

**CLARK COUNTY
PLANNING COMMISSION MINUTES
Thursday, January 15, 2015**

**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.

USKOSKI: Perfect. Thank you, Marilee. Good evening. Welcome to Planning Commission for Clark County on January 15, 2015. Could we get roll call, Marilee.

II. ROLL CALL & INTRODUCTION OF GUESTS

MORASCH: ABSENT
USKOSKI: HERE
BARCA: ABSENT
QUIRING: HERE
JOHNSON: HERE
BLOM: HERE
BENDER: HERE

III. GENERAL & NEW BUSINESS

A. APPROVAL OF AGENDA FOR JANUARY 15, 2015

USKOSKI: Thank you. Moving on to general and new business. First up, we have the approval of the agenda for tonight. Do I have a motion?

JOHNSON: I move that we approve the agenda for January 15th, 2015.

USKOSKI: Do we have a second?

BLOM: Second.

USKOSKI: All in favor.

EVERYBODY: AYE

B. APPROVAL OF MINUTES FOR NOVEMBER 20, 2014

USKOSKI: Approval for the minutes from November 20th, 2014. Do we have a motion?

QUIRING: So moved.

BLOM: Second.

USKOSKI: All in favor.

EVERYBODY: AYE

C. COMMUNICATIONS FROM THE PUBLIC

USKOSKI: And at this time if we have any communications from the public on any items that are not on the agenda tonight, this would be your time to speak for anything that's not on the agenda. Seeing nobody come forward, we'll go ahead and move on.

IV. PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION

A. AMENDMENTS TO HOME BUSINESS & MULTI-FAMILY CODES

First up on the agenda tonight we have amendments to the home business and multi-family code. We had several questions regarding this in Planning Commission work session and we've decided to go ahead and continue this, and it will be re-noticed in the future, probably sometime in March. I know we've had several comments come in from the public and there were several questions that we had asked of staff as well. So that will be re-noticed in March most likely with a work session and a hearing for those that have shown up for that. Do we need to make a motion on that, Marilee, or anything to continue it?

EULER: Yes.

COOK: Well, we're not continuing it to a time certain, but you can continue it, that will be fine to do.

USKOSKI: So do you want a motion to continue it?

COOK: Yeah.

USKOSKI: Okay.

MOTION AND SECOND:

QUIRING: I move that we continue the home business code hearing to sometime in the future.

USKOSKI: Okay.

JOHNSON: Second.

BENDER: And multi-family zoning?

USKOSKI: Correct. This would be for multi-family and home business?

QUIRING: Yes. You hadn't brought that up, so I wasn't making that motion. But I know that the two items we had discussed in work session we were going to put off for another hearing at another time. So I would add that as well, amend my motion. It was clear as mud. Sorry.

USKOSKI: Are you still seconding, Karl?

JOHNSON: Yes, still second.

USKOSKI: Any further discussion? Roll call.

ROLL CALL:

USKOSKI: AYE

QUIRING: AYE

JOHNSON: AYE

BLOM: AYE

BENDER: AYE

MCCALL: I do have this scheduled on the docket for March unless it's going to be moved. It's tentatively on the docket for March.

COOK: Yeah, tentative is the operative word.

MCCALL: Tentative is the operative word.

B. CPZ2014-00010 NE 139TH STREET

USKOSKI: Okay. Moving on, next on the agenda we have CPZ2014-00010 for NE 139th Street. Could we have a staff report, please.

ALVAREZ: Okay. Good evening, Commissioners. My name is Jose Alvarez, I'm with Clark County Community Planning. With me is Matt Hermen, he's a transportation planner also in Community Planning. I'm going to give you the background on the item before you this evening, and Matt will discuss the transportation issues.

So the project before you this evening, as you said, is CPZ2014-00010, NE 139th Street. The area under consideration consists of five parcels totaling approximately 20 acres at the northeast corner of the intersection of NE 10th Avenue and NE 139th Street. Three of the parcels on the southern end are currently zoned light industrial. Two of the parcels are zoned urban medium R-18 which allows a range of 12 to 18 dwelling units per acre.

In June of 2008, the Planning Commission considered a proposal on these properties to amend the comprehensive plan and zoning of the property to general commercial. The Planning Commission recommended approval of the amendment with a concomitant rezone agreement that would have two effects. One would be to limit the number of trips to the site, transportation trips to the site, based on the existing zoning to 462 trips in the p.m. peak hour; and the second would be to prohibit big box retail on the properties. Big box development was defined as any one retailer occupying over 100,000-square feet of ground floor area.

The Board of County Commissioners heard the matter on October 23rd of 2008 and approved the Planning Commission recommendation to amend the comprehensive plan subject to the concomitant rezone agreement. The agreement was never executed due to the inability of the applicants to agree on how to allocate the 462 trips. What's before you now, the applicants are requesting to remove the cap of 462 p.m. peak hour trips. And Matt will discuss some of the transportation issues.

HERMEN: So we received their request to remove the trip cap on October 3rd, 2014. A couple of things have changed since 2008 when this was originally approved. The 139th Street extension has gone in. The 10th Avenue bridge over Whipple Creek has been added to our six-year transportation improvement program, as well as we have a new measurement for concurrency.

Previously staff has forwarded a recommendation on to Planning Commission for denial of this removal of trip cap. That was based on the classification of NE 10th Street between 139th and 141st Street, that classification is a C-2b with a capacity of 900 trips at the p.m. peak hour.

We received a request from the applicant to reconsider our recommendation based on the improvements that they are suggested being added to the concomitant rezone agreement. Those improvements are detailed in the letter dated today before you. They include a westbound right-hand turn lane on 139th Street at NE 10th Avenue. A modification of the southbound NE 10th Avenue approach to NE 139th. A south -- a modification of the southbound NE 23rd Avenue approach to NE 134th. A new traffic control device at the site access which would be NE 141st Street on 10th Avenue. As well as a northbound turn lane going from NE 139th Street to the site access.

The projected volumes under the proposal today are 1,038 trips at the p.m. peak hour, that's 572 more than the 472 trip cap that was placed on in 2008. The classification of NE 10th, as I said before, was 900 trips during the p.m. peak hour. The applicant has suggested that the improvements put in place today exceed the or improve the capacity of NE 10th and allow movements freely at during on that segment that we previously held up as the denial.

The staff has revised their recommendation to approve with conditions. Those conditions are

based on the improvements that the applicant suggests.

The other consideration that the Planning Commission should make with this application is relates to 10th Avenue. 10th Avenue does not have capacity based on the classification to serve all the future development in the area. Therefore, the initial development going in in the near-term absorbs capacity while the future development may not be able to bear the expense of the mitigation. The application in front of you today has the mitigation in there, and upon opening, it would serve the site.

USKOSKI: Any questions for staff?

QUIRING: Just to clarify. So you're saying with these mitigations on 10th Avenue it's going to be fine for now, but in the future there may be some issues with capacity --

HERMEN: Right.

QUIRING: -- on that particular street?

HERMEN: Essentially the mitigation today adds a lane from the site access down to NE 139th. We are projecting volumes north of the site that will exceed the capacity on that site. Not on the site, I'm sorry, on the street.

QUIRING: On the street. Okay.

BLOM: So you're thinking there could be problems north of 141st approximately, is that what I'm hearing?

HERMEN: Right. But those problems are going to happen regardless of the zone change.

USKOSKI: I actually had one question. You mention installing a traffic control device at 10th Avenue, you were mentioning a signal, you're open to both signal and roundabout?

HERMEN: Yeah. The applicant at this point has suggested multiple options for mitigation and those would still need to be evaluated by the staff. The option right now as it's presented before you allows us the ability to weigh those before they are constructed.

USKOSKI: Okay. Any other questions of staff?

QUIRING: I just want to clarify, going back to the 10th Avenue thing. This is -- if this capacity is going to increase to the north of it, but are these cars -- are you saying that the issue will be cars coming south to go onto 139th from -- coming north on -- they're north of 139th now --

HERMEN: Right.

QUIRING: -- they would come --

HERMEN: So during the p.m. peak hour the capacity I believe is exceeded on the northbound lanes.

BLOM: Was there another staff report written between our work session and this one recommended approval?

HERMEN: Yes. There was the staff report written on previously I believe --

PRINTZ: For the workshop.

HERMEN: -- for the workshop.

ALVAREZ: It had the January 15th date. So I think they both had the January 15th date.

BLOM: Okay. That's what I was looking -- I was looking at stuff today and saw --

HOLLEY: I didn't hear you. I'm sorry.

ALVAREZ: They both had the same January 15th date for the staff reports.

PRINTZ: Good evening. Randy Printz, 805 Broadway. I'm here on behalf of the applicant. A couple of things. The first - and I think we talked about this at the workshop sort of the history of this, and Jose went through that which is all accurate - one of the things that we tried to do which is what you always do in these cases, is you look at the comparative differences between the transportation impacts for the area that's affected between the existing zoning and what you're proposing to be zoned.

The differences, as Matt pointed out, between 2008 and now are the concurrency ordinance has changed. There have been some major improvements done like the 139th Interchange and 10th Avenue is now, you know, is now in the six-year plan, so all of those things.

So we looked at -- there wasn't -- I don't think there was a great amount of analysis done by the original applicants on transportation which is one of the reasons I think why staff said, at least based on their findings then, they weren't dying to increase congestion in that area for good reasons.

So when we looked at this, the bar that we know that we have to get over is that we've got to be able to demonstrate to you and to the Board that we're not going to make things any worse. And that even over the 2035 planning horizon that with the changes that we're requesting that you make, we've got to be able to prove up that we don't create any level-of-service deficiencies in any, you know, at basically anywhere during that time frame, which is a little bit different, and in many ways a more rigorous test than normal development that comes in that says in the next five years what's going to happen here.

Here we're saying we've got to prove up that until 2035 that the system basically functions the way it's currently designed or at levels-of-service that are currently adopted. It will probably be different in 2035, but who knows. So obviously there would not be capacity, we could not meet that test without various mitigation measures.

And so Mackenzie Engineering - who did all of this, who is a very reputable transportation engineering firm - went through, did a very extensive analysis and identified a variety of improvements that could be done. And if they were done, then the capacity that would be necessary to keep the levels-of-service at the adopted levels, we could meet that test.

One of the sort of the interesting things here is that - and I don't think anybody disagrees that that's true - when we talk about 10th and what happens in 2035, there's a little -- there's a difference between sort of real capacity and the regulatory capacity, and 10th is not classified today as an arterial. And so as it gets improved, at least as planned or today as classified today, it would not build-out to an arterial standard.

Now, we would be able to mitigate with the improvements that we're proposing. We fully mitigate the impacts that we would create over that planning horizon. But with or without us, unless the County reclassifies 10th, which they likely will do to a larger classification so that when that redevelops, it will be built out larger, then in 2035, 10th may be underserved or may be over-congested.

When the bridge crossing 10th went on the six-year plan, the County just hasn't yet reclassified the lower section of 10th to accommodate the demand that theoretically will occur and that they hope will occur which is why they're doing 10th in the first place. So with or without this proposal, that circumstance exists and which the County can sort of easily fix by changing that classification.

But for our purposes what we're requesting is in order to have this area do what I think most folks would like it to do which is to create jobs, and the users that are currently very interested in that site would create about 200,000-square feet of commercial space and about, the number, about 376 jobs and about \$128 million in sales tax. So there's a lot of benefit for this area to develop. The

question is, can you do it without crashing the transportation system in this area? And the answer is, with the mitigation measures that we're proposing, this area will function just as it would if you didn't make those changes. And so it would seem that there are good reasons to make those.

One of the things as well is that what's a good question for you guys to ask is, well, how do we know that they're going to occur? There has to be a guaranteed mechanism or a mechanism that guarantees that those improvements are done prior to the time when those trips are on the road, and there are a variety of mechanisms. The typical one that we would use is something called a concomitant rezone agreement which is sort of where they started with this except that the property owners at that point I don't think really were very well-informed about what -- and not the County's fault, it was their representatives, about how they were going to -- what they were going to do with the limited number of trips and how they were going to allocate them, we talked about that some at the workshop. Here those issues don't exist.

But the applicant, the property owners in this case, are willing to enter into an agreement that says that prior to any building permits being issued for any of this area, that those improvements have to be in place, so... So, again, we've provided the County, and I think staff I think agrees with the proposed mitigation measures, that they would in fact do what we're saying that our engineers are saying they would do. And with that, I'm happy to answer any questions.

I guess one other minor point is that this whole site has to still go through development review with the County which will include a traffic study. And, you know, there may be additional mitigation measures depending on when that occurs that I mean this project still would have to meet concurrency, it still has to meet, you know, your access and spacing standards and all of the rest of the transportation issues that would get addressed in the normal course on any other project. So that still is to come and that's a test that we still have to pass.

USKOSKI: Matt, is this something that's on the County's agenda to update the road classification of 10th?

HERMEN: Not right now, no.

USKOSKI: Okay.

QUIRING: And remind me again what a C-2b is.

HERMEN: A C-2b is a collector with two lanes, center-turn lane and bike lanes, C-2cb.

QUIRING: Okay. C-2cb.

BENDER: And sidewalks?

PRINTZ: Yeah, always.

BLOM: How would the proposed mitigation interact, for lack of a better term, with a change to an arterial, and would they be then having to undo that and do something different if that whole road got wider?

PRINTZ: We're actually building -- the sections, the improvements that we're doing are actually building it to a higher classification, so I don't think they'd get ripped out.

HERMEN: The proposal is basically to add a right-turn lane into the site from 139th continuing north to the 141st access.

PRINTZ: Basically you're adding a lane across that whole section.

HERMEN: On the southbound 10th Avenue, the proposal is to have a dual left-hand turn lanes at that section to facilitate the traffic going eastbound.

USKOSKI: Marilee, do we have sign-up sheets?

MCCALL: I checked and there's no one signed up on them.

USKOSKI: Okay. Karl, did you have a question?

JOHNSON: Nope. Sounds good.

USKOSKI: Okay. Did anyone from the public wish to comment or testify? Okay. Randy, did you have any other thoughts that you wanted to add?

PRINTZ: I don't. I'm at your disposal figuratively.

USKOSKI: Okay. Well, at this point I guess we'll go ahead and close public comment and return it to the Planning Commission for discussion. Should we go ahead and start at the end with you.

BENDER: Yes. Jose, there's a letter I received tonight - which was on the table back there if anybody wants to pick a copy up - from WSDOT, and they have eight bullet points that are in contrast to the Mackenzie report. First question, did staff have this report and did they incorporate it into their recommendation?

HERMEN: You want me to go for that? The letter was received yesterday. The consideration from WSDOT mentions that at this time for a rezone, it's inappropriate for mitigation to be made. Once the site plan does come in for review, they will want to address these issues that are bullet pointed.

BENDER: So it's a work in progress then.

HERMEN: Correct.

BLOM: I'm good.

JOHNSON: Good.

QUIRING: I think I had my questions answered.

USKOSKI: Okay. Well, I would say we probably don't have a lot of comments. And it's not a reflection of not doing our homework or staff not doing their work, I think we had a lot of questions during work session that we worked through and went through and this was just the one outstanding issue that we had was traffic, and it does appear that it's resolved.

I guess in my opinion, I'm fine with moving ahead of lifting that cap on the transportation issue knowing that eventually 10th Avenue will have to be addressed north of 141st towards the Whipple Creek Bridge, but that's something that's going to be an issue regardless of what we do with this, and we are requiring them to build-out a higher road standard than what it would be today. Anybody else want to make comments or a motion?

BLOM: Just to go along with what you're saying, looking at the information, doing the homework, it seems like it's set up to fail right now either way, this at least gets some mitigation done as opposed to just leaving it as it is.

USKOSKI: Correct.

MCCALL: Chair, also if anyone wants to review the audio, it is on web on your Planning Commission web page if they're wanting --

QUIRING: Of the work session.

MCCALL: -- to review the deliberation from the work session.

USKOSKI: Oh, yes. So Marilee was just reminding us that if anyone is interested in hearing some of the deliberations that we had during work session, that is available on the Planning Commission web page that you can listen to the audio file there as well.

QUIRING: Are you ready for a motion, Madam Chair?

USKOSKI: I do believe I am.

MOTION AND SECOND:

QUIRING: Okay. I move that we approve with the recommended conditions that were placed, there are one, two, three, four, five bullets regarding 10th Avenue. I don't know that I need to restate all of those in this report, but that's my motion, that we move ahead with these conditions.

BLOM: Second.

BENDER: I'd like to make an amendment to the motion. On bullet point four, I'm a great fan of roundabouts and they tend to move traffic a lot more smoothly than signals, I'd like to stipulate that a roundabout be incorporated versus a traffic signal.

QUIRING: Are we going to vote on that motion? We can vote on that motion.

COOK: You need a second.

QUIRING: Well, let's vote on whether it can be amended.

USKOSKI: Oh, okay.

BLOM: Don't we have to have a second before we can even do that?

QUIRING: Yeah, I guess so, we would need a second.

USKOSKI: Does anyone want to second Richard's motion? Okay.

JOHNSON: I just, if I can give an explanation, Richard. The only problem I have is I think there's a lot of things here that still -- we're going down the right path with it, but I think the difference between a roundabout or a traffic light is left to those who probably know better. And in this case, I think what we're trying to do here is make it possible just to be able to move forward, if that makes sense. So I'm not opposed to what you're saying, I want to be clear about that. But I think in this case for me it's just let's take staff recommendations, let's proceed forward, and then I'm sure a wiser has a look at it, though it is duly noted for me, so that's just why I'm not.

BLOM: I agree. The timing is --

QUIRING: That would be my comment as well.

BLOM: Yeah. Now is just not the time to be --

QUIRING: It's not appropriate. We're just saying that there should be a control device, and those who when we get to that point, that decision can be made.

BENDER: I withdraw the amendment.

USKOSKI: Okay. So we have a motion and a second. Any further discussion? Seeing none, roll call, please.

ROLL CALL:

BENDER: AYE

BLOM: AYE

JOHNSON: AYE

QUIRING: YES. AYE. Mrs., Ms., something, I'm not Mr.

MCCALL: I said Commissioner.

QUIRING: That's my dad. Oh, okay, Commissioner. Oh, good. Thank you.

MCCALL: I'm sorry. I didn't mean to confuse you.

USKOSKI: AYE

MCCALL: I'm having trouble with the mic, sorry.

PRINTZ: Thank you very much.

V. OLD BUSINESS

USKOSKI: Okay. So the motion passes. And returning back to our agenda, that was the final thing on there. Any old business? Any new business? Comments from the Planning Commission?

VI. NEW BUSINESS

MCCALL: New business is that we do need to have on our next hearing agenda nominations and election of chair and vice chair for 2015.

EULER: That would be March.

MCCALL: That would be March.

USKOSKI: So in March we'll have elections for chair and vice chair.

MCCALL: Yes.

VII. COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

USKOSKI: Sounds good. Any comments from the Planning Commission members? Okay.

VIII. ADJOURNMENT

With that, we are 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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