

**CLARK COUNTY
PLANNING COMMISSION MINUTES
Thursday, September 5, 2013**

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

6:30 p.m.

I. CALL TO ORDER 6:30 P.M.

BARCA: Good evening everybody. We're going to go ahead and get started. Thank you for coming to this evening's meeting at the Clark County Planning Commission. It appears we have one item on the agenda. So can we start with roll call, please.

II. ROLL CALL

BLOM: HERE

MORASCH: HERE

JOHNSON: HERE

BARCA: HERE

GIZZI: HERE

QUIRING: HERE

USKOSKI: HERE

III. COMMUNICATIONS FROM THE PUBLIC

BARCA: So before we get started on this evening's agenda item, this is the part of the hearing in which we ask for any kind of public commentary unrelated to the agenda this evening. So any comments from the public on other matters other than the agenda, this is your time to come forward, please. Seeing nobody from the public for that, we will go ahead and we'll get started on the agenda this evening. Jose.

IV. PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION

A. CPZ2013-00007 FIFTH PLAIN CREEK/URBAN HOLDING REMOVAL

ALVAREZ: Thank you, Commissioner. Jose Alvarez.

BARCA: You don't seem to be up.

ALVAREZ: Jose Alvarez, Community Planning staff, with me is Mike Mabrey. The item before us tonight is CPZ2013-00007, Fifth Plain Creek.

This proposal is for a removal of urban holding on approximately 430 acres, and a rezoning of some of that property. It's in the northeast quadrant of the Vancouver UGA, so the area highlighted in green once it comes up is the 430 acres. It's essentially bound by Ward Road to the northwest, this is 83rd Street, this is Fourth Plain, 500.

The proposal -- in addition to removing urban holding, there's a proposal to do a zone change. I'll show you this map. So the areas, the entire area is currently zoned R1-7.5, 7500-square foot lots. Areas A, B, D and F would be proposed to remain 7500-square foot lots; areas C and E would be 6,000-square foot lots, R1-6; areas G, H, I, L, M, O, P and Q are proposed to be R1-10 which is 10,000-square foot lots; areas J and K are proposed to be 20,000-square foot lots.

There is an existing subdivision, Monet's Garden, they're roughly three-quarters to an acre in size. Overall this would be a net reduction of about 200 units from the existing zoning. This area was added to the urban growth boundary in 2007, and under the comprehensive plan the removal of urban holding has essentially three criterias. One is annexation or a 75 percent annexation petition that's been processed within 180 days, or that the petition city indicates that they have no interest in annexing the property. We have in your packet a letter from the City of Vancouver indicating that they have no interest in annexing the area, although they are able to provide sewer and water.

Additionally, this area calls for the adoption of a master plan that includes a neighborhood park, and a determination that the completion of localized critical links and intersection improvements are reasonably funded as shown on the County's six-year transportation improvement plan or through a developer agreement.

The proponent had submitted a transportation analysis for the area and it called for some road improvements at the intersection of 182nd and Fourth Plain which is a State facility. I'll zoom in and show you that. So there will be necessitate a widening of this intersection, and the addition of these lanes would cause, would necessitate the replacements of this bridge which isn't in our capital facilities plan, it's not in our six-year transportation improvement plan. So originally we recommended denial because that's not something that is in our six-year plan, so it didn't meet the criteria.

We've had discussions with the applicant in trying to address some of the outstanding issues. This was a major issue. They have submitted a proposal to address some of those issues, and that should be in your packet. And so I'll show you a proposal to realign NE 182nd Avenue further to the west thereby eliminating the need for the bridge replacement. This would require some amendments to our capital facilities plan and acquiring (inaudible) properties. The proponent also has submitted a cost estimate for what that would entail, and that's also in your packet.

In addition, the proposal to address these issues calls for a TIF overlay for the area, an additional \$500 per lot in addition to the traffic impact fees that would already be charged in this area. The complexity with that is that those traffic impact fees in this Evergreen area don't have any county projects, all the projects are within the city of Vancouver. So all of the money that would be generated would go to the City of Vancouver and wouldn't pay for any of these projects in the county. So in order for those impact fees to be collected and used in the county, we would need to amend that traffic impact, the TIF district with the City of Vancouver.

And so I mean at this time we couldn't -- while the City may be amenable to that - and we think the proponent has had some conversations with the City - we can't base our decision on those preliminary conversations at this point. It's something that might be able to happen, but we don't have anything solid yet on that, so this is still a proposal.

And there's also a developer's agreement that was submitted today to try to address again the park impact fee overlay and the traffic impact fee overlay that spells out sort of the timing that the additional \$500 per lot surcharge would I think generate \$600,000, I think there's about 1200 lots in this area that would be developed. But, again, without having that agreement changed with the City of Vancouver regarding the TIF area, that developer's agreement would only account for \$600,000 of a roughly \$3 million -- three projects in the area that would total about \$3 million. We just received that agreement today and we had some concerns that we still need to work out with that.

While the agreement can address the issues that were raised through the TIF district, and it's a separate issue beyond what can be addressed in the developer's agreement, that has to go on its own track, so I think we're still holding to our sort of recommendation of denial at this point. It

may be something that could be addressed in the future next year, but at this point we don't have essentially the authority to make that decision, it would be a policy call for the Board to make those changes, both to the capital facilities plan and the sort of agreements with the City of Vancouver.

In terms of some procedural issues, there were six I think public comments that were included in your packet that you received. The SEPA comment period closed August 22nd. And the one comment that we received was from the Washington Department of Fish and Wildlife essentially saying that our existing environmental regulations would probably more than be sufficient to address any of the development concerns in the area when it came to that time. I believe those are all the, I think those are all of the issues that were addressed.

BARCA: Go ahead. So just to be clear for the record, right now the staff recommendation is still denial at this point in time?

ALVAREZ: Correct.

BARCA: Mike, do you have anything to add to the staff report?

MABREY: Yeah. I would just like to add that releasing urban holding for this area would basically commit the Board of County Commissioners to fully fund these two major projects to the tune of 3 or \$4 million, and it would also commit them to condemn land for right-of-way through these two properties if they were not willing sellers or else somehow stop development. The development agreement can't really address those two issues, these are policy issues that the Board needs to face.

And I guess the other perspective is that it shifts the burden of all possible cost increase to the County and leaves the developers basically free of any obligations other than committing to future builders on those lots to pay an extra \$1,000 in impact fees, so it shifts a lot of the risk to the County and away from the developer. And there are certainly as he pointed out some structural issues with the TIF districts and how they're currently set up and how the funds that will be collected from development of these properties are not currently available to go to fund the two projects that are necessary to serve these properties. So it remains to be seen whether the two legislative bodies, the City and the Board of County Commissioners, would vote to approve a change to the district such that these two projects could be included.

BARCA: Any questions of staff from the Commission?

USKOSKI: Yeah, I have one. And maybe it's more of a question for Randy when he gets up here, but is this developer's agreement something that can be made contingent upon that they can't start platting or going through the entitlement process prior to that TIF issue being settled and some of those funds being allocated?

ALVAREZ: The conversation we had recently was the way it's currently written it would be at the time of building permit. And the suggestion we would have would be that it would be at the -- since those fees are vested at the time of preliminary approval, that you'd move that up and make that more explicit that you couldn't start the process until -- you'd move it up to the preliminary approval process when you couldn't start that until these agreements are in place, and that would create incentive to do things a little more fast, a lot faster, that was one suggestion we had to amend the approval.

USKOSKI: So essentially when they would obtain the preliminary approval, they would pay those impact fees to --

ALVAREZ: Not that they would pay them, but because they'd be vested at the time. And unless the agreement is in place, you'd be vested under the old which we wouldn't -- until we make that amendment, we still don't get the money.

USKOSKI: Gotcha. Thank you.

BARCA: Other questions? And so I have a question, Mike, just for clarification, we have this proposal for the potential change to the 182nd intersection of Fourth Plain and that would be done to try and preclude the need to change the bridge; is that correct?

MABREY: Right, by realigning it to the west so you don't have to touch the bridge.

BARCA: So if that didn't take place, then that expense would be exchanged for the need to build a larger bridge at the existing intersection, is that a fair statement?

MABREY: Yeah, I think so. Instead of having to widen the bridge, you could shift the intersection over.

BARCA: All right then. We have a fairly lengthy sign-up sheet and I want to make sure that we get to everybody. But because there was a potential development agreement drafted just today - and I don't know that everybody is aware of the significance of it or the specifics of it - I'm going to ask the representation of the proponent to come forward and testify on this development agreement and whatever other testimony they'll give, and that way the entire audience will be informed of what the conditions are before we hear from everybody else. So I'd like Mr. Printz to come forward, please.

PRINTZ: Good evening. Randy Printz, 805 Broadway. Is that too loud or is that okay?

BARCA: Just go slow, okay.

PRINTZ: I know. We've known each other for a long time, she hates to see me.

BARCA: That's why I mentioned it.

PRINTZ: I represent Ryan Hurley who's one of the property owners in this area and who's working with a group of folks out there that are a long, long time property owners, and I'm going to pick a rough number, they probably own 70 to 75 percent of the land in this remainder of this subarea. We had a good discussion at workshop - for those of you guys who were there - about some of the issues that we're talking about and that staff raised.

I think that particularly for maybe some of the folks, certainly not the chair, but for some of the folks that did not have the benefit of going through either the '94 comp plan or the 2007 comp plan, I think a couple of points worth remembering in this process, one of which is this is not an exercise about whether or not this area is going to be urban or urbanized or not, it's not about whether or not this area is going to be inside the urban growth boundary or not and it's not too much really about the density of this area.

All of those issues were previously analyzed and previously publicly vetted for almost nine years and have been through this Planning Commission, the Board of County Commissioners and the Growth Plannings Hearings Board, all of which upheld this area being technically, intensely urbanized to densities that when the original -- when the '07 comp plan was first issued, was at ten units per acre, gross acreage, which means that on a net basis because of the wetlands out there, all of this would be the only way you could do it would be multi-family, you would have densities of 20 units per acre plus.

When we removed the urban holding on the west side of this last year before the Planning Commission and the Board, we were able to both with the City looking at this, but mostly with the County, and looking at the existing underlying zoning which is R1-7.5 said ten units per acre out here makes no sense. First of all, it was mathematically inconsistent, but, two, it didn't make any sense for the area, and so that ten units per acre went away and then the underlying zoning of R1-7.5 was left.

The exercise for removing urban holding, which is what we're doing tonight, is fairly simply the comp plan has basically three criteria that Jose went through, and it's looking at the transportation issues, looking at the master plan that we've got and that's really pretty much it, and the park component that goes with it. All of the other issues like sewer, water, storm, all of those things, first of all, have been fully analyzed, well, have been analyzed at a planning level very extensively through a full EIS process and the adoption of the comp plan. The micro-aspects of those things, where do all the roads go, where does the sewer go, what are the impacts to critical areas, all of those things will get done at the time of development review, that's the way the County's processes are set up, that's the way the State's processes are set up, that's when you have a project in front of you and you fully analyze those things.

In Fifth Plain's case, the comp plan's criteria is this master plan that I want to walk through, and although it's not in the comp plan, I think it is fair to say -- because I was around and was representing all of the Fifth Plain Creek area getting it into the boundary in '07, I do think it's fair to say that both this PC as well as the Board wanted to make sure that the master plan recognized Monet's Gardens and was sensitive to lot sizes that were around them, and when we walk through the master plan, you'll see at least our attempt to accomplish that.

The other one is any critical links and intersections that are either reasonably funded on the six-year TIP or that are reasonably funded in a development agreement. And so we have spent a fair bit of time with staff, we've talked with WSDOT, they're actually really fairly happy about seeing the interchange, or the intersection move to reach sort of where we've gotten to today, and we talked about some of those things at the workshop last week.

But as far as the master plan, let's go through that and then we can talk about the transportation issues. There's an extensive narrative for all of that in your packets. I think as Jose mentioned there's about 200 units less in this than you would likely achieve with this R1-7.5 zoning. You almost never achieve a maximum, you know, the maximum density in any zone. And the zones have maximum and minimum densities in them, and so you're going to get this range and that's why you, you know, you can't really pick an exact number that you're going to get because there's a range and we work with those ranges. It's many, many, many more, it's, I don't know, I haven't done the math, but it's hundreds and hundreds of units less maybe than you would have if you had the actual ten units per acre that we used to have.

I think one of the things that is or sort of looking at or comparing is the actual densities of this area. The Vancouver UGA is supposed to achieve six units per acre on a gross basis and eight on a net, that's out of the comp plan. The smaller cities, they're four and a half, they're supposed to achieve four and a half gross and six net. The density for this area is on a gross basis is 2 to 2.9 depending on whether you built it out at the minimum that the zoning would allow, that this zoning would allow, or the maximum, even on a net basis it's 3.3 to 4.8. So it's a third to a half of the density that the Vancouver -- that the comp plan would say you achieve in the, you know, on an average basis for the UGA, and is very low for almost any new single-family that's done today, but we did that in order to achieve a couple of things.

One, protection of Monet's Gardens. So you've got half-acre lots around the edge of this, and then to try to develop, try to design some sort of logical transition, and you hear that a lot in planning and what does that mean. It means taking kind of going from less dense to more dense, and so we took sort of the less dense area here, which was not only Monet's Gardens, but the rural area around. And so you've got half-acre lots right around them, you've got 10,000-acre lots, 10,000-acre zoning on almost all of it that's west of the creek, and then even some on the east side of the creek, and then you go to sort of all the way down to R1-7.5 and then R1-6. And the R1-6 was done because that matches what you already see there, the subdivisions that are there immediately to the west would mirror that. So that was for the logic behind that, the thinking

behind that.

The circulation plan that you see is, it is conceptual, you won't know exactly where those roads are going to go until the time of development. Much like the City's arterial plan, the arterial atlas, it's got lots of lines on maps for where roads are going to go, they move from time to time depending on engineering, wetlands, other things that are found, but you have to start somewhere and we tried to do a couple of things with the circulation plan that's here.

One, we tried to be sensitive to where the critical areas at least are shown on GIS or where we actually have field data to identify them. Another thing that we did, and I don't -- and Mike can talk to this, staff I don't think was thrilled about this, but we did it, I'll tell you why we did it, and which was the arterial atlas has 83rd Street going, it comes through Monet's Gardens and then ultimately ends up on 78th Street for this cross-circulation. We recognized two things. One, that the folks in Monet's Gardens probably would not really, really like that very much even though that's what's on the arterial atlas and there is right-of-way there, and, two, it necessitated more impacts to the creek. I mean doing that creek crossing you'd have impacts there, obviously you'd have cost there as well, but...

So what we did, we provided a pedestrian crossing for that, and you can see the circulation plan that we generally came up with. We don't really care which way -- the reason that we did it was mostly for Monet's Gardens. If that wasn't there, I'm sure we would have used what was on the arterial atlas, but just so you understand sort of what is in the plan and why we did that.

A lot of times you will hear, or many of you might ask, well, how come you, you know, you can't do -- how come we don't see lot layouts, how come we don't know exactly where things are going to go before we remove urban holding. And the reason for that obviously is is that those things don't happen until development review and they don't happen until you've got specific projects and an application process that can actually review those, and that's the way the State's rules are set up, that's the way the County's rules are set up, that's the way development has always been done.

On the sort of the parks component of this, we've talked with staff sort of at length to try to come up with sort of the best way to do this. The typical parks planning has, if you look at the parks CFP it has, aside from the existing parks, it has like a P icon in various places and it identifies areas where a future park might go. So we could have put a P here someplace, but it would have been somewhat meaningless, and until you know sort of where the roads are going to go and what's really what and what's not, we focused more on the funding side of that, how do you fund the parks.

So the amount of PIF, the amount of park impact fee that would be generated here is about a million and a half dollars of PIF, 1.59, so 1.6, and which would be more than enough to do a neighborhood park. But we also -- and that's in the DA -- is we said we would agree to put another \$500 per lot which gets you another half a million dollars that could be used for park purposes.

And we sort of proposed it as a, well, we proposed it as PIF, as park impact fee, but another way to do that, which actually might be a better way to do it is that the county actually has a lot of park land, they don't have -- they've got some improved park land, but the reason they don't have more improved park land is they can't afford to maintain it, they can't afford the O&M side of things. There's no real good funding mechanism for O&M, there's lots of funding mechanisms for capital, but there's not so much for maintenance. So this \$500 -- this half a million dollars could, rather than go into PIF could go into an O&M fund for a park in this area, or parks in general in the area to be used for O&M, and the PIF itself could be used for capital acquisition. So that's what we -- that was sort of our approach with this, it seemed to make some sense.

On the transportation side - and this is where I may, staff and I may diverge a little bit in sort of our thinking on this which probably isn't a surprise - the first thing we did is we went out and we did, I

mean we hired a traffic engineer and went out and did the analysis ourselves to determine where we had problems, or if we had problems, and if so where.

We didn't cook the books. We came up with good engineering, and we found that 182nd and Fourth Plain was a problem, 88th and Ward was a problem. We went to Olson Engineering and had them cost out what those problems are, and the problem at 182nd if you had to rebuild the bridge, is millions and millions of dollars and you'd still end up with sort of a screwed up intersection. So we looked at what were the alternatives to that, and we looked at realigning 182nd so that it was farther west from the bridge, much more sight distance, you could do normal geometry for a signal with tapers and those sorts of things and you didn't have to build a new bridge and go through all the critical area impacts and permitting to accomplish that.

We vetted that some with WSDOT, they were actually pleased to see it move west, so that part was good. I think County staff I think would like to see it there.

The issue about right-of-way - and Mike and I may disagree on this - is I don't believe this obligates the County really to do anything, it certainly doesn't obligate them to condemn this. There are oodles of transportation facilities that have been on the capital facilities plans and the TIF for years that do not have right-of-way for them. I mean the County -- most counties have right-of-way acquisition departments that do nothing but acquire right-of-way for roads whether it's -- the Padden was on a list for years with not all the right-of-way acquisition.

I just got done doing 38th in Camas for Fisher and a lot of other employment stuff there that 38th has been on the capital facilities plan there for a number of years, we went through the right-of-way acquisition process just recently to get all that done and it's now being built which is a really good thing. I'm working with Camas on other right-of-way acquisition for the east side of all that. We've worked with the County. You know, just because the County doesn't have all of the right-of-way, does not mean that it's not on the TIF, doesn't mean it's not in the CFP, and it doesn't obligate the County to condemn anything. If the case were that at the time that you adopted the comp plan in your 20-year plan, if the only roads that would go on the CFP were roads that the County already had the right-of-way for, you would have very, very few roads in the county.

One of the interesting things about this, which is something you guys get to decide, I don't know if there are any great answers, actually I think Mike and I somewhat agree on this which is the language in the comp plan is what are the critical links at intersections. Well, there's no definition in the comp plan for what's critical.

Having gone through urban holding lifting in a variety of other places within the county, I think that it's fair to say that, well, one, it's accurate that it's been done on a case-by-case basis, that determination has been made on a case-by-case basis, and it's actually come before this Planning Commission and the Board on a case-by-case basis. When we removed all the urban holding in North Orchards and 119th, 99th and 503, 119th and 503, and 72nd and 119th were the three that were determined to be critical. All of the other intersections, while at some point would fail certainly in the 20-year planning horizon, weren't at full build-out were not deemed to be critical --

HOLLEY: Slow down, please, Randy.

PRINTZ: Sorry. Just hit me. Sorry about that. Are your fingers getting cool a little bit now? Okay. Sorry. Urban holding was not the critical aspect of -- urban holding removal for transportation wasn't deemed to be every intersection that would be needed at full built-out of that area, that's certainly true here.

So the question is, is the one -- we identified two improvements that would fail within the planning horizon here, 88th and Ward is the other one. I think that's a pretty routine signalized intersection and probably wouldn't be deemed critical, but one could certainly, you know, you could debate that.

I think the one at 182nd certainly if you're going to redo the bridge would be characterized as that. The cost for 182nd if you move it, including right-of-way acquisitions, is about a million four. I've certainly done projects where we had off-site transportation improvements that were more than that. The roundabout that we did in Ridgefield where Pioneer Meadows is and Green Gables is was a million eight and that was developer funded. But, I mean, I think that you can make a reasonable case that this would be, for this area this would be sort of a necessary intersection, and I don't, you know, I don't necessarily disagree with that.

The other thing we looked at, and we did look at the crossing and to see whether or not that would help the transportation numbers here; in other words, would it lessen the impact or eliminate the need for 182nd. Because all of those trips that are on the west side, instead of having to go south, would go west, and it helped some, but it didn't eliminate the need.

So the question sort of then becomes, regardless of sort of what you pick for what's going to be critical, how do you fund it and sort of how does it meet the test. And what we did was we looked at the transportation impact fees that are available from this area, which are about 3.9 million, almost 4 million, and we looked at the cost for all three of these projects and we took sort of the most conservative approach and said, what would happen if you had to build all of them, that comes to about \$3 million, so you've got a million sort of to spare there. And then as part of this development agreement we also added another \$500 per lot which got you another half a million dollars, so there's another million and a half dollars available from TIF to pay for these things. I view that money as not public money because it's not being paid by the public, it's being paid as part of the development process by the developer who comes in to pick up a building permit, and so my goal with this was to make this zero publically funded which I believe that we've done.

Now Mike and Jose and I have had this discussion and I don't think any of us disagree on the fact that it's pretty much blackletter law that you can't use TIF money to pay for things that are not on the TIF list in the capital facilities plan. So if we're going to -- if any of these improvements are deemed to be critical in order to have TIF pay for them, they're going to need to be put on the TIF list which I totally agree with. And the County can amend their CFP to do that, they would need to do it in conjunction with the City. The City was glad to see -- I spoke to the City again today, they had no heartburn with, and those were their words, no heartburn with the proposal here. They said that we could either do it by amending the CFP, or maybe do it through the County has interlocal agreements with the City of Vancouver and that would be another way.

So one of the things that I did was I put in -- one of the fears, you know, if fear is the right word, it certainly is from some folks who don't want to see this happen is, well, how do we keep all these, how do we keep development from occurring when without these things being assured to be funded. Actually, that's a good question. And the answer is is actually two things.

One, the concurrency regulations that the County has and has had in place for a long time prevent an application from being approved if that application causes a failing level-of-service at, you know, at an intersection or at a corridor, so that's one thing that keeps that from happening. The second thing is, is we put a provision in the development agreement to sort of back that up which says that until such time as the County amends its plan or enters into an interlocal agreement with the City or creates some other mechanism, utilizes some other mechanism to be able to use this TIF money for these improvements, the identified improvements that we talked about, then you can't pull a building permit. So to me there are actually two failsafe sorts of things here that should sort of ameliorate any concern about whether or not we're going to have oodles of trips on the road before these improvements get funded.

As a practical matter, real life matter, if you guys and the Board removed urban holding this year and it becomes effective at the end of the year, even if you were a very sort of aggressive property owner or developer through the process, you would likely not get to hearing. You have to prepare

all of your applications, go through pre-app, prepare all of your applications, submit all of your applications, go through SEPA, get to hearing, you would be -- I'd be ecstatic if we started in January, if we could get to hearing in early to mid-fall.

Then once you get approved, assuming that you don't get, you know, get appealed, then you'd go through all of the final engineering process which is another three or four months. Then you have to go build all the infrastructure, the sewer, the water, the streets before your improvement, and then record the plat, and not until you do all of those things can you come in and pull a building permit.

So just as a practical matter, forgetting the legal matter or the legal basis for doing that or what the DA says, as a practical matter nobody could pull a building permit probably for a year and a half at a minimum, and probably longer than that. I mean this area is going to take 10 to 15 years to build all of this out even at a, you know, at a normal market pace which we haven't seen for a long time, but it's looking like things at least are heading in a better or more positive direction, but that's, you know, that's sort of the -- and that's why I believe that this can be done this way with the provisions that are in the DA.

On 119th, for example, when you guys lifted urban holding on that and the Board, there was no -- they were part of the TIF program, but there was actually no funding in place at the time, but there was a funding plan in place which was what was in the development agreements, and, in fact, this development agreement is patterned after that, but there is substantive revisions that are different, but it's pretty similar.

The other thing that happens is that if you can't apply, if you can't come in with an application, you know - the property owners out here, many of whom have lived here or their families for 40 or 50 years - you can't bring any money to the game to fix anything. Without an application, you can't go through development review, you can't go to the bank, I mean you can't do anything.

The way that we have improved most of the transportation facilities that have had private sector involvement, they have all had applications that were pending, it's through that process that you get conditions of approval that require the fixing of this or the fixing of that. And I mean I can give you a million different projects that we've done or that other people have done where if you were in urban holding, or if you were not allowed to submit an application, you would never have any of these improvements built, many of our arterial streets and collectors have been built that way.

BARCA: Are you close?

PRINTZ: Yep, I'm just about there. See what else I have. I think that's good for now. I would appreciate the opportunity, if you would allow me to do that, which is when everybody, you know, most of who I anticipate are not going to be in favor of you removing urban holding, if you'd give me a short time at the end to perhaps respond to some of the issues that were raised by the rest of the testimony tonight.

BARCA: We will keep that open for consideration. And also then saying that we don't want to go back and forth between the audience with you.

PRINTZ: Yeah, I totally agree with that. I mean we're sort of the, we're not the applicant, but we're sort of the proponent.

BARCA: The proponent, yes. So are there any questions?

PRINTZ: Yeah. Do you have any questions for me that I'd be happy to answer? Okay. Thank you very much.

BARCA: Not at this time. So then we will go ahead and we will get started with the public, and we're going to start with David Harris. Would you like to come forward and testify? So as each of

the audience come forward, please state your name and address for the record and then sit down and saddle up to the mic. Sir, could you please come up to the microphone and --

HARRIS: Right here?

BARCA: Yeah. -- feel free to sit down.

HARRIS: I'm David Harris. Address is 17810 NE 81st Circle, which is on the south side of Monet's Garden.

BARCA: Would you scoot a little closer to the microphone, please.

HARRIS: Sure.

BARCA: Appreciate that.

HARRIS: Sorry.

BARCA: That's quite all right.

HARRIS: Our concern is the development of around Monet's Garden like probably everybody here from Monet's Garden is worried about. We're going to have a lot of extra traffic, a lot of environmental is going to be degraded somewhat, but I know progress has to go forward so I won't get into those things.

But me and the wife are concerned about the easement, that road easement that goes through kind of halfway through Monet's Garden. I don't know why our street is called a circle, but this 83rd Street if it continued in a westerly direction, it actually goes in a circle so it should be called 83rd Circle if they actually developed it. But, anyway, nobody that is along that easement is going to have a driveway to it I don't believe, I know we won't.

And the fellow that was just here just said that apparently it's not a giant deal that they have to develop that, so we're hoping that it won't be developed. Because if it is, we'll have to either build a big fence or hope that the County would put some kind of a wall or something, because if it was developed, it's going to have sidewalks and bicycles and pedestrians and skateboarders and we'll have to have some kind of a privacy barrier so that our backyards aren't scanned by -- hopefully there won't be any unscrupulous characters going along there, but who knows with about 2,000-family units in this proposed area, that's a lot of people and traffic to deal with, that's our concerns. Thank you very much.

BARCA: Any questions for Mr. Harris? Thank you for your testimony.

HARRIS: Thank you.

BARCA: Earle Ellis.

ELLIS: Earle Ellis, 17416 NE 72nd Street. My property is just outside that area of concern. My lot abuts the Fifth Plain Creek, so I'm intimately familiar with what goes through that creek and the problems of it. That's a key component of this whole project.

The question is, who maintains Fifth Plain Creek? It is overgrown, it's silting up where the creek goes under the bridge on Fourth Plain. The adjacent property owners, neighbors of mine, they have frequently asked people in the county, the city, wherever, who maintains the creek, and that buck is passed daily. So I would suggest that that's another issue that needs to be faced in this whole project, that Fifth Plain Creek itself and its maintenance on a regular basis so that it free flows, doesn't silt up, doesn't cause flooding, beaver dams don't obstruct it like they do from time to time, and so it's a huge issue.

We also share all the concerns regarding the density changes and the change in the personality of the entire region there. That's my core concern. Any questions?

USKOSKI: Yeah, I would just like to clarify with your concern on the density. Is your concern that it would be developed, or is your concern that it's not as dense as was originally proposed to be like under the UGA?

ELLIS: Well, it's clear that any significant development of that area is going to create a huge change in traffic, period.

USKOSKI: Yes. So you're more concerned that the area that's undeveloped would be developed rather than it would be developed at a less denser rate or less dense? So rather than being --

ELLIS: The point is if the density increases - as is proposed significantly - then the traffic will increase measurably and that the 182nd and Fourth Plain intersection is a critical part of it. It used to be, you know, a piece of cake 20 years ago, but now one has to wait a considerable amount of time for the traffic to clear right now, and with any further development it's going to be just, you know, a light would be nice there right now it's that bad. Any other questions?

GIZZI: So just to make sure I'm clear, you're unhappy with the way Fifth Plain Creek is maintained now. Are you proposing that if the development takes care of that creek, you're in favor of it or you're not in favor of it?

ELLIS: No. I'm just suggesting that the maintenance of the creek is nonexistent now, no one --

GIZZI: Correct.

ELLIS: -- is responsible for it that we've been able to determine. So the maintenance of that creek has to be addressed in this whole plan because it's a critical part of it, it runs through the whole thing.

GIZZI: Yes, it does.

ELLIS: So that's just an outstanding issue that's been around forever and it's just going to get worse with development, that's all.

QUIRING: I have a question for staff I guess, maybe they could answer. When a creek is on somebody's property, there are regulations and things that go with it, are there not?

ALVAREZ: Yes, and it's the property owner's responsibility.

QUIRING: Property owner's responsibility.

ELLIS: Okay. I would appreciate the chapter and verse on that so that we can become intimately familiar with what our responsibilities are relative to that creek, because currently we have not been able to determine that, and your help would be appreciated.

QUIRING: And if I could just the question that was asked by my fellow commissioner here about the development, you understand that this is already, although it is not developed, the proposed development will be less dense than what was originally, what is now proposed?

ELLIS: We understand that. Yeah, we understand that. Yeah.

QUIRING: Okay, thank you.

BARCA: Any other questions? Thank you, Mr. Ellis. Richard Jones.

JONES: Good evening. Richard Jones, 17701 NE 84th Circle. I've looked over the map you sent out and I can't really get the amount of homes, I've heard 700, I've heard 1,000, I've heard 2,000 units. Can someone narrow down a range for me of what we're talking about here?

BARCA: So the proponent stated there would be approximately 1200 homes.

JONES: Times 1.5 or 2 on cars, so 2400 cars. I would have a real problem with transportation since I've been living out there. I think we have to look at what is responsible growth, and this

proposal is not responsible. My other concern would be the 83rd Street going through, that would be a problem, I truly do. That's all I have.

BARCA: Can you elaborate on the nature of the problem that you see with 83rd Street.

JONES: It actually backs up to my property. And what I see 83rd Street coming south, excuse me, going, you know, 50 miles an hour and they would empty out into 83rd, so you would have to have a light there. And it's just the amount of traffic going through the development I would, you know, I would just have a problem with that.

BARCA: Any questions for Mr. Jones? Thank you.

JONES: Thank you.

BARCA: And I believe the next one is Ken Jones, same address.

JONES: No.

BARCA: No? Did I get that name wrong? Sorry. Tom Rowe or Rowe?

ROWE: I'll pass at this time.

BARCA: And does Cathy wish to speak?

ROWE: No.

BARCA: No. Okay. And we're going down to Richard Bender.

BENDER: My name is Richard Bender. I live at 8207 NE 181st Circle, or Court, excuse me. The first speaker tonight indicated that some things should be trusted to the future regs that the County puts in place for this development and they would be handled in such a manner. As a educated engineer and a vocational engineer, the first thing you do when you establish a project of any type is establish a need. Do you have a need for it.

Now I represent those in Monet's Garden that aren't here in attendance tonight or are not speaking, as well as some neighbors in the area that have concerns with the trust in the development. And not to cast aspersions on anyone, but we know the problems that Hinton has had in the past, i.e., Clark County Amphitheater.

But, anyhow, so when you establish a need, you create a CPM, a critical paths of management, what is going to be done, where is it going to be done, how is it going to be done and when, and then you lay out a criteria timeline with critical trigger points along that, and that's what the County tries to do with the Planning Commission and Jose's department and the staffers and the building department, et cetera.

But let me back up to the need. Is there really a need for this project at this time, is there a demand within the public for this type of development, is the County prepared with their income to step forward when needed to fund the projects or are they going to require the developers to do that. I understand right now that the developmental fees have been dropped; is that correct?

BARCA: No.

GIZZI: Only for commercial, not for residential.

BENDER: Only for commercial, okay, not residential then. And does the County require bonding to assure the projects will be done when they say they're going to be done and how they're going to be done? That's a question for I guess for Jose.

ALVAREZ: At the time of development review of infrastructure projects that's typically one of the methods that's used.

BENDER: Well, on this particular rezoning it's a good thing that we're going to go to less dense

housing. Steve Stuart, when the urban growth boundaries were being changed, indicated his beliefs were that we needed a concentric ring of zoning starting off with Monet's Garden and working it's way out. Now this new proposal does that, it does that, but to the people I've talked to it doesn't do it quite enough, we're talking 200 lots reduction, they'd like to see 600 lots reductions.

For example, at Marc Boldt's property, can you bring that map up whoever has it. Do you have the colored one there, Jose, that shows the -- yeah. Andersen takes part of the brunt for the larger lots, Boldt does not. And --

QUIRING: Wait. Can you name them from the letters on the map.

BENDER: N is the Andersen farm, and he has a two different zoning criteria there, you see the N and O, P does not. So basically the concentric ring in theory doesn't hold true. Basically if the depth of lots in the various zoning patterns were to be doubled in size or doubled in number, you would get a much nicer concentric circle and lower the impact of the overall area.

Some of the questions that have been raised by the people in the area or in Monet's Garden is infrastructure. Everybody's worried about infrastructure, traffic, bridges, sewer, electrical, et cetera, and even had some questions about, well, what about the aquifer in the area and the effect on wells in the area and will we have to hook up to sewer who are now on septic, all the questions hanging out there. Has there been an EPA impact study done on the project, is there an aquifer drawdown study that's been done, this goes back to the local wells decreasing in flow. Has WSDOT been contacted, and I hear they have, on the SR-500 interchange which is actually a State highway, not a county road nor a city road. Am I correct on that?

ALVAREZ: Correct.

BENDER: And then what about traffic noise abatement. When you start putting all these cars on the road, there's homes on both sides of it, on 182nd, on NE 88th and 81st, is there going to be something in the contingency plan for noise abatement in the area, these are all questions that have been asked. But it all gets back down to the fact that there's not enough solid data that I saw in Jose's report from the standpoint of him not being able to give it the go ahead, they recommend right now no. Now he indicated it was because of the bridge; is that correct, Jose?

ALVAREZ: There's the transportation issues.

BENDER: Transportation issue, but I think there's more issues than just transportation that haven't been answered at this particular point. So, again, we need to go back to the concept of a CPM, is it needed; if so, what is needed, where is it needed, how is it going to be accomplished and when. I would like to see those things addressed before we take up the overall question of the rezoning of the area and bringing it into the County's needs from building on.

BARCA: Questions for Mr. Bender? No?

QUIRING: I don't really have a question, but it sounds to me that like a lot of the things that you're bringing up are things at this point that aren't decision points, that would all come later and they would be addressed if the urban holding was lifted, it's after it's lifted that all of these things are studied and determined. And just because the urban holding is lifted, does not mean that the answers will be yes, yes, and yes to, you know, all of the issues that come up.

BENDER: Well, I mean correct me if I'm wrong, but the urban holding being lifted as per being proposed basically locks those lots as they are; is that correct --

QUIRING: No, I don't think so.

BENDER: -- as being proposed?

USKOSKI: No. It basically puts that zoning in place so that somebody can come in with a development plan on a particular piece and say this is what I would like to do, let's go through the approval process and talk about the different criteria and things that need to be addressed, the actual traffic impacts, the --

BENDER: That was one of the other questions that was asked.

USKOSKI: -- different things that could possibly impact Fifth Plain Creek, is there things that need to be done, is there critical areas, is there traffic issues that need to be done or addressed at that time. So a lot of those would come in with a very specific development rather than being addressed at the time of lifting the urban holding, because we don't have a definite plan of exactly what's going where, so it would be on a site-specific individual application.

BENDER: If we bring that into the urban holding area to be lifted on the project here, is it not possible that the builder could come in and say, well, I really can't do it with these lots so therefore I want to go to say R-5,000 and be changed again?

USKOSKI: No, he would have to go through a rezoning process, and Jose could probably speak more clearly than I to that process.

ALVAREZ: That would be another public review process and it would go through our hearing's examiner. You'd be notified about any zone change, it's typically a Type III review and it's decided by the hearing's examiner.

BENDER: Then I'll take it as a possible yes.

ALVAREZ: Yes. Sure.

BENDER: Okay, great. That's one of the big concerns is that this proposal will then be superseded by the next proposal based upon economics, and that's what a lot of people are worried about, that the margin for profit -- and this was brought up at the first meeting about how one of the property owners, this was their 401(k), well, it may be his 401(k), but there's other people that are involved economically and environmentally out there and that's their 401(k).

So that's one of the other concerns that a lot of the people had is that is this going to be cast in stone or is it going to be subject to being reviewed again, and the answer I guess is yes, and that kind of gives people an uneasy feeling.

GIZZI: Now an answer is yes to which question?

BENDER: The answer is yes that it could be brought up for rezoning, upsizing the lots to more density in the future. See, I saw it happen in King County. A builder will come in and he'll buy a large swath of land up, like up in Sammamish City, and then go to the County Commissioners or go to the Commissioners and say it's not economical for me to have half-acre lots, I need R-5,000 lots then I can do everything there because the income base is greater, and it was granted.

USKOSKI: Yeah. And I think with the rezone process there's certain criteria that have to be met. You can't just go in and say, hey, it's not economically viable for me to go at 20,000-square foot lots, I'd like to go down to 5,000, and it's not a carte blanche here you go based on economics. There's --

GIZZI: And I'd also -- if their goal was to maximize profit as you say, they'd be proposing to leave the zoning as-is with the higher density as opposed to lowering the density and going through development. So I understand your fear, and Jose's yes maybe increased it somewhat, but I think that's unlikely.

In other words, they're proposing to lower the density and/or operating under some consideration for Monet's Garden with the extension of 83rd knowing that they I think would like to work with

property owners out there. So, you know, the appeals and hearing process would be pretty onerous if they were to come in and say we want 5,000-square foot lots.

USKOSKI: And if I recall correctly, one of the criteria with that rezone is that you have to consider what the adjacent zoning is in the surrounding area and how compatible it is. So to go from what's shown here, the 20,000 next to Monet's Garden to go down to a 5,000, it would be really hard to meet that criteria of the rezone and say, oh, yeah, 5,000 is compatible with the surrounding areas.

BENDER: Well, I hope you can understand the people in Monet's Garden, as well as other neighbors in the area, feel they have the sword of Damocles hanging over them at this particular point and all they're looking for is information and answers. But back to a focal point here, again, the zoning as proposed, if they were to go two lots deep in each one of the zoning buffers versus one lot deep, that would really be a course of action or path forward, that would help solve part of the problems that we see, I'm sure that you see, Jose has discovered with the traffic and stuff and still make the project feasible.

BARCA: Thank you, Mr. Bender.

BENDER: Thank you.

BARCA: How are you doing?

HOLLEY: Fine.

BARCA: Steve Douglass.

DOUGLASS: I don't want to participate at this point.

BARCA: All right. Thank you, Mr. Douglass. Susan Steinbrenner.

STEINBRENNER: Good evening, Commissioners. I'm Sue Steinbrenner, I represent Evergreen Public Schools at 13501 NE 28th Street, 98668. I apologize for not getting a letter out earlier, we had a little fire we were dealing with for the last couple of months, so this one had kind of slipped by. I know a large, not a large part, but most of it is in Evergreen School District, but a good chunk of it is in Hockinson, and, honestly, when it came across my desk, I thought that was someone else's issue.

I know districts have worked extensively with the Planning Commission to work on the comprehensive plan to make sure that good schools are included in the process, and we've heard a lot about water, sewer, transportation, but not a lot about schools. One might argue that impact fees are collected to help pay for school siting, adequate facilities, but unfortunately the timing of impact fees they happen when permits are pulled, and by then it's too late, we don't have enough time to plan and build and buy sites.

And I guess my plea is to just continue to work with the school district to make sure that we're prepared for the growth when it comes. I support the lower density. But good schools are really key to our community, and so I would just encourage that partnership to continue and make sure that we're ready when they come.

BARCA: And how could we do that? What would you suggest?

STEINBRENNER: Just give money. No.

BARCA: Oh, yeah, we're all about that.

STEINBRENNER: I, you know, I don't know. I look at Frontier and Pioneer right now, I think there's about 17 portables altogether up there, it's a big issue with the timing of the collection of impact fees because it happens once it's already been approved so...

I know other districts have worked with the developer to set aside land, and that's a potential that,

you know, we'd be open to talking to, work collaboratively to set aside sites that are adequate, similar to what we've done with Southwest Medical Center over at our new high school by PeaceHealth on 92nd there.

JOHNSON: So just really quickly. What schools, you said Frontier, what schools would serve that area right now?

STEINBRENNER: I think it's Frontier and Pioneer.

JOHNSON: And the high school?

STEINBRENNER: And Heritage --

JOHNSON: Heritage.

STEINBRENNER: -- I think is the high school that serves it.

JOHNSON: So, you know, I mean I know you can't see the future, but how many students are at those two schools, the two, not the high school, right now?

STEINBRENNER: At the high schools, all of our schools are at capacity right now and --

JOHNSON: So you'd need another school?

STEINBRENNER: Uh-huh.

JOHNSON: Another elementary, another middle school?

STEINBRENNER: Yeah. We have a site on 39th and we have a middle school site on 152nd, but our high schools are all at capacity. The new high school does offset some of that, but the growth that's at the middle schools right now just keeps --

JOHNSON: Just keeps coming.

STEINBRENNER: -- on coming like a freight train.

JOHNSON: I'm a school teacher in Battle Ground, so I'm always interested in this. So if there was no schools built, and 1200 households with X amount of students potentially came into those schools, what would that mean to you?

STEINBRENNER: Additional portables.

JOHNSON: More portables. And that's portables, let's be clear, would come out of your impact fees. So the impact fees that you would have liked to use for a school would not be able to be used for a school, they would be used --

STEINBRENNER: That's correct.

JOHNSON: -- for portables; correct?

STEINBRENNER: That's correct.

JOHNSON: I just wanted to kind of clarify that for the record. I don't think people understand the funding mechanism.

STEINBRENNER: Yeah. In order to build new schools you pretty much have to pass a bond.

JOHNSON: Yeah, and that's not an easy thing to do.

STEINBRENNER: That takes time.

QUIRING: Can we be shown the line where the Hockinson School, do you know where that is?

STEINBRENNER: Yeah. I think it's A, B, C, D and E is Hockinson, and the rest is Evergreen, and F. Everything north of 78th but west of -- yeah.

BARCA: High density stuff.

QUIRING: Yeah. Thank you.

STEINBRENNER: Thank you for your time.

BARCA: Thank you.

GIZZI: Thank you. Thanks for coming out tonight, appreciate hearing from the schools.

BARCA: Wendy Gannett.

GARRETT: Garrett.

BARCA: Garrett, sorry.

GARRETT: Good evening. How are you all doing? My name is Wendy Garrett and I live at 19207 NE 73rd Street. I live out in the area out there that you're proposing this, is called Proebstel, P-r-o-e-b-s-t-e-l. It's actually a German name, a German family come out and settled it, there's real interesting history on it. What my husband and I do is we run the, not run, we do the neighborhood association out there, and so we have meetings every quarter, we have it up at the little church, Proebstel Church there.

Anyways, I've lived in Clark County over 30 years. The area out there, we moved out there about 11 years ago to get out of a housing development to actually get away from this. And the area out there, if you look at the way it's designed out there, there's an area out there called Andrea's Meadows, and those houses are on five-acre lots. If you go north of there, you got Monet's Garden which is those homes are on acre lots, and in between that there's this proposed what, eight houses per lot, eight houses per acre, so over a thousand homes. So between all these homes on acreage you have this high density, it doesn't fit, it doesn't fit the area.

And then you're going to have two intersections for all this traffic, you know. We have enough deaths and accidents out there as it is. It is -- we've had some really bad accidents out there. People trying to get across that bridge on Fourth Plain, there's an accident there probably every month, and sometimes fatal, sometimes they're down over the side of the road. When I come home from work, I'll see these things.

Oh, and the water quality. All of us out there are on wells. I don't know if anybody realizes that. You wonder about what runoff you're going to get off of these neighborhood homes. Because people come in and they build -- I lived in a housing development, I know how it works. You come in and you plant your lawn and your shrubs and stuff and you put your fertilizers on there because you want to green it all up. Well, all that stuff runs off, it goes all down in the ground in your wells.

And I know it's kind of funny, but I'd actually come in when I'd come to the county meetings here and I'd get the pamphlets and stuff on planting native plants in riparian areas, and they're talking about all the herbicides and the chemicals people put in their yards and how that all runs down in their water system. Clark County's water all comes from wells, okay, we all drink this stuff. If you sit and think about how much stuff you put on, chemicals and pesticides and stuff, and where that goes, it kind of makes you think.

So, anyway, we're all out on wells out there. So when I read your plan on this, it said there was going to be a well up at like the Monet's Garden where they take the water out, and that's where the water's going to come from is the well that's up there. So if they're pumping it out of there for a thousand plus homes, what's going to happen to the rest of us that are on wells. Have we thought about that? Have you thought about the runoff that comes out of these homes, have you thought about that? Just things like that you go, well, how is that going to work.

But the thing is most of us that -- I live on acreage and so do most of the people here. The thing is

when it gets dry like this time of year, we don't have our sprinklers running, we don't run our irrigation and stuff, we let everything go brown because we know once the rains come, like today, it's all going to green up again. People in neighborhoods don't think that way, they think we got to green it up with chemicals, pesticides, sprinklers and all that. You've seen it. You drive through neighborhoods, you see people watering their sidewalks, you know, stuff like that that people don't think differently than people in the country.

And, let's see, what else can I do. So the County Planning Commission is not for this, so that tells you right there it's a bad idea. And then pretty much of what I see of this is this is pretty much not a need, it's just based on greed. Most people just want to make a bunch of money and sit in their nice homes up in the hills and look down on it, you know.

The thing is I lived in a housing development once and I lived in -- raised our kids in Evergreen School District, and I thank her for coming tonight and speaking for the school districts. But the thing of it is, I lived in a housing development for 12 years, we fixed the house up, the house was built so fast, these houses are built so fast and so cheap that by the time we went to sell the house in 12 years, I had to fix it up to sell it because nothing lasted in it. The Sheetrock is the cheapest you ever seen, the siding, the windows, the carpet in there and the carpets in the homes are just, it's just junk they build these things with because they're putting them up as fast as they can to make a dime, that's how I feel about it.

I went out to Proebstel where I live now and we bought a house that was built in the '50s. I'm telling you, that house is built. These people knew how, they knew how to build houses then, '50s, '60s, they knew how to build a house, they built a house to last, and a lot of these houses you see in the county are still sitting there and they're just as good as they were when they were built.

When you look at these houses that have been built so fast in these developments, and you drive through them and they're just junk, they're rundown, and then you're thinking that house is only about 15, 20 years old. Pebble Creek, for example, if you know that area, Sifton area, a lot of those neighborhoods that were all built during the early '90s, there's nothing, there's nothing pretty there to look at.

When we lived in a development, it was five years it was good because it was all new and everything. Then pretty soon, about the time we got ready to sell, we had the crime and we had all the traffic and all the stuff to deal with because a lot of the people were doing was selling their homes out for rental properties. And we'd have the neighbor kids -- I think we had our home almost broke into like three separate times, and we lived in a cul-de-sac, we had neighbors right around us, and yet nobody knew what was going on.

But where I live now, we live on 73rd Street and we get, we work together on this where we drive down our road and we see a car that doesn't look familiar to us, we're right on the phone with the Sheriff's Office, you know. I spent less time calling the police living out in the country than I did living in a neighborhood. So these developments don't add anything.

It doesn't -- I know eventually it's going to happen, I understand that, but right now it doesn't fit, the infrastructure isn't there, it just, it just doesn't work. And so, anyway, that's my input. I thank you for your time.

BARCA: A couple of points of clarification I think just before we go on.

GARRETT: Yes. I talk fast, sorry.

BARCA: So the City of Vancouver has already agreed to supply sewer and water to this.

GARRETT: Where are they getting the water from?

BARCA: They have an entire water structure already in place. I can't tell you, they shift water

around all the time, but I just want to be clear on what we know for facts and what's different.

GARRETT: That's good. Because last time, I can't remember, but last time we went through this thing eight years ago and they weren't sure they could be able to do it and now all of a sudden they can.

BARCA: Times change --

QUIRING: Yeah.

BARCA: -- capacity changes.

QUIRING: Eight years is a long time.

GIZZI: Water and sewer, I mean understand folks, we're like you were, regular citizens, and clearly that was one of the first questions we asked in the work session is where are we going to get water and sewer.

GARRETT: Well, the last time I drank city water --

GIZZI: And then they will be on city --

GARRETT: -- I'm just being honest with you, the last time I -- well, I work in the city limits, and the last time I drank the city water it was horrible.

GIZZI: Well, I bring it up because --

GARRETT: It was horrible. Isn't the city water awful? It's like chlorinated --

BARCA: Well, we didn't say you would --

(EVERYBODY TALKING AT THE SAME TIME.)

GARRETT: -- it smells so bad.

BARCA: We didn't say you'd enjoy the water, but what we did say, though, is it's supplied through an agreement, so I just want to make sure that clarification is in place. And the other thing that you said, and just for the record, the Planning Commission which is us, we haven't made a decision on this yet. The recommendation from staff at this time is for denial. So I just want to make sure that nobody gets a misperception about what has been stated and what hasn't.

GARRETT: Oh, yeah, that's fine. What would change your minds to do it? I mean what would, what would be in your minds would think this is okay?

BARCA: You'll be able to hear our deliberation as we go through the process.

GARRETT: Would we hear it tonight or --

BARCA: Oh, absolutely, stick around.

GARRETT: Well, one more point I wanted to make is that out where we live out there I have friends that come, you know, visit, and I say to them just wait a few years, this will be a housing development. And they look around and they go why would anybody do something stupid like that, and the thing of it is is though you just kind of go you're right, you know, you're right, why would you take this --

One of the meetings, we went to plenty of these meetings over the past, you know, like eight years ago when they were having these hearings, and I remember one thing this man said that came up to the mic, and he had said he heard all this zone change, you know, this urban growth plan, and the one thing he was saying that he lived in Southern California, he saw what they did down there. And he says if you guys are smart, you'd pay attention to what happened to us down there, and that pretty soon you turn around and the country's -- you don't think it's no big deal, pretty soon you

turn around and the countryside is all gone and you go, well, what happened to this place, it's ruined. So I don't know what the hurry is to cover everything with houses is what my point is, you know, why do we need to do that. And thank you for your time.

BARCA: Any other questions? Thank you.

ALVAREZ: I just wanted to clarify that east of 172nd Clark Public Utilities will be providing water; west of 172nd it will be the City of Vancouver.

BARCA: Under all circumstances water will be provided?

ALVAREZ: Correct.

BARCA: Camille is it Fournier?

FOURNIER: I'll pass. Thank you.

BARCA: All right. Thank you. And Kathy Inskeep.

INSKEEP: Yes, sir. My name is Kathy Inskeep and I live at 17806 NE 81st Circle, Monet's Garden. And this is my first time I've ever been to one of these, so I have some questions. Can I ask my questions now at the same time as maybe making comments or -- because I'm not clear on a few things.

BARCA: Well, certainly let's clarify for you.

INSKEEP: So my first question is, on the new proposal for 182nd, okay, is that a two lane or is that a four lane, and is it four lane all the way down?

ALVAREZ: Good question.

BARCA: Oh, You stumped him right off the bat.

MABREY: My understanding is that it's a realignment of a two-lane road. It would perhaps have a third lane at the intersection with Fourth Plain and Fourth Plain would be widened at that location to provide a left-turn lane, and most likely a right turn --

INSKEEP: Turn lane.

MABREY: A left-turn lane going eastbound and a right-turn pocket going westbound.

INSKEEP: So let's stay on that and let's move forward. I don't know if your map goes that far, but as you continue north, okay, that's basically going to be the entry to your new housing development from this gentleman.

ALVAREZ: Correct.

INSKEEP: So you're going to put 1200 homes up that road a little bit with two lanes. Now as you go across onto 88th Street that's one lane right now, will you be making that two lanes, 88th Street that comes in from Ward Road that comes into 82nd -- 182nd?

ALVAREZ: Here?

GIZZI: No, up at the top.

MABREY: No, up north.

ALVAREZ: Oh, here.

BARCA: There you go.

INSKEEP: See that curve right there, that's all one lane or two lanes, okay.

MABREY: Well, two lanes, yeah.

INSKEEP: And then it comes down into 81st Circle right there where that, right there, okay, that's two lanes. So will that continue to still be two lanes all the way up that street and over up on the north side?

So my question is is you're basically you have two entries, you have NE 88th and you have NE 182nd, two-lane roads, and you're going to put a big housing development right there in the middle with 1200 homes, I don't understand how that can handle all that. Okay. So that's my first question. So then I guess that's my question but it's also my comment as far as I'm not sure how -- that's a lot of cars going down that road on two lanes, okay, that's the first thing.

The second thing is on 83rd, the 83rd Street, this gentleman had said I guess understand today revised his proposal to eliminate that road, is that correct, or to not put that road in?

ALVAREZ: No, I don't think that was --

GIZZI: So we're talking about the extension down through Monet's Garden.

INSKEEP: Yes, sir.

ALVAREZ: This road?

INSKEEP: No, that little one right there.

QUIRING: No, right there.

GIZZI: Yeah. That continuation was not going to be made in --

INSKEEP: In the new proposal?

GIZZI: The proposal. And understand again we're talking a proposal because they would go through a development process which would include all of the details at some point in the future.

INSKEEP: And so my comment to you on that is is that you have a development there that all of those homes right there are seven-tenths of an acre or more, okay, they go all the way up to 1.2. All right. This gentleman said a half acre, but those are all at least 7.10 acres, okay, seven-tenths of an acre.

What we've done there is we've all backed our properties up to that little road. And so now if you put that in there, like the other gentleman said, basically that's our backyard, so we don't have anything. Some of us have fences, some of us don't because it's never been developed, which we know we have to maintain it so we mow it and we pay someone to come in and take care of that for us, but basically that's a backyard to -- and I'm going to point this out, because I'm going to point it out in another second here on something else is that those are all between 5 to \$1 million homes right in there, okay.

And so now we have to figure out some -- I would encourage us to figure something out so that if we do put that road in, I mean we're just -- we didn't realize that. I guess we knew the road was there, but we were all told from our developer that that would never go in. We don't know. We can't always believe developers, okay, but --

MABREY: Not on his dime.

INSKEEP: But the point is, is that we're talking about that now and we're talking about basically changing everything. So just something to think twice about I'd ask you of that, okay. The other thing is, is most of those homes, all of the homes in Monet's Garden and a lot of the homes in the outlying area are all higher-end homes, okay. And this sounds a little, a little harsh, but most likely those homes in the new development are not going to be higher-end homes, they're probably going to be like a lot of the new developments, 250 to 400 maybe, 450 on the high end, so something else to think about, you know. It just, you know, nobody wants to build a beautiful home and then

have literally right across the street something that's a lot less, so in your consideration I would like you to think of that.

Also we talked about schools but we didn't talk about like police and fire and sheriff. We had an incident in our neighborhood and we tried to get the sheriff out there, and I think we have like not very many for the area, so something to think about as far as police and fire. Okay. And my question was 1200 homes, is that the new proposal or the old proposal?

ALVAREZ: This 1200 is this proposal here.

INSKEEP: Was that the original one?

ALVAREZ: No. So the existing zoning which is R1-7.5 for the entire area would have 200 lots more than this proposal. Does that make sense?

INSKEEP: Yep, that makes sense. The last question. This gentleman just said that this is going to take years, ten years, and the way I understand it, if I'm correct, is he said that some of the implement fees go towards implementing all the roads and different things, if it's going to take that long, does that payment take that long or does the payment come up front?

ALVAREZ: The payment comes at time of building permit issuance, so it would be towards the back end.

INSKEEP: So the City takes care of it until it's all developed?

ALVAREZ: Well, if some of the infrastructure would have to be in place before that, so the County would front load the money or make that improvement.

INSKEEP: So I will just say as a resident of the area, if you're going to build a bigger road, if you're going to build a road, you might as well make it four lanes if you're going to approve it, because there's just no way that, I don't think two lanes is going to be significant. Thank you. Any questions? Thank you.

BARCA: Thank you. Three more on the list, and perhaps additional people want to step forward, but we're just about at the bottom. So Jeanette Steinhauer.

STEINHAUER: Hi. Nice to see you again. I can't believe it's been nine years. I'm Jeanette Steinhauer. My husband and I live at 7304 NE 182nd Avenue, right where the little hand is right there, those are our two 12-acre parcels. We nine years ago opted to be out of the urban growth boundary. We just like our farm and wanted to maintain it as it is, we're not interested in developing it or anything right now. We oppose this plan again.

Oh, first of all, I have to clear up something on the record. Earlier when you spoke, Mr. Printz, you said that back in '07 you represented all of the property owners, you didn't represent all of the property owners, you didn't represent us then, you don't represent us now, and many of the other people that are impacted by this are not represented, so I just wanted to clear that up.

We're opposed to the Fifth Plain Creek master plan for many reasons. Just listening here tonight, it's been really difficult to get information and to understand it I guess. It's kind of over -- there's a lot of things that are up in the area. The map was like three colors of orange for the lot size and I couldn't -- it was really just difficult to understand and difficult to read, so it was hard to know the zoning changes as by the key. So next time maybe we could do it, you could do it three different, all different colors, that would be good.

We're definitely for lower density if this is going to go through. We agree with our neighbors that we don't want to compromise the area, and to me the 1200 homes doesn't quite fit into the area. We're also concerned about the increase to our property taxes, the lack of infrastructure and the overburden of services, police, fire, medical and the schools, that's all been brought up tonight.

The Sheriff's Office out in that area are practically nonexistent. It takes them 20 minutes at least to get to our place at times, if they show up at all. We understand that they're very, very stretched.

We're concerned about the increased traffic and the proposed changes to 182nd. I agree it's a two-lane road, it's narrow, it doesn't have any shoulders. When we try to leave our home, our driveway - we're right at the bottom there right across from 73rd Street - we try to time it on Sundays when church is in rather than the church Summit View is going out because you can't get out onto the road, it's impossible. They fly over the hill, they're going 50, 60 miles an hour a lot of times, not the church people but everybody in general, so we're concerned with that.

The public trail along Fifth Plain Creek. Okay. So we're part of the creek area and we're not in the where that little white, yeah, right there, those, yeah, those are our two pieces, the two below ones, that one and that one, yeah. So is the proposal to have the public walking path still part of it and is it going to intersect our property, because we're not interested in selling, so we have a concern about that.

GIZZI: I don't think you're part of the proposal area. I could be wrong.

STEINHAEUER: Well, except the path, the public walking path along Fifth Plain Creek on the pedestrian bridge just north of our property. So is it going to just stop right there or are they going to force it through?

GIZZI: You're going to have to help me, Jose, I don't know what walking path she's talking about.

ALVAREZ: So there's a proposal to have --

GIZZI: I see the trails, that's the gray.

ALVAREZ: -- a trail through or along Fifth Plain Creek, but it would only apply to the properties that are in the urban growth boundary because they wouldn't have any control over your property or (inaudible.)

STEINHAEUER: So it would just stop right there?

ALVAREZ: Yes.

STEINHAEUER: So I think in sitting here tonight and just listening to kind of all of the information, I really appreciate being able to be part of the process. I think we need to get ahold of more of the owners, the property owners that are actually affected by this as well. Wendy and I went through the neighborhoods and made fliers over the weekend and passed them out to people and that's why we have as many people here tonight as we did, because just having the one meeting in July wasn't enough, it snuck up on all of us. So I encourage you to go slowly, and thank you, appreciate it. Any questions?

BARCA: Any questions for Mrs. Steinhauer? No? Thank you.

STEINHAEUER: Okay, thanks. Thank you.

BARCA: And then we would go to Louie Steinhauer.

STEINHAEUER: My name is Louie Steinhauer. My wife pretty much covered everything. I did notice you made a comment, though, that we're not in the growth part of it.

GIZZI: Oh, you're not in part of the proposed urban holding lifting zone I guess I'll call it.

STEINHAEUER: Yeah. But if you go 20 feet down the road, we're in the area, so essentially we are part of the growth because it will be affecting us.

GIZZI: Yeah. Sorry. Please don't misunderstand, I'm not saying you're not impacted. Her question was specific about the trail that was shown on the map and whether or not it was going to

go into your property, and my answer was based on that question that, no, I was not --

STEINHAEUER: Yeah. I just wanted it does affect us --

GIZZI: Understand. Sure. Clearly. Clearly.

STEINHAEUER: -- so just so you're clear there.

GIZZI: Yep. Yep.

STEINHAEUER: I guess she pretty much covered everything that, you know, I've thought about. And then, you know, she touched on the sheet that they sent us and, you know, this is it, you know, it's orange there and all these oranges are the same color, you know, so you can't distinguish what is what. But then in your comment this is all proposals so, you know, what good is this piece of paper because they can possibly change it anyway, so they're, you know, they could put in the more houses.

I guess my comment to you guys is the trust in the development of your proposal. Because we got -- we went through a bad deal on the first Fifth Plain Creek deal where they had that nature trail, walking or walking path, going through my property and I knew absolutely nothing about it, we just stumbled on it by accident. A neighbor, you know, said, hey, there's this guy's going to buy all this land, this and that, we came down to one of the meetings and I got a copy of it, which we haven't seen the new master plan, you know. So I guess it's just the way they went about it the first time was just not right, you know, with that plan.

And we were supposed to be represented. I asked the guy, well, what does this mean? And he said evidently you signed a piece of paper and he said you're for this development, and I said I don't even know who that guy is. So I went out and got me a lawyer, you know, and we got to the bottom of it and then we did, we got taken out of the growth.

So I guess my suggestion to all of you is to -- what I would like to see if it goes through, or if you decide to lift it, is a more definite plan before you lift it where they can't change it at a whim, you know. Even if they have to propose and go through all the paperwork, whatever, there should be something where they can get a more definite plan for the roads, the development.

Because, you know, like we all know what's going to happen and, you know, what we have there is, you know, it's a farm community. I grew up there, you know, 54 years I've been there so I've seen it progress over the years, and I'd like to see, you know, larger lots where it isn't, you know, such high crime. You go down to 162nd and Fourth Plain, the developments out there, and you can see the graffiti, you know, on the fences, the gangs, you know, they're coming closer, you know.

And if we go to too high density in that area, you know -- there's a few of us that's been out there for a few years, you know, I'd like to retire out there, you know. I'd invite any of you out there to see that piece of property that I have with the creek running through it and everything, you know, and you'd appreciate, you know, kind of what you have, you know, and there's a lot of memories and stuff there. So if you lift it, you know, I'd go for a more definite plan where they can't come in and change it up where it's going to be higher crime, more traffic and stuff. So I guess that's what I have on it.

The only other thing, you know, because the traffic on the road it has gotten worse, you know, they just fly down there. And I guess that's about all I really have is to just really study it before you go giving somebody free rein on doing whatever they can do, you know.

QUIRING: Mr. Chair, I'm getting the look all this time, so I just want to clarify. I would like to reiterate, and I'm no proponent or anything, I'm just here listening to the discussion, but reiterate that this plan actually is less dense than the original plan, that's number one.

Number two, you used the word change at a whim, and what we're doing right now I think is fairly arduous, and we don't even know what the outcome is yet, but this is just finding some sort of structure to even begin moving forward on something. So, but, you know, when I said, you know, this is not the entire plan or whatever you were indicating that I was saying, that it could be changed, well, it can be changed, but it takes a whole lot of hearings and actions. And like I said, this density is actually less dense than the original holding area.

STEINHAEUER: But it is subject to change though.

USKOSKI: Only through a very arduous process.

GIZZI: Subject to change whether we --

QUIRING: A huge, yeah, I mean.

HOLLEY: Only through a what? I'm sorry.

BARCA: One at a time.

HOLLEY: What did you say, Valerie?

USKOSKI: Through a fairly arduous process.

BLOM: It's subject to change whether we approve it at this point or not. If we don't approve it now, it leaves it at a higher density. If we don't approve it tonight, and again not leaning one way or the other, listening to all the input, they could come back and reapply next year without making the zoning change, in which case it would all be 7500-square foot lots.

I don't know if this is an okay time to ask questions so Mr. Printz can perhaps prepare. There have been a number of questions about the density, where the houses are, and the map is hard to read, would it be possible to have someone add up and just say how many houses are going to be in Section C and E, B, D and F?

BARCA: Tonight?

BLOM: Well, just the numbers are on there, I just can't read them.

ALVAREZ: It's there.

BLOM: I mean it's just a couple of addition problems.

BARCA: So we'll have staff go through the map after our break which is coming any moment now, honest.

STEINHAEUER: Well, I won't take up any more of your time but... Anyway, just, you know, like the trust in the development and stuff, you know, so those people that are in it, you know, you just take all of that into consideration. Thank you.

BARCA: Thank you. So we have one more name on the list, pardon me for my pronunciation, is it Junaid? It is. Thank you. Come on forward. Is there anybody else that is not on the list that wishes to testify? I see one, two. Is there anybody else other than these two people that would like to testify? Okay. I'm going to close this out then with these two people and we're going to give Cindy a break. Please, Mr. Junaid.

AKHTAR: Junaid Akhtar. I'm a resident of Monet's Garden since 2003 we purchased that property.

BARCA: And the address is.

AKHTAR: 8201 NE 181st Court. We are neighbor to Mr. Bender who was speaking before. And I have very much concern about what they plan to put in over there, 1200 houses in that area. We had a choice ten years ago to move in that area where we can live in 1200 houses, but we decided

to move in this peaceful neighborhood where we're going to raise our kids in this area, that's why we moved in here.

And, you know, we have seen houses value go from peak to the low now. And if there's a time now coming up, and to go back to the point where we have some savings in there, and as like lots of my fellow Americans, we work hard for our money and we have houses which is like equity and retirement for, or at least for me.

And another thing, my concern in that growth is traffic. If there are 1200 homes, average home has two cars, so we multiply with that one, 2400 to 3,000 cars in that one-lane road, that's what we're looking at, two most probably. So traffic, crime and infrastructures are my mostly my concern in that area.

And I mean I will -- if there is going to be growth, I would say it should be responsible growth for keeping in mind those folks who are living there for 15 years or 10 years or 12 years, that's where it is. Anybody have a question, please feel free to ask me.

BARCA: Thank you for your comments.

AKHTAR: Thanks.

SHAW: Hi. My name is Elizabeth Shaw. I live at 17501 NE 72nd Street, Vancouver, and that is in Andrea's Meadow. I'm going to deviate a little bit from what other people have said. I'm not opposed to development. I understand that that is other people's property and that they are entitled to do with it what they want to do with it. I moved into the area knowing that I didn't own their property.

Having said that, I do have real concerns. I've lived in my home for 27 years, I've raised my children there, I love it, I love the area and I love the rural nature of it. But the thing I do think I have a right to weigh in on is my concern about the safety of the streets. The traffic there, I'm extremely concerned about it, it's gotten noticeably worse. We've had cyclists hit, we've had a lot of kids nearly hit on 182nd and that is my single biggest concern.

I am also concerned about the adequacy of the schools. They were inadequate when my kids were there many years ago, they were already overflowing at that time. I was the co-chair of the bond for the school district, and I can tell you that it's a big production for the schools to try to stay ahead of the building for the schools especially in Evergreen. And I am extremely concerned also about the impact on our taxes and whether we will all be required eventually to get City sewer and water and pay for the additional cost of that in any way, shape or form. I don't know if that's the case, this is not my area of expertise.

And above all, if we do end up building all those additional homes, I would hope that the traffic, the infrastructure would be expanded to reflect the growing density in a way that allows for bike paths so that there's safety on those roads, and at least, you know, three lanes in areas where you'd need a turn lane so that we'd have a lot safer getting on and off. I've nearly been run off the street on 182nd just trying to get onto 72nd Street. So those are my big concerns.

I want to express my gratitude to the County staff and, frankly, to the developers for at least looking at trying to do something to ameliorate those concerns around the safety in that area. And I would also encourage for the PIF funds, I don't want to see PIF funds go to operating costs. I'm sorry, but in my heart I see that in taking any money away from building our capacity to maintain parks. And I think if we take the half million dollars that Randy was talking about and put that into operating funds, it would go poof, it would go away in no time. I would rather see that in some kind of a permanent fund to help pay for the operating costs. Does that make sense? I know I'm kind of jumping around a lot. But I don't want to see that go into just straight operating costs because that's taking away from the idea of investing in our community's capacity. Anyway, that's

all I got.

BARCA: Questions for Ms. Shaw? Thank you for your testimony. Last one.

BRIGHTSHAFT: I'll make this real quick because I know you want to get out of here and take a break and so forth. My name is Frank Brightshaft (phonetic). Is that too loud? I'm a licensed architect and engineer.

BARCA: Your address, please, sir.

BRIGHTSHAFT: I'm sorry?

BARCA: Address, please.

BRIGHTSHAFT: I live at 18014 NE 85th Way, that's in Monet's Garden. I spent the first 14 years of my career in civil engineering, I was a civil engineering designer, so I'm familiar with what you're doing, what's going on and so forth. I don't think anybody should be denied access to the area to envelope themselves within the environment that's there, it's a very pristine environment. I'm from the Midwest, so I'm fairly new to the area, but having lived in several metropolitan areas, I understand the concept of urban sprawl and development and so forth.

There are going to be issues with traffic, there's no doubt about it. And generally in an urban area, or newly urban sprawl area, the traffic situation is not addressed immediately, it's addressed afterwards, after the density has already taken place there's studies made and so forth, and, you know, there's a proposal made. And pretty soon there's a proposition on the voters ticket to approve the funding for additional roads and improvement of roads, because people are going to be tired of spending 20, 25 minutes getting in and out onto the main roads, and I recognize that, and I'm pretty sure everybody else in here recognizes this, it's just the process.

What I've been hearing over and over again is housing, okay, housing, develop this with housing. Why are we talking about housing? Why do we have to do housing? To the representative here for the landowners I would propose that we do something a little different, and that the landowners be congregated together and try to take this land and go public with it and continue to have income off of that instead of this being their final 401, do something with it.

My proposal would be - and I'm just putting this out, putting it on the floor and it's being duly recorded - is to think about a golfing community with executive homes rather than high density, cheap homes. And that's what I see happening here, and there's a good possibility that could happen. As an architect I understand building materials. I live in a community where the building materials are very optimal, they're very good, the homes were built very well. I'd like to see other homes built in the area as well, if not better than mine, and I'm pretty sure everybody else in this room feels the same way.

Now my recommendation would be to get with the architectural firm of Pete Dye who's an architectural -- he's a golf course architect, and allow them to come in and take a look at this proposal, look at the land. I'm almost, almost convinced that an 18-hole executive course would be very perfect for this area with meandering roads, with a great 18 hole, a nice clubhouse, and you have low density housing and you still allow people to come in and enjoy the pristine area. I'm just making that as a proposal rather than thinking about dividing and subdividing, slicing and dicing the area into high density housing. Even at one-half acres for a nice executive home would work, I know it would work because I just moved from one. It can work.

I worked -- I lived on a Pete Dye course. I don't know if any of you play golf or not, but it was a very nice course. I could walk out my back door and tee off at the third fairway, this can be done here too. I just all I'm asking is that the representative here for the landowners reconsider what the land use is going to be here rather than thinking about just housing. Thank you very much. Any questions?

BARCA: Appears not.

BRIGHTSHAFT: Thank you.

BARCA: Thank you so much. So barring the proponent changing to a golfing community at this moment we're going to take a break, and that break is going to be 15 minutes. And then we will come back, we will talk to staff, give the proponent a brief opportunity to talk about what he has heard and then go into deliberation. So 15 minutes and we will be back. Thank you.

(Pause in proceedings.)

BARCA: Okay, everybody, we're back on TV. So where we left off was we were going to ask staff to clarify anything based on public testimony, and then we're going to go to the proponent for a brief, concise rebuttal.

ALVAREZ: I'll just start with I guess there was some issues with reading the number of units on the map. So what they have is a range. Area A is 61 to 85 units. Area B is 37 to 51 units. This is R1-7.5 zone A and B. Area C would be 6,000-square foot lots, R1-6 with a range of 37 to 52 units. E, also R1-6 and a range of 45 to 63 units. Area D would remain the R1-7.5 and it would range from 68 to 95 units. Area F would also remain in R1-7.5 and it would be 85 to 119 units. Area G would be the R1-10, 10,000-square foot lots, and that would be 108 to 163 units.

Area I, also R1-10 would be 14 to 20 units. Area H, R1-10, 59 to 89 units. Area M, also 10,000-square foot lots and it would be 29 to 43 units. And then area L, R1-10, 19 to 28 units. Area P, also R1-10, 78 to 117 units. And area Q, 99 to 150 units. Area O would be R1-10, it would be 24 to 35 units. Areas J, K and N are R1-20. Area J would be 11 to 16 units, area K would be 6 to 9 units and area N would be 8 to 11 units it looks like.

I think there was a question about the extension of 83rd Street. The current arterial atlas has this extension of 83rd Street connecting with 78th Street to the west. The proponent's proposal doesn't show that connection. I think in maybe the proposal for the development agreement it talks about actually building that, and we would currently require that since it's on our arterial atlas amendment and there's not a proposal to amend it.

I think the idea was, the original intent was to not have that in order to sort of appease the folks in Monet's Garden from not having that going through there. But when that development was approved, there was a dedication of right-of-way for the County, and the expectation was that this road would be built. Though it hasn't, and it's typically not how things are currently done through the county process, we would require that and it would be built at the time the subdivision was built. This was a unique situation where the right-of-way was dedicated and there would be a future road, so that's sort of the current situation. Do you want to address the width of the roads?

MABREY: Sure. Well, currently 88th Street, 182nd Avenue and 83rd Street including the extension have rural collector classifications. So 83rd is a rural minor, 88th and 182nd are rural major collectors, they've never been changed to urban classifications yet. There needs to be an arterial atlas amendment that looks at all those issues and makes a final determination whether to delete that extension of 83rd through the Monet's Garden subdivision and through some of the adjacent property across Fifth Plain Creek. That's not an issue that's been addressed at this point. So it needs to get on the Board's docket, it could be addressed as early as next year.

In terms of the approval criteria, I'd like to speak to the transportation criteria which states basically the completion of critical links and intersection improvements are reasonably funded via either the six-year transportation improvement program or a development agreement. There hasn't been any finding that the intersection at 182nd and Fourth Plain isn't a critical intersection. I think we can pretty much all agree that it's critical to the development of these properties, and there's no argument that it will fail. A major realignment project at that location is not in anyone's six-year

transportation improvement program.

So the question is, does the development agreement really address that issue and provide enough assurance that that improvement is reasonably funded? I would argue that the development agreement limits the property owners cost liabilities for these improvements to \$500 per lot. It grants some concurrency approval so that they can carry on regardless of what happens and doesn't really ensure that any of those projects get built. It allows -- it provides that building permits will be released once these, any of these projects is added to the capital facilities plan, that's not reasonably funded. So it punts the approval criteria down the road to the building permit stage, and then it changes the goalpost in terms of what has to happen to consider a project reasonably funded.

MORASCH: Mike, what page of the staff report is that criteria on because I was looking for that in here and I wasn't able to find it?

MABREY: I don't have the staff report in front of me.

ALVAREZ: Oh, it's on the first page of the BACKGROUND, it's the third bullet.

MORASCH: And so that's Chapter 14, Procedural Guidelines?

ALVAREZ: Correct.

BARCA: Any questions of staff? With that being said --

GIZZI: Can I?

BARCA: Certainly.

GIZZI: So there was some discussion about an interlocal agreement between the City and the County being required in order to ensure that the TIF was transferred to the County, and I didn't get all of that, is that something you could help me understand.

MABREY: Under the current interlocal agreement on traffic impact fees between the City and the County any major changes have to be approved by both legislative bodies. Currently the Evergreen traffic impact fee district includes areas that are in unincorporated Clark County. So we pay development in our development, and some of our unincorporated areas would pay into projects, but all the projects are located in the city of Vancouver because the traffic shed basically feeds towards Fourth Plain and affects things closer in, there weren't any major projects identified out in unincorporated Clark County.

In order for 182nd Avenue to be eligible for funding, it would have to be included in the traffic impact fee program for that district or the district would have to be changed in some other way. But right now that's not on anybody's radar and it's not one that would currently be funded if you were to turn loose this area for development and building permits were issued.

So the development agreement tries to address that by saying, well, you won't get building permits until something changes that makes that all better. And that's all well and good, but I guess my concern is that it obscures the fact that the threshold for releasing building permits is -- well, I've only had this for an hour or so. It appears that the threshold for releasing building permits is that one of these projects is either put into the CFP or the interlocal agreement as amended so that all the TIF funds can go to it or some of the TIF funds can go to it.

GIZZI: And that can't happen here.

MABREY: Yeah. You'll have to read Section 6 of the development agreement and see how you interpret it.

USKOSKI: So in relation to that question, kind of tying back to the one I had asked earlier, that my

understanding was is a developer's agreement would basically prevent anyone from applying with a development application until that interlocal agreement was in place to make sure that those TIF funds would be able to or traffic impact fees would be able to go towards those improvements, that they couldn't get their entitlement process started until that was already in place is how this was written.

ALVAREZ: I think the way I understood it was that they could start the process, but the --

USKOSKI: But they couldn't get vested because vesting happens at the time of fully complete, does it not?

ALVAREZ: Well, when you start the preliminary review process, you get the preliminary approval, that's when your impact fees vest. So you could through that process at the fully complete would be the time frame, but I don't think this would prohibit you from doing that, I think it talks about at the building permit level the building permits would be issued.

USKOSKI: That they would pay them at that time, that they would have to. But I thought we would have to have the interlocal agreement in place prior to getting your entitlements because of the whole concurrency issue, or am I misunderstanding something?

PRINTZ: When it's my turn, I will try to clarify it for you.

USKOSKI: So maybe we'll wait until it's Randy's turn and I'll hope that he can clarify it properly for me.

BARCA: It has the appearance we're going to get some additional testimony.

COOK: I'm afraid so. Chris Cook, Deputy Prosecuting Attorney. I would just like to say as the attorney for the County on this matter, I have not had an opportunity to read this agreement. So if you're looking for the County's construction of it, there isn't one, and so my recommendation is to proceed with caution. I thank Mr. Printz for getting that to us, but today was not a day when a lot of time was available to look at things that came in in the afternoon, and unfortunate, but true.

MORASCH: Before you jump up, can I ask a question, not specifically about --

COOK: But of course.

MORASCH: -- not specifically about the development agreement, because I appreciate that you haven't had much time to look at that, but more specifically about the point that Mr. Mabrey raised about the criterion on Page 1 of the staff report, and if we proceed with this type of a development agreement that says, you know, that we're going to go forward with lifting the urban hold but we're not going to allow building permits until, you know, sometime in the future when we've amended the CIP to satisfy this criteria, and is that as Mr. Mabrey said an impermissible kicking of the can down the road under this criterion?

COOK: I apologize, but without having read the agreement I can't begin to make a judgment as to whether it's permissible or not, and, sorry.

GIZZI: No, fair enough.

BARCA: Any other questions? Thank you. So I think we have a clear understanding of where the County is at at this moment, and I'd like to bring Mr. Printz forward so we can move this along.

PRINTZ: Randy Printz, 805 Broadway. I'll be brief.

BARCA: Please, and slow.

PRINTZ: You guys are in a hurry so... I guess I'll do this in a different order and talk about the transportation stuff. Mike and I fundamentally disagree on what the DA does, and all the development agreement does is formalize the discussions that we have had. And I think that the, I

think the intent on both sides is to get to pretty close to the same place which is the way I read the criteria. And Commissioner Morasch asked this question, it wasn't a DA question, it's simply can, you know, does the language of the comp plan, the criteria of the comp plan allow for essentially what we're doing, and obviously we wouldn't be proposing it if we didn't think that it did.

It's very similar to what we did on 119th when this board or this body and the Board removed urban holding there. What we tried to do was this agreement simply says that it identifies actually all three of the projects that we talked about, even though I think in most everybody's mind only one of them is critical which means there's even more funding available, and it expressly identifies those and expressly conditions the issuance of a building permit.

And the significance of that is you can't have a trip on the road that creates the impact which is why the improvement is needed until that funding source has been, for lack of a better term, legalized in that either the capital -- and I wrote it in a manner that would allow a variety of different mechanisms to be used but would achieve the same desired result which is that either the CFP gets amended so that that money, and that's what the DA says, that money can be used, some or all of it.

And I don't get to make that decision about where that money goes, you guys, the staff does and the Board does which is why I wrote it that I didn't require it to be done because I don't have the authority, and I don't think the County necessarily has the authority in a DA, and Chris can talk about that, but whether to bind that future legislative body to using those funds out of this or not, but maybe they do; and if they do, we don't have a problem with that, in fact, that would be preferable, I wrote it though to address that issue.

The purpose of this and the intent of this is to allow for the CFP to be amended or the interlocal agreement to be amended so that the TIF money that is generated from here can be used to improve the intersections that we've talked about, and either all of them or one of them depending upon what the County wants to do, and that's how it's written. So to me that is precisely what the intent of the criteria in the comp plan is is to make sure that there is a funding mechanism in place prior to those trips going on the road and that's what this is intended to do.

To answer Commissioner Uskoski's question about I guess when does this come into effect and would it prevent an application being filed, the answer is no and by design. The whole point of lifting urban holding is to sort of be able to get into the game, to be able to obviously not only implement the comp plan, but to be able to fix some of these things.

One of the interesting things is people have talked a lot tonight about how the intersection at 182nd and Fourth Plain is already dangerous and in a bad place, WSDOT says there's absolutely no funding for that, the County says there's no funding for that, the only way that that's going to get fixed is if urban holding gets removed and applications come forward.

The one issue that you -- I think one of the aspects of the issue that you are raising, which is a legitimate issue which I haven't really thought about, Mike or Jose and I have talked about that a little bit which is if the TIF rates were to change between the time of application and the time of building permit, or I guess between the time of execution of the agreement and the time of building permit issuance would you somehow be frozen and would those TIFs not apply, and that's not the intent of the agreement certainly, and there's language in there that at least is intended to and there's references to the TIF that says otherwise applicable or something like that. So it is to treat the TIFs on this no differently than they would be on any other project except for the language that would say that we're adding another, you know, another half a million bucks to the TIF from this.

And that in addition to, I mean if you didn't have urban holding, what would happen here is people would come in and apply, they would fairly soon trigger either failure at 182nd and Fourth Plain or at Ward Road and 88th, one of the two, and they would be denied unless they fixed it. They would have a condition of approval that would say fix, so that is essentially what -- you not only have that

in place, but you also have you can't pull a building permit until these things happen. So that's the intent of the agreement.

I think if there is -- since this is a recommending body, if there are suggestions to language -- and the reason that we did this today is we've been meeting with staff, our engineers, WSDOT, got comments back from staff and got comments back from the City, got comments back from WSDOT, took those, went back and looked at those design and got a DA out, and those things have happened in the last, you know, two or three weeks and that's so that's why we're here.

But as a recommending body, if the PC thinks that there are tweaks to the development agreement that they would like to see, or think are appropriate to make as part of this, that is certainly within your purview to do, and we would certainly entertain those as would the Board. So that's transportation on the, you know -- the other major --

MORASCH: Before you jump --

PRINTZ: Sorry. Go ahead.

MORASCH: -- can I ask a quick question on transportation. What would you think about deleting the word "any or" out of Section 6?

PRINTZ: About deleting which word?

MORASCH: The words "any or," because I think one of the concerns Mr. Mabrey had is the way this is written, it says "any of the following three." So theoretically the smallest of the three could get on the CFP and not the other two, and then all of a sudden the building permit restrictions are lifted.

PRINTZ: I don't have a problem with that. But the sole reason for that language is is that it's the County that's going to pick what they, you know, what they ultimately want to, you know, where they're going to spend the money from here. And if Chris thinks that it's legal, and then I mean I don't have an issue with saying that the money from here is going to go to here.

I don't know which part, you know, either for three of them or I mean -- the folks that are going to live here would be happier to have that money spent right in their backyard for those, all of those improvements.

And as a practical matter, if they're on the TIF list and they become TIF creditable, they're likely to get built sooner and by private sources, not even the TIF fund but by the private sector so, you know, whatever language that we can work out that would accomplish that, I don't have any objection for that. The sole reason was trying to make sure that I didn't unlawfully bind a legislative body to a future action, so that's the reason.

A couple of other things really quickly. A lot of discussion about density and numbers of lots, and I guess a couple of things. One, again, all of those things are great discussion points, we had them for nine years. We finally adopted this plan that has actually more density in it than we currently have, and this Planning Commission and the Board decision to urbanize this area at these densities with actually higher densities than this was done a long time ago through a very publically vetted process. But, you know, people talk about 1200 lots, and maybe that's what it ends up being, it will probably be less than that, but it's also spread over 600 acres. I mean, again, the density here is like 2.2 to 2.9 which is not dissimilar from what Monet's Gardens is and is far, far less than what you see to the west for the overall density of this.

Transportation capacity in the area, are the roads big enough to handle this, absolutely they are, and, you know, we have traffic engineers that have done analyses on this. Also as part of development review, depending on the particular location of the subdivision application that would come in, they are required to do a full traffic study that analyzes all of that again on a very micro

basis. There will be frontage improvements to the road, there will be sidewalks that are required, there will be all those things that you see with normal, you know, normal development.

Somebody talked a lot about trusting, you know, us. I'm not asking you to trust me, I'm asking you just to take the language that is in the DA and the criteria in the code and apply it to us.

On the trail, that's probably my fault for not catching what the engineer is rendering. Obviously we're not intending to put, you know, a trail through somebody's property that we don't have any control over. So either they, either the -- whoever the property owners are there, if they want to donate or have purchased, you know, and the County certainly could purchase a trail through there, it looks like to me that there are alternate ways to get around there. The idea was just to take it, you know, have green space and trails along, you know, along Fifth Plain Creek so... That's really all I've got.

BARCA: Questions for Mr. Printz?

PRINTZ: Thanks very much.

BARCA: Thank you.

MORASCH: Thank you.

BARCA: So we're going to open this up for deliberation then.

MORASCH: Are you looking at me to start?

BARCA: That would be great. We could just hear everybody's --

MORASCH: Thoughts of where you are.

BARCA: -- opinion and then we could help clarify and persuade and discuss.

MORASCH: Well, okay, I guess I'll start since I'm at this end. I really appreciate everybody, you know, coming out today. Most of the time we don't have anyone in the audience, so it's nice to have, you know, audience and participation and I appreciate your concerns.

Unfortunately I think a lot of the concerns I heard today were the types of concerns as Mr. Printz stated when he very first came up in the beginning of issues that were really decided back in 2007 when the property was brought into the urban growth boundary. And the process we're here now, we're talking about lifting the urban hold which is more about can you provide adequate services to develop the property to the density that was already established in the comprehensive plan, and I didn't hear as much testimony about that as I did about just kind of overall it's too dense. But, you know, it's in the urban growth boundary, so at some point it's going to get developed at urban densities.

I am a little concerned about the issue that Mr. Mabrey raised, and I think that deleting the words and "any or" would probably go a long ways to satisfying that concern, maybe not a hundred percent there. I think I'd also like to have a legal opinion from the County's lawyers that it's a permissible way of proceeding underneath the criterion in the plan, we're not going to have that tonight because, you know, we just got the DA today and that's understandable.

So I guess kind of where I'm leaning right now, and, you know, I may change my mind after hearing everyone else's deliberation, but kind of where I'm leaning is a recommendation for approval that's subject to, you know, changing the language of Section 6, having that. And the general issue of can you actually proceed this way reviewed by County counsel and approved by County counsel, because I wouldn't want to step, kind of step into that role of giving any kind of, you know, legal advice, and this seems to me primarily a legal decision. But from a policy perspective as long as the transportation issue can legally be solved, I don't see a reason not to recommend lifting the urban hold.

BARCA: Karl.

JOHNSON: Well, you know, I have the same, transportation, schools, you know, I know that that's kind of out of the scope and it is what it is, I just want that on the record, I'm trying to figure that out. But it's kind of interesting, there's, you know, if we did nothing and kind of let it the urban hold just be pulled out, there would be 1780 more daily whatever people on that road; is that correct? I'm reading off of the traffic study here from 12,000 to 11,000 so... So we're trying to do the best we can.

It seems to me that the nos on the staff criteria, Criteria A seem to deal with traffic, Criteria E seem to deal with traffic, that the actual, you know, the bridge, and if those two could be mitigated, then, you know, we're trying to do a better job here than actually someone could do.

So I'm leaning for, you know, approval. Again, I'm not firm on that, I worry about the traffic. I look at that area and I do see what the testimony was, look, there's one way in and basically one way out and I'm sure there's other ways to look at it, but there's an awful lot of traffic there even for 1200 or so units so...

For the record, and I don't know, Chris, what you're going to, you know, the new DA, but that's something you guys, you know, protect yourselves so the thing wouldn't get built or the thing wouldn't start before at the very least 182nd and Fourth Plain were dealt with so, that is my concerns.

BLOM: I share the same legal concerns both with how Section 6 of the DA and also Section 7 possibly if that didn't tie the County's hands down the road with (inaudible) and concurrency when there could be other issues as developments are moving forward. So I think if we were to move this forward to the Board of County Commissioners, we'd want to have obviously legal counsel look at those issues and come to a better understanding of what those mean in terms of what that does to the County's options of this down the road.

I appreciate what the landowners have done in terms of decreasing the density from 7500-square foot lots and basically taking several hundred potential home sites out of this, I think that goes a long way, and the way they organized that I think will help mitigate some of the traffic concerns, you know. The vast majority of the lots as he went through are closer to Ward Road and Fourth Plain so there's not going to be the cross-traffic, not that that's not still going to be an impact, but at least it's not traffic going passed the existing homes. So with the necessity for further legal counsel on Section 6 and 7, I would agree with previous Commissioners that we move this forward to the Board.

BARCA: So as I heard the development agreement, it seems like to me it's a good starting place. The idea that staff recommendation has remained the same, that County counsel has said there has been no time to review puts me in a position to say right now I don't know that it's fiscally responsible for this body to go ahead and say that we should go forward with this project when we already have limited funding for TIP projects as there are, and at some point in time we would have to gather the money.

From what I heard, without the interlocal agreement from the City of Vancouver to provide those funds based on the regions where the money is collected, this would not be a starter but we would lift the urban holding in advance of that. My concern right now if that was the case, somebody who has the development money and wanted to come forward with that development money could develop it today at the higher density, but they haven't come forward because they don't have the money. I think providing the funds to do it at the lower density or the higher density is the key to being able for me to say, yes, let's open up the urban holding.

So right now I look at it as it has holding on it, there's no money available, should a development

agreement come together that the County can say is acceptable to them, then we go forward, but right now I don't see that we go forward without the money being available. That's my opinion.

GIZZI: So we had, for the folks in the audience, we had a work session a couple of weeks ago and we all talked about all the issues that you folks have raised. And Mr. Printz was a part of those discussions and really did a lot of work to alleviate some of the concerns and fears and some of the monetary issues around parks and traffic and how are we going to deal with this and tried to capture I think the solutions in this agreement we're all talking about, the DA, a Development Agreement, and I think if we had had another month, it probably would have gotten rid of some of the questions that are open at this point.

But I, like Ron, look at this and say that if we do lift urban holding and something changes and somebody else, then, has the ability to come in and develop at the higher density when we know that there isn't any money available, I just think that that's putting a financial burden on the County that really we probably shouldn't do, and I'd go with staff's recommendation probably unless someone's got language to alleviate those concerns.

USKOSKI: Yeah. I guess my thoughts are as with how the proponent is laying out the zoning, it's essentially locking them into where they can't go more dense without a rezone process which would have to address all of those other factions. So I guess I don't have a concern with the density issue. I think they've done a really good job of laying that out and buffering and paying attention to what the Monet's Garden residents have to say.

For me it only comes down to the traffic. And I really feel that the applicant or the proponent has done a really good job, has been proactive, especially down at Fourth Plain and 182nd to look at what they can do to make that a better intersection with realigning it rather than saying, well, it is what it is, we can wait for the County to come up with funds or WSDOT, who knows when, to widen that bridge or take care of the intersection themselves. I know that's that last section where you have those S-curves is a pretty dangerous section and I think this goes a long ways to making it a safer alignment, it gives us that flexibility of not having to improve a bridgeway over critical areas.

And I think this developer's agreement goes a long ways to getting us to where we need to be for the final lifting of the urban holding. And I guess I'm in favor of the lifting the urban holding with the caveat that Commissioner Morasch put in there for getting that finalized and the details ironed out prior to the hearing with the County Commissioners.

QUIRING: I would echo much of what Valerie just said, and regarding the Section 6 and the attorneys for the County looking at it to make sure that it's amenable. I, you know, traffic I would see is the major, the major problem here, and obviously that's, it seems to me that's what the County, the staff is saying as well, but the proponent seems to be trying to find a way even that these funds can be used specifically for these roads and to enable the improvement of them.

And it seems at this point from my hearing it seems a little bit like there's a Catch-22 right now. Unless we have a development agreement, you can't pay for it because it's, I mean the TIF funds can't go toward the improvement of this because it isn't on the list. And so it needs to perhaps, and maybe I'm understanding it wrong, but it sounds to me like lifting this and going forward with this plan would allow for some of these things to actually be put on the TIF plan, I mean not the TIF, on the plan to improve these intersections, and it also seems like this is a way to fund those improvements.

So I would be, I would be in, I think I would be in favor of lifting this. It is less dense and I think that they have done a good job with the development and especially around Monet's Gardens and, but we need the attorney to look at the development plan, so it would be with that caveat.

CALL FOR MOTION

BARCA: Any more discussion on the matter? So I think we have a pretty clear understanding of where everybody's at. No clarifications needed from staff? Should we call for a motion.

JOHNSON: I motion that we accept the, excuse me, let me rephrase that.

BARCA: I was almost there. I was almost there. I was going to second.

JOHNSON: I motion that we do not accept the recommendation of staff. Let me get this right.

QUIRING: What do we want to do?

BARCA: And?

JOHNSON: And I got to phrase it right, I lost my brain here. That we proceed with the removal of the urban hold with the caveat that the District Attorney's Office would review the new, the updated --

QUIRING: Development agreement.

BARCA: Is there a second?

USKOSKI: I'll second.

MORASCH: Can I offer a friendly amendment?

USKOSKI: Sure.

MORASCH: That the County Attorney's Office --

BARCA: Into the microphone, please.

MORASCH: That the County Attorney's Office would also look at the issue of whether it's legally permissible to satisfy the reasonably funded criteria under Chapter 14 of the comprehensive plan through this development agreement. I think it's a little different than just looking at the development agreement.

JOHNSON: Yeah, I'm fine with that. I was just listening to Chris specifically, though, of letting her to actually read it or have more time in general to, you know, if there's anything else in there, I'm kind of sensitive to that, that was the one thing that really, really concerned me. I'm assuming you just got this, Chris, an hour and a half before we came here; is that true?

COOK: I received it according to my e-mail at 7 minutes before 2:00. I had a meeting at 2:00 and a meeting at 3:00, the meeting at 3:00 went until 10 minutes before this meeting so... I've now kind of read it. Let me say if it is permissible, I ask the Chair's permission to comment on the amendment that's offered.

BARCA: Please.

COOK: From my point of view, I would certainly prefer to be able to state my opinion on the legality of the proposed development agreement as meeting or not meeting the criteria rather than to just say that I looked at it, I think that makes looking at it a little more meaningful.

MORASCH: Does that mean you're in favor of the proposed amendment? I think that's what I was trying to say.

COOK: Well, I think what I'm saying -- yeah. I think what I'm saying is that if you desire legal advice, or if the County desires legal advice on whether the criteria are met by this, then your amendment is what would provide for that.

MORASCH: Correct. That's correct, yeah. What I wanted to do is recommend approval to the County Board of Commissioners subject to County counsel advising the County as to whether the development agreement would meet this criteria, yeah.

JOHNSON: I concur.

USKOSKI: I still second.

BARCA: So we have an amendment that puts the acceptance of the development agreement for the legality of Section 6 into --

COOK: Not just Subsection 6, the entire --

BARCA: The entire development agreement into the County's legal department, and we're going to base our acceptance on their acceptance is what I'm hearing.

USKOSKI: We're going to say we lift urban holding subject to legal counsel per the developer's agreement in its entirety.

BARCA: So without the development agreement in place urban holding does not get lifted?

MORASCH: Correct. And without a legal opinion from the County counsel that the development agreement is sufficient to satisfy the criteria it does not get lifted.

USKOSKI: Correct.

ORJIAKO: That's the recommendation to the Commissioners?

QUIRING: Yes. Yes, that's the recommendation to the Commissioners.

ROLL CALL VOTE

BARCA: Roll call, please.

USKOSKI: AYE

MORASCH: AYE

JOHNSON: AYE

BLOM: AYE

BARCA: NO

GIZZI: NO

QUIRING: AYE

MCCALL: 5 in favor, 2 against.

QUIRING: Motion passes.

V. ADJOURNMENT

BARCA: So that is the agenda for this evening. Do we have any new business before the Commission? No new business being stated, 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 CTV on the following web page link:

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

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