.m. and 7:00 a.m.," that's the way it should read. I'm sorry. "Which attenuates noise" is what I'd strike.

So the Optional Amendment #2, I - in error - deleted between the hours of 10:00 p.m. and 7:00 a.m. So it should read "Dogs shall be kept in an enclosed structure between the hours of 10:00 p.m. and 7:00 a.m." They're going to be outside during the daytime in runs, whatnot, or you have to let them out for a period of time, but in the evening the intent here is that they be in a building, closed structure. So I apologize for that error.

BARCA: Is everybody clear on that?

QUTUB: No, I'm not quite clear.

BARCA: So let's go back.

QUTUB: Is it d?

BARCA: Yeah.

QUTUB: It's d?

BARCA: On Page 1, yes.

SNELL: It should read that -- yeah. The amendment should read "Dogs shall be kept in an enclosed structure between the hours of 10:00 p.m. and 7:00 a.m."

QUTUB: Letter d.

SNELL: Yes. And then the standards are set forth in the following --

QUTUB: Yes, I see that.

SNELL: -- letter e.

BARCA: Thank you for bringing that to staff's attention.

BECK: Any more questions for me? Okay. Thank you.

BARCA: Thank you. Anybody else from the audience wishing to testify? Okay. Seeing nobody else from the public coming forward, we will return it to Planning Commission. Additional questions for staff?

JOHNSON: So really quickly, we talked about this in work session, but the intent of this in the beginning was to put it under the home business category, was that -- so we started with the home business category. Someone wants to run a kennel in their house, run a business in their house, let's just keep it at that, and then fill me in.

SNELL: So just I'll go back a little bit further. Kennels. Prior to this ordinance, kennels were a conditional use, required a conditional use permit. That seemed for many kennels seemed heavy-handed. The Board directed staff to review the ordinance and to look at having it process -- having it a permitted use with certain conditions, with certain standards. And rather than spend a bunch of time - excuse me - rather than spend a bunch of money in a process in going to the hearing examiner and getting a conditional use permit, maybe the money ought to be better spent in complying with certain development standards and have them go through a more reasonable process, that process was the home business process.

And now certainly, you know, in the rural area we have home businesses that are allowed, we have minor and major home businesses, and this is crafted very much like a home business. So it's a good -- a point is well made in that if you're talking about a commercial kennel in a rural area and you're treating it like a home business, then maybe the standard should be that to receive the benefit of this ordinance, you would have to be a resident of the property.

The balance of the regulations set forth under Section 3 are commercial kennels in urban areas. So these are commercial kennels in the urban area, in commercial zones, in light industrial zones and they're going to have not residential neighbors, but they're going to have commercial and light industrial and the office neighbors. So maybe the requirement to have somebody reside on the property is unnecessary, but certainly a caretaker or operator.

So, you know, the testimony regarding residency requirement, if this is really takes the shape of a home business, is a point well taken. Something that the Planning Commission's consideration I believe would be appreciated.

JOHNSON: Thank you.

BARCA: Okay.

USKOSKI: Well, I guess my thoughts on this is I like how the Optional Amendment #2 is written with the exception of 2.h with that residency requirement, or the waiver to that. That I would like to see that be a residency requirement to keep it in the parallel with the home business, and I think that will give a little bit more supervision to what's actually going on if they have to live there and listen to it too, maybe they'd be a little more attenuated to dealing with it.

BARCA: And are you agreeable to 3.g in the urban area remaining as --

USKOSKI: I think if you're in the urban area, you're in a commercial zone or an appropriate zone, I think it's reasonable at that point to not have the residency requirement. So just for within the rural area I would add that residency requirement. So I guess it would be revising Section h to read that "the owner/operator of the kennel must reside on the property which the kennel is located." And

maybe we add something "on or directly adjacent to" that way if it's a separate parcel that's abutting.

SNELL: I was just going to suggest an amendment to this particular. So letter h would reread "the owner/operator of the kennel must reside on the property or an abutting property on which the kennel is located."

USKOSKI: Yes.

BARCA: And does that bring us more into compliance with the home business?

SNELL: It certainly is much more in keeping with the intent of the home business, yes.

BARCA: And I think that's an important part for us to try and make this as homogenous as possible to that in the rural area.

JOHNSON: Well, and again, I'd just go back to the spirit of it, what we were trying to do in the past, I mean, was to make this easier for people that wanted to do this at home. As soon as you don't, you are by definition a business, you have an employee, I assume, unless you're having your little kid watch the dogs which -- so, yeah, I agree.

BARCA: So, Marty, if you would, for the record, walk us through the Optional Amendment #2 with the changes that we've discussed so far.

MOTION

SNELL: Certainly. So what the amendment would read under b.1.d, "Dogs shall be kept in an enclosed structure between the hours of 10:00 p.m. and 7:00 a.m." Letter e, we would add the amendment as proposed with the table, and then the reductions from the hours of 10:00 p.m. to 7:00 a.m. Under 2.g - or excuse me - 2.h, the amendment would read "The owner/operator of the kennel must reside on the property or an abutting property on which the kennel is located." And 3.g would read as proposed.

USKOSKI: I'll go ahead and make a motion to accept staff's recommendation as just reiterated.

QUTUB: I'll second it.

BARCA: Okay. Motion and seconded. Any additional discussion? Seeing none, roll call, please.

ROLL CALL VOTE

BARCA: AYE

QUTUB: AYE

JOHNSON: AYE

USKOSKI: AYE

MCCALL: 4 in favor, 0 against.

SNELL: I hope not to see you on kennel ordinance amendments any time soon.

BECK: I'll second that.

BARCA: I think we would all be agreeable to that wish.

USKOSKI: I guess that means it will be eight months instead of six.

BARCA: So that concludes the active agenda.

VII. OLD BUSINESS

BARCA: We have old business on the agenda. Is there old business to conclude?

VIII. NEW BUSINESS

BARCA: Any new business?

IX. COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

(NONE)

X. ADJOURNMENT

Seeing none, meeting's adjourned.

The record of tonight's hearing, as well as the supporting documents and presentations can be viewed on the Clark County Web Page at: <http://www.clark.wa.gov/planning/PCmeetings.html>.

Proceedings can be viewed on CTVTV on the following web page link:

<http://old.cityofvancouver.us/cvtv/cvtvindex.ask?section=25437&catID=13>

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