

**CLARK COUNTY
PLANNING COMMISSION MINUTES
Thursday, March 19, 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.

MORASCH: Okay. Well, welcome to the Planning Commission's March 19 hearing. Can we have a roll call, please.

II. ROLL CALL & INTRODUCTION OF GUESTS

MORASCH: HERE

USKOSKI: HERE

BARCA: HERE

QUIRING: HERE

JOHNSON: HERE

BLOM: HERE

BENDER: HERE

III. GENERAL & NEW BUSINESS

A. APPROVAL OF AGENDA FOR MARCH 19, 2015

MORASCH: All right. Has everyone had a chance to review the agenda? If so, I would take a motion to approve the agenda.

USKOSKI: Motion to approve.

BLOM: Second.

MORASCH: All in favor.

EVERYBODY: AYE

MORASCH: Opposed? Nay? All right.

B. APPROVAL OF MINUTES FOR JANUARY 15, 2014

Moving on to the minutes. I assume everyone's had a chance to review the minutes. Is there any discussion on the minutes? Then I would take a motion to approve the minutes.

USKOSKI: Motion to approve.

QUIRING: Second.

MORASCH: All in favor.

EVERYBODY: AYE

MORASCH: Okay. Opposed? None. It passes.

C. COMMUNICATIONS FROM THE PUBLIC

Now we're to communications from the public. This is for items not appearing on the regular agenda. Is there any member of the public that would like to speak to an item not on the agenda today? Please, come up and state your name and address for the record.

LEVANEN: Carol Levanen. I'm representing Clark County Citizens United, P.O. Box 2188, Battle Ground, Washington. Clark County Citizens United is a 501(c)(4) nonprofit organization with a membership of approximately 6,000 taxpayers.

In 1994, Clark County adopted a comprehensive plan for the rural areas that has been frozen for 20 years. This Board of Councilors has decided that 20 years is long enough. The initial alternative for changes were only three options. Those three options did very little, if anything, to affect rural lands. The rural economic -- the economics of the rural areas has suffered since 1994.

For the last 20 years continuously, the economics have been reduced within those areas because of the fact that in rural areas, their land is their bank. So a lot of the downzoning, massive downzoning, actually, that occurred in those years have affected the landowners to the degree that their hands are tied. They no longer want to take care of the land. They can't pass the land on to their children. They are not quite sure what to do with it. Many of them are elderly. Those elderly folks are now in a position where they don't know what to do. They don't want to get rid of all the land. They'd like to remain on the land, but their options are gone. Their options were taken from them. Their development options were taken from them in 1994 by way of a regulation.

Clark County Citizens United is proposing a fourth alternative to add to the three existing alternatives. And that alternative, we believe, is a very fair and balanced approach to considering what's on the ground today, calling it what it is and allowing a little bit of development in those areas where those folks lost all their development rights in 1994 and allowing families to, again, consider children taking over their forest farms or their farms, allowing young people to come into the area and begin a small farm that they actually can afford.

The land prices were driven up so dramatically from 1994 downzoning that our real estate agent folks are telling us that there's no market for anything over five acres, nobody can afford it. And what comes in for those who want to bring in economic viability and increase our economics of our community, when they come in, they're looking for a home first and they're looking for where they want to live. And they're asking these realtors why don't we have one acre, three acre, two acre? Why do we have such large parcels? Those aren't things that are for sale.

There's one parcel that's about 30 acres out in Battle Ground that's been for sale for ten years or more. No one can afford to buy those and do anything with them after they buy them. So they're just sort of no-man's land, but the owners are all, most of them, elderly folks. So what do they do with those lands?

The values aren't decreasing to speak of, so the market is saying we've got to have some relief here. The people who are coming in that you want to establish the companies and the businesses to create jobs, they're looking for housing of desirable housing that they want. They don't want to live in an apartment. They don't want to live in a small, small little subdivision somewhere in the city. They want to live where they have a little space, can put a little garden, can put a little orchard and they can raise their families.

First they look - and this is what realtors are telling us - first they look for the housing, and if that housing is suitable to them, then they consider moving their businesses here. They don't first consider let's move my business and then I'll see if I can find someplace to live. They want to know where they're going to live in order to establish.

So we believe this Alternative 4 is, and I've given a copy of what we're proposing in Alternative 4, and that will change actually the lots very little because we have done surveys that have shown over 85 percent of all the parcels in rural lands are less than five acres, but they're developed already, so most of them have homes on them. So if you change these zones to the parcel sizes we're suggesting, it's not going to make a lot of difference in what's on the ground because it already exists, but it will allow for some flexibility for some of the landowners. And then, I believe, that the County is considering to do some clustering availability for folks, so that will preserve whatever needs to be preserved and be able to allow the market to start to expand again and folks come into the area.

So we highly recommend that this Alternative 4 when it's presented to the Planning Commission that you seriously consider supporting that and forwarding a support to the County Commissioners, because it's the only way we're going to get the economic engine back in the rural lands again and to encourage job creation in all of Clark County. Thank you.

MORASCH: All right. Thank you. Before you go, are there any questions? No? Okay. Thank you for coming.

LEVANEN: Thank you.

MORASCH: Is there anyone else who would like to speak to matters not on the agenda?

RASMUSSEN: Hello. I'm Susan Rasmussen. I'm also a member of Clark County Citizens United. I live at 2 --

MORASCH: Oh, sorry. I was just going to remind you to give your address and then you were going to give it. Thank you.

RASMUSSEN: -- 27705 NE 14th Court, Ridgefield, 98642.

These three alternatives presented by the planning staff are just inadequate. I look at how Whatcom County started out. They're updating their comp plan just as we are, and they began on -- with four alternatives and now they've whittled it down -- I'm sorry -- they began with six alternatives and they've whittled it down to four. They have one planner that's dedicated just to do the updates of the rural and resource lands and they're proposing in AG-5. We've been working with Dr. Don Myogestic [phonetic] who's manager of the Western Fisheries Council from Alaska down to the Gulf of Mexico and out 200 miles into the ocean, and he's worked with many EISs, and he says we are not being offered a full range of alternatives with the three presented. That's why I'm asking for your support for this fourth alternative.

Just as we acknowledge and are required to under GMA to plan for multi-housing and a certain percentage of our comp plan is supposed to be dedicated to that type of housing, we also need to acknowledge the opposite of that spectrum: the large lot, the families that require large homes, acknowledge our vibrant 4-H and equestrian communities that require a couple of acres for their 4-H animals and their horses. We have a vibrant 4-H and horse population here in this county, I think, I believe, we're fourth or fifth in the state in the horse population.

We have 1929 farms, according to the 2012 agricultural census of the county profile. Most of those farms depend on their farming activities just to supplement their income. They are not full-time farmers anymore. We've gone from 360 dairy farms in 1970 to roughly four today. Two of those wouldn't be dairying if they had their choice right now.

This Alternative 4 is important. We should have been offered that a year ago at this time. I know it's late getting to the table, but it's important that we acknowledge the broad spectrum and those rural folks be given an opportunity again for options. Thank you.

MORASCH: All right. Thank you.

MORASCH: Is there any questions? No? Okay. Well, thank you for coming. One more person. Yeah, please come down and give your name and address for the record.

REISBICK: Sydney Reisbick. Friends of Clark County. P.O. Box 339, Ridgefield, Washington.

We have the opposite point of view. We're looking barring any more data, which we don't have EISs yet, we are actually hanging with Alternative 1. We see it as less litigious. We see it as less problematical. We see it as less sprawl. We see it as individual house owners on individual lots who pay thousands of dollars a year to Clark County for services and realize we're going to be paying for all those services out to all that sprawl and a map that looks like it has the measles.

There are consequences to increasing the lots in the rural, agricultural and forestry areas and those will come out in the EISs. So I don't have to say a lot, but there is a second opinion on this. Thank you.

MORASCH: Okay. Any questions? No? Okay. Well, thank you for coming. Is there anyone else who would like to speak on a matter not on the agenda?

IV. PUBLIC HEARING ITEMS & PLANNING COMMISION ACTION

A. AMENDMENTS TO HOME BUSINESS & MULTI-FAMILY CODES

Okay. In that case, we will move on to the public hearings. And the first matter on public hearings is amendment to -- actually I guess it's the only matter. We've got two matters that are combined into one, the amendments to the home business and multi-family codes.

BAZALA: Good evening. Jan Bazala, Community Development.

Before you are two proposed code amendments that are initiated by the Board of County Councilors' office. The first is an amendment to the County's home business provisions to remove the limit on the number of nonresidents employees from major home businesses. The second proposal is to amend the County's residential and office residential zoning code, which is commonly referred to as the multi-family zones, to prohibit new single-family detached dwelling developments in the R-12, R-18, R-22, OR-15, OR-18 and OR-22 zoning districts.

We've had a couple of work sessions on these two code amendments in February and March. The Development and Engineering Advisory Board also discussed these potential code changes at their February and March meetings, so I'll start out with the first item, home businesses, provide a little background.

Currently major home businesses in the urban area are limited to three nonresidential employees. Major rural home businesses are allowed between four and six employees, depending upon the parcel size. The Boards' office initiated a proposal to remove the limit on nonresidential employees for major home businesses. The only proposed change is to limit the number of employees. Limits on the size of home business structures and outdoor activity areas will remain. One on-site parking space will still be provided for each employee. The home businesses will still be subject to performance standards for noise, odor, smoke, glare, vibration.

One thing to note is that the home business provisions are not subject to the traffic concurrency code, and this is something that can require an applicant to mitigate for impacts to traffic. Regular, commercial and industrial developments need to provide a traffic study and may have to mitigate for traffic impacts if they're generating ten peak hour trips.

The staff's received a number of comment letters from citizens and as well as the neighborhood association's Council of Clark County that object to removing the limits on the number of employees, and the DEAB also provided a letter opposing the limits.

So if you have further questions on some of the background behind the proposal, Peter Silliman with

the Boards' office is here and he might be able to address some of those questions.

I don't know if you want to deliberate on this item first or would you like to have me go through the second item as well regarding the single-family detached?

BENDER: Deliberate on this one.

MORASCH: Yeah, I think that's probably a good idea since they're really separate, kind of separate issues, we may have different opinions about each one, so... All right. Well, if that concludes your presentation on the multi-family -- or excuse me -- on the home occupation business, I will turn it to the Planning Commission to see if they have any questions for staff. No questions? Yes.

BARCA: Let's just clarify. So, Jan, at the last work session, we discussed the concept of supplying some type of rational number that wasn't just unlimited. It appears from what you've presented today that there's been no change from staff as far as their recommendation goes. Is that correct?

BAZALA: Correct.

BARCA: So --

MORASCH: Although it looks like they're saying we could consider adding a concurrency requirement which would potentially impact it at least to the extent of requiring it to comply with concurrency. Am I reading that correct in the staff report?

BAZALA: Well, I don't know that that's a recommendation, but it's something to consider. You know, is it --

MORASCH: And as I'm reading this, it looks like currently it's exempt from concurrency.

BAZALA: Correct. Correct.

MORASCH: But it's limited to six employees.

BAZALA: Right. So it would normally fall under that ten peak hour trips.

MORASCH: Right. But if we remove the exemption without adding the requirement that they go through concurrency, you could theoretically have more than ten employees and they wouldn't have to do any concurrency review unless we also amended the concurrency exemption for home occupations. Am I understanding that?

BAZALA: That would be correct. And, you know, and to be fair, it's not as - and I'm not a concurrency expert by any stretch of the imagination, and it's not always you can't always just say ten employees equals ten peak trips - but in theory, it's not a tremendous stretch to make that basic opinion.

MORASCH: I see somebody with a County badge came up. Are you our current concurrency expert for this evening?

SILLIMAN: I am not, but I am Peter Silliman from the Council's office and I was involved in a little -- some of the discussion and then handing this off to staff for evaluation.

If it's informative to the Planning Commission, the intention was merely to provide a little bit more flexibility than what the current employee limit allows for home businesses. It wasn't to make this the wild west. And the reason we proposed no limit is because it appeared to the Council that a lot of the other limitations in place would self-limit the number of employees that are feasible to have on a property.

So if you consider a requirement for parking space, so we still have a limit for the activity area which includes the parking space that you're required to place for each employee. So if you had ten employees coming with their vehicles to pick up ten vehicles to go to work, that would be 20 parking

spaces that an employer would have to place at, say, 10-by-20 parking space assuming no driveway even, that's 4,000-square feet, that almost uses up all your activity area. So in that sense it would be self-limiting was the thought in presenting this to the Council for evaluation.

Some of the things that I've heard the Planning Commission here are that this was intended for a specific client maybe to make them legal. I've heard some of the -- read some of the public feedback comments. But a lot of those have other enforcement violations that even if you remove this limit, they would still be in violation and still have enforcement to rein back in those home businesses.

So one of those issues might be off-site parking or parking off on the street. That's not allowed in an urban area already. You have to provide parking spaces. The visual blocking or screening from other properties is already in place. The limitation of external buildings and the amount of activity area you can have are still in place, so in that sense, it would be self-limiting. If the Council doesn't believe that that would be adequate enough, I think the Council, again, given their intention to provide just a little bit more flexibility, would certainly be encouraged to hear a number of recommendation.

And I think one of the best arguments I have heard is the argument for concurrency or that issue. So if an employee limit of ten or even a little less than ten to make sure that we don't cross that threshold, if that makes sense to the Planning Commission, I think the Council would like to hear that recommendation as well.

MORASCH: Okay. Thank you. Ron, I think I interrupted with my concurrency question. Do you have more questions for staff?

BARCA: I think it's pretty well covered.

MORASCH: Okay. Any other questions for staff before we open up public testimony? All right. Thank you.

SILLIMAN: Thank you.

MORASCH: We will now open the public testimony on the home business ordinance, and Carol Levanen, you are the first person who signed in.

LEVANEN: Carol Levanen for Clark County Citizens United, P.O. Box 2188, Battle Ground, Washington.

This home business, we were party to the creation of this home business ordinance with its inception. There were some major, major concerns at the time from landowners and businesses in the rural lands. We did a survey. It was supposedly generated because there was a number of complaints that were supposedly filed with the County regarding home businesses in the rural lands, and so we did an actual research on it to determine what those complaints were. And what we determined in under 300 complaints that the County claimed that they had, only about three of them were legitimate landowner complaints. The rest of them were staff generated. So we felt that when this ordinance was originally adopted, that it probably was overkill to what was happening in rural lands, and what we're finding is that most definitely is true.

As I talked about the economics of rural lands before, a lot of these folks understand when they outgrow the rural lands, they are going to be looking for another location. They don't want the business interfering with their homes and their families. So they're sort of self -- they were always self-limiting before, but now they've come up with this ordinance and this ordinance is very restrictive to those people.

And what had been determined then, and I'm personally familiar with one of these young families and businesses, he was an electrician and he had five acres. He bought a home and had an

outbuilding on it, a big barn, and he was an excellent electrician. And as he worked, he became very popular and so he had so much work that he decided he's going to have to hire some folks.

And it got to the point that his family was no longer comfortable with having these employees there on that site and so he started looking for industrial and commercial land to move to, and there are none for these beginning businesses looking for places to go. So he's pretty confined to that location. And when he was looking, he found that even though there was very good locations, ten acres, more than he had, he had five, ten acres and lots of good buildings, there was existing businesses on it at the time, businesses were selling, and yet because he had more than four employees he was unable to move to those locations, a much more suitable location than where he was.

So he just now after looking for a location for three years has found one in the city of Battle Ground, but it's going to take a lot of money for him to establish that. And if you know electricians and plumbers, they have very high insurance rates. They have very high liability rates. So he's trying to move off of his land because he knows he has more employees than this ordinance allows.

I think this flexibility needs to be here for these landowners who have their businesses there because they're sort of self-limiting. Most people don't want a big commercial business in their backyard and especially not rural living people, they like their privacy.

When Clark County finally comes up with locations for these people to quickly and easily go, then I think any problem you may have had is just simply going to go away. But right now, they're dependent on that land to be able to run those businesses for a while, and four employees is unreasonable because most of the businesses out there have people who work off-site, so all they're doing is parking their car there and they're not there for the rest of the day until they come back and pick their car up, so... And we're talking usually plumbers, electricians and folks in the trade, so...

This change in this ordinance will help these people to continue the rural economics in the area until such time as they can transition into other locations that are suitable for them, and as they grow, they can transition again, you know.

Oftentimes we have our businesses that start in somebody's garage and then wind up with having 500 employees, and this is what we're talking about. And we didn't have this ordinance before and we didn't have a problem before, and now there's becoming a problem because of the fact that the costs and so forth involved in all of this is becoming just unreasonable. So to change this back to what we had before actually is a very good idea and hopefully you'll support that. Thank you.

MORASCH: Thank you. Any questions? All right. Thank you. Next I think we have Susan Rasmussen.

RASMUSSEN: Hello again. Susan Rasmussen for CCCU, Ridgefield, Washington.

Most of the rural businesses start out small and they do build out and expand over the years. These businesses are one of the most valuable assets of our county. They add to the sense of community and support the fragile rural economies that, for the most part, are dependent on resources. Resource-based economies out in the rural lands tend to be volatile because they are based on commodities, just look at the timber industry there or the wheat or the dairy industries.

I spoke to Terry Lawhead months ago with the Department of Commerce, he says that the Department of Commerce recommends removing any language limiting the number of employees for rural businesses. He says it undermines the very economies that it's supposed to support. Mr. Lawhead is L-a-w-h-e-a-d.

I was involved in attempting to sell eight and a half acres on 172nd and 159th on the backside of, near the backside of WSU. It was eight and a half acres. There was a little business called Air

America, a heating and air conditioning company, and it had been started by this young man's grandfather and he bought it right before the great recession hit. And like many small businesses, it suffered and he could no longer financially be viable, so I was involved in helping him try and sell this property.

I was getting calls from Texas and Idaho, potential buyers. One was a restaurant that saw it had some prime soils on there. He wanted a restaurant that grew the produce that was cooked in the restaurant, but the zoning only allowed for, I believe, three or four other employees besides the owner.

There was a fellow that worked for Comcast putting in the underground work. He did this work for Idaho, all of Washington and Oregon. He needed a place to site his trucks and a small office to work out of. His primary residence was also in Idaho, and he wanted a place to move his family in the summer times out here. He was originally from Ridgefield. This suited him ideally. But that fell dead in the water when he couldn't put any more than four employees. He started out with four, actually, in Ridgefield about 20 years ago.

So those are good family wage paying jobs that went to Oregon because we could not accommodate this business. Thank you very much for your attention.

MORASCH: Thank you. Any questions?

USKOSKI: Yeah, I actually do have one for you. What I'm essentially hearing is that there's some trouble for these homeowners when they have their small business finding industrial property that's affordable and viable for them to move on to, is that correct, and kind of what the gist of it is which is why they want this limit raised?

RASMUSSEN: Yes. Even when Air America was operating, they were right there at the maximum. And I looked at the landscaping operation that's just north of them on 172nd and I saw many, many landscaping trucks and vans parked in there. The way this ordinance is written, it makes most of these business owners out of compliance with it.

And I talked to one of the fellows that was involved in writing this ordinance years ago, and he said then that it was supposed to be applied with flexibility and he doesn't know what happened to that, because he says it looks like that element certainly is important and they're not using it. What Mr. Lawhead said at the Department of Commerce recommending taking out the language and limiting the number of employees surely makes sense.

USKOSKI: Have you guys looked at the flip side of that as far as if there's a lack of light industrial land, have you guys looked at adding to that inventory or what the feasibility of doing something to that extent?

RASMUSSEN: Well, I think that certainly would help remedy this problem. I drive down 219th, now the State Highway 502 or 503, and I see a lot of that commercial property that have been taken out with the expansion of the new highway. The O'Brady's Drive-In, the tavern on the corner and now we're without a gas station, and I don't think any of that commercial property in that area has been replaced and that's kind of concerning for me. A lot of those small businesses don't have a place to migrate to once they're gone out of there, you know, we just we're losing them, and we need those services that they provide out there.

JOHNSON: Ms. Rasmussen, is it your opinion that it should be unlimited?

RASMUSSEN: That's what the Department of Commerce has told me when I was in discussions is that fellow putting in the Comcast underground utilities work, he really wanted to site his business there on 172nd and 159th and we just could not get that done.

JOHNSON: So if he had - and I'm just I'm playing both sides just kind of trying to figure out - so if

he had 25 employees, that would be okay, if he had 50 employees? I know that's ridiculous, but, I mean.

RASMUSSEN: Well, you know, it's all --

JOHNSON: At what point? I mean, we're weighing two things here. We're weighing the rural character, the protection of the rural, and we're also weighing -- I mean, what we have in front of us is none.

RASMUSSEN: Well, you know, the economies in the rural lands have suffered. We need diversity out there that's less reliant on resources. Our farms are down to 1929, and for the most part, they don't have cash sales of \$2,000 a year. I believe it's like \$1263 that these farms average. For the most part, farming has become a supplement to their primary income. You know, we need to establish more jobs out in the rural areas for a tax base for our schools if nothing else.

The fact that the Department of Commerce is recommending eliminating that language I think is pretty significant here. And the fact that we haven't been applying flexibility as the ordinance was originally written, that's kind of alarming. We're turning away good family wage earning jobs because of how this is written. Air America was on eight and a half acres, they were permitted for four jobs plus the owner, that just doesn't seem reasonable in today's age.

JOHNSON: Thank you.

MORASCH: All right. Thank you very much. Jamie Howsley.

HOWSLEY: Yes, thank you, Chair Morasch and Planning Commission. For the record, James Howsley, 1499 SE Tech Center Place, Suite 380, Vancouver, Washington 98663.

I'm here tonight as the - I guess I drew the short straw - from the Development Engineering Advisory Board. On this specific issue, I'll be addressing our position there and be available for any questions that you may have in regards to the correspondence that you received from us.

We have discussed this issue in three different settings thus far this year in January and February and March. We still are of the unanimous opinion that having unlimited employees in the rural area is not a good thing, and we have a broad spectrum on the DEAB. We have a variety of concerns related to that. We see the potential for some additional fixes that if they were to move forward could possibly limit that, but at this point we cannot support the proposal as written. So with that, I'd be willing to entertain questions on this specific one.

MORASCH: Well, I've got a question. Does the DEAB have another number in mind for an increase that's, you know, maybe something more than existing but less than unlimited?

HOWSLEY: I believe that the existing, correct me if I'm wrong, was six?

BAZALA: Yeah. If you've got -- it depends on the parcel size in the rural area.

HOWSLEY: Yeah. I believe that just a number that was thrown around for discussion purposes was, you know, somewhere in the range of eight to ten, but, you know, again, without DEAB weighing in firmly on that, I would hesitate to give us a firm number tonight.

MORASCH: Okay. Any other questions? All right.

BLOM: I have one, yeah. So the idea was talked about, and I think Peter brought it up, that a lot of the other regulations will kind of self-regulate. You can take that number off, but other requirements of the ordinance will regulate that to an amount that's eight, ten, whatever, depending on the parcel size. Does DEAB -- did that come up in your discussion at all or what are your comments on that?

HOWSLEY: Yes, it did come up. And from -- again, from a variety of perspectives, I think, you

know, there are sort of some self-limiting things that are beyond just a business decision that Mrs. Rasmussen and Ms. Levanen raised. You know, for instance, the ability to get safe drinking water for employees. That is a State permit, and you have to meet those standards, that could be a very onerous task to do out in the rural area. Septic would be another one. So there are certain, you know, limitations. Parking would be another.

But we feel at this point that having it unlimited opens it up to potential conflicts with neighboring properties that really shouldn't be existing in either the rural area or the urban area from a home occupation standpoint. And again, I think if you listen to our discussion or have read our opposition to that, you'll see a litany of reasons why.

MORASCH: Any other questions? All right.

HOWSLEY: Thank you.

MORASCH: Thank you. I see the County counsel has come to the mic. Did County counsel have comments they wanted to make?

COOK: I just wanted to point out - and this is Chris Cook, Deputy Prosecuting Attorney - that neither our office nor to my knowledge Community Development nor Community Planning is aware of any recommendation from the Department of Commerce regarding this issue.

BARCA: It's not in the record.

MORASCH: I think someone testified about it, but, yeah, I didn't see anything written in the record. Okay. Thank you.

COOK: And equating a telephone call with one person with a recommendation from the Department is not valid.

MORASCH: Right. I have a question for staff. If I'm reading this right, the outdoor activity area applies to outdoor area only so that you could have whatever your maximum outdoor area is plus you could also have your maximum allowable accessory structures which is also depending on your parcel size.

BAZALA: Correct.

MORASCH: And so if you had a five-acre lot, I think they say that you could get two percent of that as your outdoor area, which is 4,200-and-some feet, plus you would also get 3,000-square feet of accessory structure if you wanted to put up a pole barn or something to operate inside. How many parking spaces can you fit in that 4,200-and-some-odd-square feet? Has there been any analysis of, you know, what would the maximum be for a five-acre lot based on that type of hypothetical?

BAZALA: Well, if, you know, as Peter noted, a standard parking space is 10-by-20, so that's 200-square feet. And then --

MORASCH: But you also need a drive aisle and --

BAZALA: You need a drive aisle for that. So, you know, it's -- I haven't done any analysis of, you know, exactly how much that would be. But, you know, if you had a 20-acre parcel, if you let go of it to two percent of the parcel area, then you're talking like 17,000-square feet, so...

MORASCH: Yeah. Which would make a pretty significant parking lot.

BAZALA: It could be.

MORASCH: Plus your 5,000-square foot pole barn where you could do a lot of stuff indoors.

BAZALA: Right.

MORASCH: Okay. All right. Well, does anyone else have any questions for staff?

BENDER: Yeah, I've got a question. The taxes per square foot of a light industrial site versus a rural home business, is there a difference?

BAZALA: I'm not qualified to answer that, but I would expect there would be.

BENDER: Exactly. In other words, basically I believe without any proof of the fact, I think light industrial is taxed at a different rate higher than a rural home that has a home business.

BARCA: I think based on what we heard in the form of testimony, I think I would like to get clarification. This home business ordinance is not related to agricultural use of the property; is that correct?

BAZALA: That's right.

BARCA: Agriculture has its own --

BAZALA: Separate.

BARCA: -- separate requirements?

BAZALA: Yeah. Yeah. And, you know, we hardly regulate agriculture at all.

BARCA: Okay. And when we heard the testimony that all but three of the complaints on record were generated by staff, I'm wondering about all the letters that we have on record that came in with their own personal complaints or anecdotal information about their impacts from that, were all of those letters that were brought in based on us putting this out for public comment?

BAZALA: Yeah. The letters that I've received were just in response to this, you know, current code change. I'm not sure if the other comment about all the complaints generated by staff, I don't know if that was in reference to when the home business ordinance was created. I'm just not -- I can't answer to that.

BARCA: And so also then just for the record, the home business ordinance has been in place for a period of time?

BAZALA: Yes. What year, was it like 12 years, 13?

EULER: 2003, I believe.

BAZALA: 2003.

BARCA: Approximately 2003. So we've been working with the enforcement regime and the limited number of employees for that period of time?

BAZALA: Yes. Yeah. Yeah. I mean, and I don't have the history on the complaints, I haven't been involved in that.

BARCA: I'm not looking for a tally. I guess what I'm looking for is where we're at in the process up to this period of time on the concept of how it's working. Okay. Thank you.

QUIRING: I had a comment, if I could, because Commissioner Bender brought up the tax base, you know, the taxes for residential versus industrial, it isn't only the taxes. I mean, to go out and purchase an industrial, a light industrial spot is a whole lot more than you would pay for residential land, which is why many people start their business in their home, and it isn't always possible to just up and, you know, go and move to an industrial site, so...

MORASCH: Okay. Well, it sounds like we're ready to get into deliberations, so I'm going to go ahead and close the public hearing.

Before I do that, I want to open it up to, is there anyone in the audience that has not had a chance to speak that would like to speak on this topic? All right. Then we will close the public hearing and open deliberations. And do we want to just, I guess, whoever wants to comment can jump in

or we can go down the line if nobody wants to jump in. Do you want to start?

QUIRING: Well, I guess you're kind of looking at me. I know Ron started to. I guess --

MORASCH: Well, I'm looking at anybody who, you know, wants to --

QUIRING: Yeah. Well, you're looking down the road --

MORASCH: I'm looking down the row both ways.

QUIRING: -- row, I mean.

I guess I really have mixed feelings about it because part of it is I think most of the complaints or most of what we envision as a problem with making the number unlimited employees really have to do with quality of life of the neighbors. It's, you know, infringing upon somebody else's property in that way, not actually on their property, but their quality of life and their peace and all this other. At the same time, I understand, and particularly in a tough economic state that we're in and have been in for quite some time, you know, if you're going to be an entrepreneur and start somewhere, usually you do start in your home and start small.

And I think during our discussion, you know, in the work session we talked about, you know, once a business gets really up and rolling and has so many employees, often they will choose then and are able to move to another site, so... I guess I'd just like to hear some, you know, from you other commissioners about this. I sort of remain a little on the fence about it because I understand both sides being one can be -- they can each be problematic.

MORASCH: Karl.

JOHNSON: I'm next. So I have two problems with this, and I appreciate what you're saying. The key word was start. A lot of times when a person starts, we start a business, we want businesses to start. I am very sympathetic and very I always look at what is best to grow businesses in our community. There is a point, and we know this, okay, there's a point when a business is a rural business that at some level they have to take a step. They have to become, I don't want to say legitimate business, but a business that has to do other things. There is a natural expanse.

As a business owner in my life, I went from a small construction company to a large and then larger and in that, that transformation had to be made. My problem is unlimited, and it's not just as I look at this whole thing, I'm trying to get a -- that's why I asked both sides, you know, and my question was asked to the other side, what's a number? Give me the number because I think we need a number, and I kind of really wished staff, and I just -- I know we talked about this in the work session, you know, what's a number. I think we're all trying to find that number.

To me, I'll throw one out, I think it's reasonable to say move the first three numbers on the rural to maximum to eight and the ten acres. I'm looking at the last three up to ten. All right. There's a start. Let's see what that looks like. If that doesn't look right, back it down or move it up.

But I think it's a reasonable point to go back and say that that's one of the problems, traffic. If you look down farther though, maximum number of vehicles, that's really kind of what we're talking about. Maximum number of trailers, no limit. Maximum numbers of heavy equipment, no limit. These are things that end up coming back to you saying, you know, I've got this guy next door to me with, you know, five pieces of heavy equipment, 14 trailers, 33 employees, and I live in a beautiful five-acre parcel that I didn't buy for this.

So again, as with everything, splitting the baby down the middle, I think we, as it exists right now, I am not comfortable at all saying unlimited for either way for big or little. I think somewhere in there is a reasonable flexible something. I wish somebody would have given us a little bit more what is it, like, what does that look like. I wish the other side would have said, you know, okay, that's why I threw out some kind of ridiculous numbers like it's not reasonable to me to have 50

employees on a five-acre parcel, it's not reasonable for 25. Where does that person become a business, I've got to move to a business? I'm sorry, that by the testimony that that, you know, we have a lack of or the prices are too high, I'm looking at both sides.

So my say is if we're asked to vote on opening this up, either the rural or the urban to nothing, I am opposed, but I am -- I definitely want the record to reflect that, boy, I would like to come up with a number, if that's reasonable.

MORASCH: Ron, do you want to go next?

BARCA: Sure. I'm next in line.

MORASCH: Might as well just go up the line.

BARCA: Yeah, we'll just go down the line.

So, yes, we did have a lot of discussion about this at the work session in the context that rural quality of life and the impact to the neighbors is one of the primary complaints that we see over and over again in the Planning Commission. If we don't do this right, we are going to ruin somebody's dreams while trying to make somebody else's dreams a reality. Karl's point about an incubator for small business is very much on the mark.

From when the ordinance was originally crafted, I was part of the Planning Commission at that time, and the reasoning behind it was to allow people to start out with a lower piece of overhead in a small business environment. I personally have a concern about people using this as a strategic advantage to lower their overhead as they grow and grow in an unlimited fashion.

And I certainly do not buy in to the concept that code enforcement is going to make this right after the fact. Living out in the rural area, I can drive home and point to several businesses that I know are home occupation businesses that are not in compliance with how we list this. I know of two businesses in particular that have heavy equipment far beyond their screening, and I know of one business that they trade their work trucks for their parking spot for their personal vehicles, so they have cut in half the requirement of their parking for that purpose.

Nobody's going to spend more money than they need to, and everybody's going to want to do what they consider the bare minimum or get away with the opportunity of saying this is why I'm here. This is my land and I should be able to do what I want with it. But we have to take into consideration the idea of the next-door person, the people who share the driveway that they work with. And Karl has thrown out some numbers which he needed to put out in the context of discovery.

I think, Karl, I could work with those numbers. If we're talking about at the numbers going to the 20-acre parcel as ten people plus the owner and the 15 to 20 as ten with the owner, I think that's what you had said before.

JOHNSON: Yeah, the last --

BARCA: The last two?

JOHNSON: I actually said last three, but...

BARCA: The last three?

JOHNSON: Yeah. The first three would -- we're looking at four, four, four, six, six and six and I just thought, well, I don't know.

BARCA: So I guess our discussion then could come around, what happens at the just slightly over ten acre as far as that goes, but I'm happy to entertain a larger number to put some rational discussion forward and I think we can start from there.

MORASCH: All right. Thank you. I'll just go ahead and go next instead of going last. I don't have a whole lot of comment.

I kind of agree with a lot of what I've heard already, which is I'd be open to increasing the number somewhat. I'm not real comfortable with no limit at all particularly without, you know, any good analysis of, you know, just how limited would you be based on the parking area because, you know, theoretically if you were able to, you know, really limit your drive aisles, you know, you might be able to get 20 employees on a five-acre lot with that size of a parking area, and it wouldn't be that many, but so I think some limit. I'm not sure if I'm comfortable though picking a number, you know, without running it back through the DEAB, you know, because, you know, we don't have their level of expertise on these kinds of things.

BARCA: They didn't pick a number.

MORASCH: They didn't, no, but they said they wanted some more time to look at it in more detail and so I'm not sure if I'm comfortable tonight picking a number, but I'll just leave it at that and we'll move on to the next person.

USKOSKI: Well, I agree with most of what's been said. I'm okay if we end up raising that number, but I would definitely like to have some input from DEAB on what their thoughts are. And I guess I kind of feel like in some ways this comes down to a little bit of a Band-Aid fix. If small businesses are having issues finding light industrial land to move on to, rather than increasing or removing a limit from the home business, why aren't we looking at making more light industrial lands available that are buildable and developable? I just -- I'm not comfortable at no limit on that whatsoever. It's all you.

BLOM: Is that it? All right.

So looking at this, I actually have a question, if I can direct a question to staff. I've been thinking about this in the context of this is on-site employees. I'm going through trying to find where it says that and I can't find any spot. So is this only regulating on-site employees? And I'm thinking about the electrician that if you could easily have a small business with more employees operating out of an R-5 lot, but what's the impact if they are not actually ever coming to that?

You could run 20 employees, but if they're taking their trucks home with them, parking them in their driveway, that really has no impact. So I'm wondering if whatever limit we come up with, if we also need to specify if this is going to be on-site employees or how is that -- how does that differ?

BAZALA: Well, I would think that the intention of the limit is on-site employees, but I, you know, I was not involved in drafting this ordinance. It's been my assumption that the employees would be there at least part of the time, you know. If you have an employee that never comes to your site, I don't think we would consider that person in that number, but I don't know if Gordy would have any further recollection of how that might come into play. But if an employee is never there, I don't see why we would consider them as, you know, having an impact.

BLOM: What's that?

MORASCH: What was your comment?

BARCA: So if we look at the description here where it says additional parking spaces on-site for each nonresident employee, I think that's really the intent of the ordinance, nonresident employee. If you have people that work for you but they don't come to the site, you're just an employer that is living at home. Of course you have the ability to do work there, but if you require employees to be with you, then I believe this is the intent of how it's written is to limit the number of employees that can work there even if that means you're picking up equipment and dropping off your vehicle for the day.

BLOM: And that was my assumption, but I wasn't actually seeing that written anywhere, so that was I appreciate the clarification. I would agree with what Karl said, I would probably move the number a little bit lower, go with six and eight, but kind of splitting hairs throwing a number at a wall, so...

JOHNSON: If it's any consolation, I almost threw out six and eight, but then I heard ten, eight and ten and I'm trying to find -- you know, again, I'm trying to find a medium here.

MORASCH: If we were just going to pick a number out of a hat, I'd be more comfortable with six and eight just because it's a smaller increase and, you know, if it continues to cause problems, they could always come back and try to, you know, bump it up a little more. We could see how it goes.

BARCA: Perhaps we'll get to a motion at some point in time and discuss it.

MORASCH: Well, we got to listen to Dick's first. Are you done, John? Is it Dick's turn?

BLOM: Yeah.

MORASCH: All right. Dick, you're up.

BENDER: There's a vast difference in home businesses from a business that repairs computers or sews doilies to a heavy equipment company like the cable layer.

Let's take the cable layer, for example. I'm a neighbor ten acres away. It's 4:30 in the morning in the summertime and there are four pieces of equipment to be hauled to the job site by three or four different diesel trucks. All this equipment has to, one, be started up, warmed up, and the equipment being hauled has to be loaded on to a truck or a trailer bed. That's a lot of noise compared to somebody that's soldering wires on a computer or running a sewing machine. So this as written is an omnibus type of a proposal.

It's almost nebulous in the kind of businesses you're going to certify as far as having employees. And as far as employees taking the equipment home, let's say it's an electrician that has four or five trucks, to take home a piece of equipment is far more expensive for that start-up business as far as automobile insurance because that truck which contains copper wire and tools and whatever else is sitting in a driveway all night long, insurance companies recognize that. Plus there's also the aspect that you're increasing the number of miles driven by the employee, therefore, exposing him and a vehicle to more statistically potential accident.

So I don't buy the argument that being able to take the equipment home reduces the number of spaces you have to park. Anybody who's starting a start-up business is going to try and do it the least expensive way. So to me what's being proposed here, yeah, we need numbers on it, but I think the numbers proposed are unlimited isn't going to cut it for me.

MORASCH: Do you have a number that would or are you kind of like me that maybe we should send it back to the DEAB?

BENDER: Any number that staff will put out needs to have a justification.

MORASCH: So would you prefer then to send it back for more work then?

BENDER: I don't think it's ready to be voted on.

USKOSKI: I would agree that I'd like to see it continued and get some input from DEAB on what those numbers would and should be rather than just pulling numbers out of a hat and going with it without --

MORASCH: Yeah, that's kind of my feeling too.

BENDER: I would also like the people who made comments to come up with a justification also for numbers, just on a nebulous number, but a justification that we can look at and get our hands on.

MORASCH: I think you raise a good point about the different kinds of businesses, that it might be something that DEAB could look into. Of course the regulation gets more complex if you have, you know, different standards that apply to different types of businesses, but it's certainly something that I wouldn't mind if it got looked into. Yes.

COOK: I don't know whether this is scheduled for a public hearing before the Board yet.

BAZALA: It's not.

COOK: It is not. Okay. Just be aware that if you make a decision not to make a decision, that may or may not make a difference.

MORASCH: Well, the Board has the right to overrule our decision, so...

BARCA: I have a question for staff. Valerie brought up the idea about perhaps there's a limited amount of light industrial, or in this case, I think many of the businesses could possibly fit into commercial as well. Do we have vacant buildable lands analysis yet in relationship to understanding what our current inventory of light industrial or commercial land is, such a shortage may or may not exist?

ALVAREZ: In the rural area?

BARCA: No. Of course, I do recognize that there is no commercial or light industrial land in the rural area, only in the context of discussion about whether there's an alternative to --

BLOM: What's available?

BARCA: Yeah.

ALVAREZ: We have the data.

BARCA: We do have the data. So staff says they do have the data. Okay. And --

BLOM: But it's got to be just not buildable lands, but vacancy rates in industrial parks. I mean, a lot of these businesses could work fine out of industrial parks if it's already built.

BARCA: Right. And that available inventory may be much harder to come by as far as that.

USKOSKI: Vacancy rates.

BARCA: Vacancy rates. However, I do think that that is data that could be made available as far as decision-making goes on how big of an impact is this really that we're faced with having to make this decision. Other than the complaints that we have here from the public about the lack of enforcement on existing home businesses, we don't seem to have a lot of complaints about not being able to start a home business and then be able to adequately move it when the time is right.

MORASCH: All right. Is there more discussion or are we ready for a motion?

MOTION AND SECOND:

USKOSKI: Well, I'll make a motion that we table and continue this matter so that we can get some input from DEAB on what that actual number should be.

QUIRING: I will second that.

MORASCH: All right. It's been moved and seconded. Is there any discussion on the motion?

JOHNSON: Again, I just want to make sure regarding the motion that we are saying we're not going to, as Chris said, we're going to vote on not doing anything with this versus saying no or yes we --

QUIRING: We're tabling it.

USKOSKI: Yes, we're basically tabling it and sending it back to staff to allow DEAB time to look at what an appropriate number in those areas would be.

BARCA: And I would like to put in for the record that I would prefer for us to have passed this with a number and get somebody to look at it during the period of time that it's still going to have to get digested by staff again to prepare to go before the County Councilors because we've seen this in work session a couple of times without numbers, so... Although numbers will come, I'm sure, yeah.

MORASCH: Well, it's been moved and seconded.

BARCA: Yes, it has.

MORASCH: Let's see what happens to the motion then. It may not pass and --

BARCA: It may not.

MORASCH: -- we may get another motion. All right. Is there any more discussion? All right. Can we get the roll call on the motion, please.

ROLL CALL:

BENDER: AYE

BLOM: AYE

JOHNSON: NO

QUIRING: AYE

BARCA: NO

USKOSKI: AYE

MORASCH: AYE

MORASCH: The motion carries five to two. So with that, we'll close the portion of the public hearing on the home business ordinance and we will move to the multi-family ordinance.

BAZALA: All right. So the second item tonight is the proposal to prohibit single-family detached dwellings in the multi-family districts.

MORASCH: Actually, let me stop you. Do we need a break or are you okay?

HOLLEY: I'm okay.

MORASCH: Okay. All right. Continue.

BAZALA: All right. Single-family detached dwellings have been allowed in the residential and office residential zones since at least 1994. They are not allowed in the R-30 and R-43 zones, just in the, we'll just call them the R-12, R-18 and R-22 just for the sake of not reiterating the OR zones. So basically these R-12, 18 and 22 zones are designated urban medium density in the comp plan.

So the minimum lot area for a single-family detached home lot in the R-22 zone, which is the smallest of the three zones, is 1500-square feet with a minimum lot width of 25 feet. Minimum lot area in the R-12 zone, which requires the largest lot area of these three is 2800-square feet with a minimum lot width of 35 feet. Separation between homes can be eight feet.

The Boards' office initiated this change to prohibit single-family detached in these zones due to their general concerns regarding homes on these small lots. Community Planning staff provided some additional background information which is summarized as follows: Land use element of the County's comp plan does not list single-family detached dwellings as an intended use in the urban medium density residential plan designation.

And then there's Policy 2.7.1 of the housing element states that you should not provide more than 75 percent of any single product type of housing in any jurisdiction, meaning single-family detached residential versus other housing types. And they compiled some acreage totals for the various zoning districts and that considered the allowable density that is allowed in each of the zones.

It's difficult to really distill how many types of dwellings you can get on this acreage, but one telling factor is that only three percent of the residential zoning land base currently excludes single-family detached units and that would be the R-30 and the R-43 zoned property. So the zones we're talking about, the R-12, 18 and 22 account for eight percent of the residential land base.

So a little bit easier way to look at what's been happening is by looking at the buildable lands monitoring report. And from 2000 to 2006, 94 percent of the housing units in the county have been single-family detached. From 2007 to 2014, 77 percent of the housing units that have been built have been single-family detached.

So Community Planning staff is concerned that the continued use of the R-12, 18 and 22 zoned property might leave a scarcity of lands left over to develop with other housing types, such as apartments. The Development Engineering Advisory Board weighed in on this, and they are against the code change citing that market preference and the need for affordable entry-level housing should dictate what type of housing is provided.

The comp plan discusses affordable housing in a few different ways, and so it can mean various things. Affordable housing can mean the provision of entry-level housing of entry-level single-family homes to buy, and it can also mean having an adequate supply of land available so apartments can be built. So, you know, it's a complicated issue.

And so I'm going to close in saying that this doesn't have to be an all-or-nothing proposition. In other words, you could recommend that some of the zones should be allowed to have single-family detached but not others. The R-12 zone again has the largest lot sizes and the R-18 and R-22 allow the smallest single-family detached lot sizes, so...

MORASCH: I have one question. Other than these three zones at issue, what is the smallest single-family lot size allowed in the county in any other zone?

BAZALA: The R1-5 zone allows 5,000-square foot lots. You could do a PUD, a planned unit development, and you could get smaller lots.

MORASCH: Yeah. I was just talking about allowed outright.

BAZALA: Yeah. That's 5,000.

Now, we also have cottage housing provisions now which nobody's taken advantage of yet, but that doesn't really have a minimum lot size. Basically you set your footprint and add some setbacks to it and you could sell a lot off as small as, you know, could be, I don't know, 1200-square feet. We haven't seen any of those yet, but in theory they are doable.

MORASCH: Okay. Any other questions for staff? All right.

Well, with that, I will open the public hearing on the multi-family zoning matter under consideration tonight, and the first person is Carol Levanen.

LEVANEN: Carol Levanen speaking for Clark County Citizens United, P.O. Box 2188, Battle Ground.

I remember the conversation with the Councilors over these small parcel sizes and I remember when those were originally adopted in 1994, we didn't have those small parcels at that time and high density was the name of the game back in 1994. There was a 75 percent, 25 percent split and it was a big push to get the high density established in the urban areas. That has kind of flown in the face with what the market really is looking for, these small parcels.

And I talked at length with real estate agents to find out where they're coming from with this. We are also owners of an apartment complex. We know how difficult it is to keep a good, safe apartment complex. So we're not really supportive of having the high density in apartments, but yet these very, very small lots create a lot of hazard within their communities that when they are first purchased by folks, it looks like a great idea until they find out they can't have any visitors because there's no parking spaces. Their children can't play in the yard, so they have to play in the streets. You know, there's just not quite enough room for homeownership, but yet that's what these parcels create, so the prices are higher, you know.

These folks would probably do much better with a larger parcel that has a residential home on it because they want to buy a residential home. They qualify for a residential home, and yet this is what's available for them other than apartment complex living. When you get and there's so much high density, I'm afraid that it changes the flavor of the communities.

And I don't know if you're so familiar with or how many of you own apartment complexes, but we have a really hard time, we're in a complex of apartment complexes and ours and others, and we have a really hard time getting quality renters because they are transitional. They are really only in that apartment because they're trying to save a little money to buy a home. So for them to move from a very high density situation to another high density situation is really not where the market is. The market is saying when I move out of that apartment, I want the reason I'm moving is because I want some space. I want to have a family, you know. I want to take care of a home. I want to have a little space.

So these parcels, and I don't know why they originally in 1994 even came up, I think it was just a matter of meeting the high density formula and so they designed all these very, very small parcels and limiting what people could do on them, and that's not really very much of a quality of life for people. And if you want serious homeowners, you have to give them a little bit of space.

So there's room for apartments for housing, but there also needs to have that transition home that people can purchase and these don't really meet that test, so... It's not a bad idea to consider this high density issue and see what's going to work best for the communities and what your market is playing the role in, and I think talking with real estate agents is probably your best bet in finding out exactly what one should be considering in these situations, because what we're hearing from them is that it's just not a good buy, so...

BARCA: Before you go, I need to get this clarification. You're saying the market doesn't desire this product that we're talking about tonight which is --

LEVANEN: Right.

BARCA: -- detached small lot?

LEVANEN: Right. There's very few people who are purchasing that sort of thing because most of them are going from apartment complex. I mean, if you think about people getting married, young people starting out, getting a job, they first start out in those apartment complexes.

BARCA: Okay. I think I heard that part from you. But I'm trying to understand this because it appears to me if the market didn't want this product, then they would just sit and not be purchased and that isn't what we're seeing, it's just the opposite of that, is developers are utilizing the land to a great degree to put this product in. So I don't think what you're giving us in your testimony is matching up with what we're being presented as the problem. So as you're trying to state it, I'm trying to clarify. You feel the problem is is this product does not represent the market?

LEVANEN: That's what the real estate agents are telling us.

BLOM: That that's -- no.

QUIRING: You're not talking to the right agents.

BLOM: As soon as those products are getting framed, they're selling. I mean, they can't build them fast enough to meet demand.

LEVANEN: That may be, but then how soon are those people trying to sell them again? You know, so that's the problem with the high density issues and that's what I said originally, it looks like a good thing until people are there for about six months.

BLOM: The alternative is they can't afford to buy anything, because if you force larger lot sizes, you're going to drive up the price of land and you can't buy an entry-level home at 200. Now it's 250, 300.

LEVANEN: Well, the real estate folks that I talked to are saying that the cost of living in an apartment complex is the same as the cost of purchasing one of these kinds of homes that's high density also and they find that there are limitations. So if they can afford more than this apartment, they now can afford something more than what those are.

So they -- you know, there's a niche. There's a small niche and this is what the real estate folks are saying, and I'm talking to a number of them. There's a small niche that -- and you may say that these homes are being built and they're being purchased right away, because everything brand-new looks like, oh, this is a plan, but I think eventually what happens is this doesn't suit the housing needs of the community. This is nothing much different than the high density living that they would live in a multi-housing type building and they want something more than that, and so that's where real estate folks are talking about.

MORASCH: I have a question because you've been talking about apartments, but as I understand it, these are medium density zones so you could build townhouses or row houses which you could do condominiums of those and sell them as, you know, separate units if you wanted to.

What do you see as a difference between a small single-family house being sold on its own separate lot versus a small row house or townhouse that's being sold separately either as a duplex or through a condominium type of arrangement?

LEVANEN: Well, the townhouses and the row houses, they have strict stipulations. They have CCRs, CC&R type things and some of those kinds of things that there's somebody else takes care of it, you know, so what you pay for is the services that are also provided within the complex, whereas when they're single-family, very, very small, close together, really no breathing room to speak of small homes, you're very dependent on that homeowner taking care of that within the community.

And so what you wind up finding, and that's what so many people have made comments to us about, is you wind up finding these turning into slums real quick because nobody wants to take -- you know, they're just too confining and yet it's theirs and there's no one who can say anything more about -- oh, in an apartment complex, even we have something to say when we have renters who are not conducting themselves appropriately, and the same with townhouses and the same with those other kinds of buildings. But when you're given this very small space to someone who maybe isn't very responsible, then you wind up having some bad social situations within the community there.

MORASCH: So if there was a homeowner's association and CC&Rs with, you know, requirements that have to be met, would that address your concerns about the small single-family lots?

LEVANEN: Well, it all depends on what the developer does, but whatever it's zoned is what they're going to do. And you and I kind of know that a developer, that's his income, and so what he's allowed to build and the most that he can get from that is probably what he's going to do, but is that best for the community?

MORASCH: But, I mean, a lot of developers, I haven't personally dealt with a lot of developments on these small lots, but larger single-family lots, if you're doing a subdivision as a developer, you're typically going to want CC&Rs because you're going to want to protect, you know --

LEVANEN: Exactly.

MORASCH: -- the remainder of your lots after you sell the first few. You want everybody to be comfortable it's going to remain a nice neighborhood.

LEVANEN: You're right. Exactly.

MORASCH: So I guess that's my point is, you know, if the developer puts the same type of CC&Rs in these small lot subdivisions, it seems like that would address the concerns you're raising about the neighborhood becoming dilapidated because nobody's paying attention to keeping it up.

LEVANEN: Yeah. It may work except for you're still talking about individual homeowners and the pride of ownership. So, you know, you may have some that take -- and I've seen this in Seattle, I've seen these very high density things like in Seattle, and I can remember when my daughter was looking for these homes herself and when she moved up to the Seattle area, there was like one home that was reasonable and the rest was -- it was pretty much slums throughout, so...

But you're right, the CC&Rs probably would help toward that, but I think the Councilors are thinking about homeownership and I think they're thinking about pride in homeownership and some of those kinds of things in addition to. And they wonder where did these little tiny lots come from in the first place, and I think it was to meet a high density, high density formula back in 1994. So is that working? It doesn't sound like it's particularly working, so I think that's what the issue was.

MORASCH: You mentioned parking too, and I want to ask staff about this. My understanding is typically, if you're doing a subdivision, you need, I think, two off-street parking spaces, one can be in the garage and the other could be in your driveway, but it's got to be enough room so you're not sticking out over the sidewalk --

BAZALA: Right.

MORASCH: -- does that same standard apply if you're doing single-family dwellings in one of these higher density zones?

BAZALA: Yes. In 2011 there were some new standards developed for narrow lots, which means anything under 40-feet wide, to try to address some of the issues that have, you know, come to the forefront in regards to the parking. Driveway spacing could be an issue because the driveway's are close together. Some of the sidewalks were ending up like a roller-coaster, which were not meeting ADA standards.

So there are some new provisions that require a little bit more parking for these types of developments, so they have to provide two and a half spaces per lot now. You know, they could still easily meet that with the two-car garage because they've got two inside and two out, but if they just have, you know, a one-car garage and one space in front, then they have to provide some parking somewhere else on the site.

MORASCH: So if they alternated houses and they had one house in the subdivision that was a one-car garage and then the house next door was a little bigger, it had a two-car garage and so on, so the whole subdivision was two and a half, that would meet the standard?

BAZALA: Right. Right.

MORASCH: Okay. All right. Well, I think that answers my questions.

Does anyone else have any questions for Carol?

BENDER: I'd like to give an example of high density that's gone south. There's about two or three developments east of NE 162nd, east and then also north of Fourth Plain where those are very small houses, 900 to 1200-square feet, and the street is such that they only allow parking on one side, which is never adhered to, so if they had a fire in there, basically they would not be able to get the fire trucks through. And those are probably 15, 18 years old right now and you think you're in a ghetto driving through some of those neighborhoods. And according to the Clark County Sheriff's Department, they're beginning to see gang activity and there is no pride of ownership in those neighborhoods. And so I'm definitely not in favor of high density.

MORASCH: Okay. Any other questions for Carol? All right. Well, thank you very much. Jamie Howsley.

HOWSLEY: Yes. Again, for the record, James Howsley, 1499 SE Tech Center, Suite 380, Vancouver, Washington 98660.

I'm wearing two hats on this item: One as the member of DEAB to advise of our position, and then the second as the Government Affairs Director for the Building Industry Association of Clark County. Both DEAB is unanimously opposed to this change as well as the Building Industry Association is unanimously opposed to this change.

DEAB again has had vigorous discussion over this particular item. It was brought to our attention in January, and what we had learned at that point was there was some concerns with some specific developments that were out in the community that were developing single-family detached houses in these zoning districts, but thus far we've not been able to ascertain what exactly the development is. We've never been given the name of the project to review to see whether or not there may be other technical fixes to the code that could address the concerns raised there.

As Planning Commission is probably well aware, the Growth Management Act, in particular Goal 4 of the Act, requires Clark County and the jurisdictions that plan under GMA to try to strive for affordable housing within our communities, and both the DEAB and the BIA believe that this market product is an essential part of our community in terms of first-time home buyers trying to break into the market and become, you know, fully vested within our communities.

I handed out to you some policy papers, I have quite a large archives at my office, and the reason why I wanted to bring this to your attention was to address some of the specific policy issues raised by staff both at the DEAB and here tonight and give you some context for what had happened.

I do disagree with Ms. Levanen on what the original targets were under the '94 plan. The '94 plan had a target of a 60/40 split to try to get to 60 percent single-family and 40 percent multi-family. That was revisited as discussions ensued in the early 2000s as evident by these memorandum here. And in particular, one of the concerns raised during the technical advisory committee meetings as well as the steering committee meetings was the ability of the various jurisdictions in Clark County to have their fair share of affordable housing. There was some concerns that some jurisdictions were not carrying their burden as far as that had been concerned. And so where the policy group had ended up settling on was this 75/25 split and that that seemed to be fair.

In this memorandum from Long Range Planning to the steering committee members, in particular I want to call your attention to Page 5, the top of that, and Chris' predecessor, Mr. Lowry, reminded the steering committee that the Growth Management Act wasn't specifically talking about single-family/multi-family splits, but it's trying to achieve an overall density within our cities, and so this is an artificially constructed policy that we have constructed as part of our comprehensive plan.

Again, from the market standpoint, we believe that the detached houses again provides an opportunity for folks to afford a house there. We believe that having it detached actually provides a better value upon resale, and I think that we had had testimony from Eric Golemo at DEAB and

others that I think showed a premium of about \$30,000 more for detached product out there upon resale which is not insignificant. So I think with all that being said, you know, DEAB has various, various concerns about this.

I think you have a paper from us that indicates that we're vigorously opposed to this. We think that there is a market segment that wants this product and we just ask that the Planning Commission recommend the status quo, so... With that, I can answer any questions especially on the technical side that you might have on this.

MORASCH: All right. Any questions?

USKOSKI: I'd just like to clarify. So if I'm understanding what you're saying is back when this was developed and with what Rich Lowry had to say, is it's not so much in the medium density, that it's all multi-family or all detached single-family, but rather hitting an average of the two? So it's not to say that one should be all this or all that, but any combination thereof would meet that medium density?

HOWSLEY: That would be my understanding as well.

In the other memorandum, which is the TAC memorandum, I did find it intriguing, and I guess we've been trying to figure out some of the history behind the policy at DEAB and I think a lot of it again had to do in relationship with how the jurisdictions across the county were, you know, hitting their density targets or not, and this was in some way a reaction to try to force some of the smaller cities to try to achieve density targets.

But in particular, you can see on Page 2, there was this definition section that was proposed there to talk about single-family versus non single-family, and within that they included within that definition detached single-family residential units on lots of less than 3,000-square feet zone or not, which this zone of R-12, R-18 is essentially that, and so I disagree with staff's characterization of how these things are calculated. I think based upon this understanding, I think they would actually be counted as multi-family and, therefore, would meet the comprehensive plan.

MORASCH: Was that definition adopted? Is it in the plan?

HOWSLEY: You know, I'm still researching my records and --

MORASCH: I see people shaking their head that they don't think it's in the current plan, but...

HOLLEY: Is or isn't in the current plan?

MORASCH: We'll let somebody come up and talk about it to get it on the record as to whether it's in the current plan.

But regardless of whether it's in the current plan or not, I think what I understand you're saying is there's no GMA State law requirement that we separate out single-family versus multi-family or that we have a limit to the number of single-family in any way, shape or form, that it's just the overall density target that GMA talks about?

HOWSLEY: Yes. Again, GMA is trying to achieve an overall density. And that again I would remind the Planning Commission as you probably saw within the DEAB memorandum that there is this Goal 4 about affordability. And I think again we cannot stress enough from the BIA's perspective that there is a need for this type of entry-level house within our community and we believe that this product is appropriate.

With that being said, you know, the DEAB would -- we're still, I guess, searching to figure out what is the project or projects that were of concern about this because we think that there's other ways to address those concerns. If it's really just about the narrowness of the house in particular, maybe you could address that through having a minimum lot width there, and that's a much more effective

way to get at it than just wholly eliminating detached houses from these kinds of zones.

MORASCH: All right. Any other questions?

BARCA: When talking about affordable housing and we let the market kind of drive what the price point is, there's got to be someplace where housing is picked up specifically as rental income property. And I am wondering when the market turns down and prices drop, would you expect to see additional property move into rental income style property at the bottom end of the market?

HOWSLEY: I'm going to recall, again we've discussed this item at DEAB now for three months, and I don't believe it was last month, but I believe it was in the February discussion, it was sort of the gut feeling with the experts that do this for a living that it would be more likely that stuff that was attached would be in the rental pool versus the detached product. We believe that the detached product lends itself more to home buyers trying to enter the market as first-time folks versus attached product which for whatever reason it is, you know, the market forces, it tends to lend itself more towards renters.

BARCA: Okay. I've heard some commentary here, which I'm finding a little personally offensive about the concept of a development of slums, and I want to just be really clear. I think when we talk about entry-level housing, there's no correlation between entry-level housing and the concept of what the housing environment itself looks like.

We can go back into the '70s and find lots of developments in Clark County that were slammed together that are probably in a unmaintained format that people may describe as lower income housing now, whether it's rental property, I don't know, whether the homeowners are not taking pride in it as it's described, I don't know.

But new stock, which is what we're referring to right here, I think we should be really clear that for an opportunity at low income, we have to come up with some type of technique and the technique is not just to price them out of the marketplace until they can afford to get in with the kind of people that won't be slum dwellers. So I want to be really clear on that, there is not a place in this discussion for that.

USKOSKI: I would agree with that, Ron.

HOWSLEY: I appreciate that, Ron. I'll just leave you with one other thought.

There was a blog posted I read this morning that was talking about the affordability index in the United States and how many years of income it took to purchase a house within, you know, various communities, and no surprise, the larger cities on the East Coast and West Coast were, you know, very, very high within that.

Obviously a lot of individual cities within California I think were in the first the top ten, but what was surprising to me was number nine and ten were Portland metro area and Seattle respectively were there.

And so again, I bring you back to that GMA Goal No. 4 is that, you know, our state really would like us to strive towards affordable housing. That's what's going to help attract, you know, our families to return there once they grow up and leave and will also help us get good employers on the other end. So again, both the DEAB and the BIA are again vigorously opposed to this change.

MORASCH: All right.

HOWSLEY: Thank you.

MORASCH: Any more questions? All right.

Is there anybody else in the audience who would like to speak on this topic? There's no one else that's signed up. All right.

Seeing none, I will invite either Gordy or our Deputy County counsel to come up. They were both shaking. All right. Jose will come up. Someone will come up and talk about whether or not that particular definition currently exists in code.

ALVAREZ: Jose Alvarez, Community Planning. That policy language is not in the comp plan or in code.

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

With that, we'll close the public hearing and move it to the Planning Commission for deliberation. Nobody wants to jump out. You go ahead.

BARCA: Based on what we have talked about in our work sessions, based on what I've heard in testimony, I cannot understand why we would want to move forward on this.

USKOSKI: I would agree with that. I just have a really hard time that something that I keep hearing over and over is this idea of slums of tomorrow. And what I'm seeing here is that some of this comes down to this concept that if you're going to buy a home, that you should perhaps be more wealthy than your counterparts, that otherwise you can just go ahead and stay in a multi-family or apartment living. That's kind of the message that I'm getting from a lot of the things I've heard through the different work sessions and then even hearing tonight, and that just goes against the grain and it doesn't feel right for me.

I think the way things are set up now seems to be working. I understand that it may not be everybody's ideal choice. I mean, there will be those that choose to live in attached housing. They don't mind having a neighbor on the other side of the wall. And then there's others that don't want that neighbor on the other side of the wall, but they want their own piece of land. They may not want, you know, 5,000-, 8,000-square feet with yard to maintain. They want something smaller.

But to apply this idea that it's the slums of tomorrow or that it's not going to look as nice or, well, it's the same cost to live in that as it is to live in an apartment, therefore, just go live in an apartment until you can afford more, that doesn't go over so well with me.

BLOM: I would just add on and go one step further. I think if you looked at the deferred maintenance in town home communities compared with detached communities, the same lot size, my anecdotal observations being in real estate in Clark County is that you see a lot more deferred maintenance in town home communities than you do in detached in general.

QUIRING: Thank you.

JOHNSON: You're welcome.

QUIRING: I just was going to clarify too that I think something that people conjure up in their mind when they hear the word affordable housing, they think it's low income housing and that isn't what it is for one thing.

And, frankly, being in the real estate market in this county, these narrow homes, I think builders have been really creative in these homes and people love them. I mean, they're great the way they've set up the floor plan and everything, and many people want them. And they may not want a yard to maintain; lifestyles are very different. And at certain ages and seasons of your life, you know, you're working, you have kids, you don't want to maintain your yard, but you don't want to hear the noise through the walls. So, you know, having read what's before us and through our work session, my stand would be to leave it the status quo.

JOHNSON: So, you know, I asked this in work session, kind of where did this come from, you know, and the same terminology was slum and, you know, someone didn't like the looks of it.

And if you just bear with me a little bit, you know, I'm in the business of putting people's lives back together. And, yes, it starts with the child in the classroom, but I can count 100 parents that have decided to re-engage in our community, and slowly from the worst of worse build them self up to a point where they can dream again, and these are good people that have because of circumstances ended up where they're at. They ended up getting jobs. They ended up having people build their houses. They really come back and try to re-engage in society.

And it's kind of funny because I'm sitting here going, am I going out on a limb here when I'm hearing all this slum and ghetto and, you know, it's like an era of elitism is what it is. And I always kind of go, what are we doing, you know? If someone chooses to buy the house that they can afford because they re-engaged in society, that is about the best thing we could have done.

And so again, if this had merits, like somebody was saying, you know, there's just this really big problem out there and we really need to -- I have heard, I cannot figure out where this comes from other than we don't like what these look like or somebody offends me because they don't live like I do. Listen, I can walk right out in rural Clark County and give you lots of examples of people not living like I want them to live. We just talked about it.

So, you know, I'm trying not to be, you know, you can't offend me. I'm not where you're at, Ron, I'm not offended, but I look at this come on, okay. This meets a need. And if someone can buy a house because this works for them and re-engage them and someone builds another house, that's a job. We've accomplished a lot of things here.

So I too, I don't know where these are coming from today, but it seems like left field and I can't figure out the why, and that for the record is why I'm most concerned. Did one of our Commissioners drive by one of these and said he didn't like it? I mean, that's all I got. Or is there some real need because there doesn't seem to be a need. So I'll get off my soapbox again there for you guys, but...

MORASCH: All right. Any other discussion?

BARCA: So based on what Karl just said, at the work session we did ask what problem are we trying to solve and we would love to have something brought forward that we consider a problem that needs to be solved. If it's an inventory of available land, we can solve it. We can work that out. But as far as limiting the types of housing and taking away one of the tools for affordable housing, I don't believe I recognize this as the problem.

JOHNSON: And even DEAB kind of, you know, came up with maybe it's lot size, maybe we can talk about lot size width. I mean, there's options. I don't know.

QUIRING: Other solutions.

JOHNSON: But it wasn't let's just stop doing this, so...

MORASCH: Well, I did hear staff and in the report it references Policy 2.7.1, so we do have this policy that apparently is not required by GMA but is in our comp plan of this 75/25 split between single-family and multi-family.

In the next paragraph, they talk about how, you know, from 2000 to 2006 there were 94 percent housing units single-family detached, but then moving closer to the present, in 2007 to 2014, it's 77 percent of single-family which is pretty darn close to the 75 percent that the comp plan says that it's supposed to be.

USKOSKI: So it's self-corrected.

BARCA: Yeah, it self-corrected with the market.

BLOM: That's what I thought too.

BENDER: I think the 75/25 ratio is a good ratio, I really do, especially taking into account, which we haven't even talked about, maybe using our crowds to talk about, but you're an educator and you know how crowded the schools are and if you were to go higher in density, some of these school districts are operating at 100, 110, 115 percent overcapacity with no funds in sight, State-wise or tax-base-wise to the county or city. So I would stay with the current 75/25 split and have detached houses within those developments because I also agree they add value, not only to the house, but to the neighborhood.

MORASCH: Any other discussion or are we ready for a motion? Does anyone have a motion?

MOTION AND SECOND:

BARCA: I'll make a motion. I'd like to make a motion that we deny the staff request change to the single-family detached dwellings in the R and OR districts.

BLOM: Second.

MORASCH: All right. It's been moved and seconded. Is there discussion on the motion? No discussion? All right. Then can we have the roll call.

ROLL CALL:

BARCA: AYE

QUIRING: AYE

JOHNSON: AYE

BLOM: AYE

BENDER: AYE

MORASCH: AYE

USKOSKI: AYE

MORASCH: All right. Motion carries, 7/0.

V. OLD BUSINESS

So that moves us to the next item on our agenda, which is old business. I don't think we have any old business.

VI. NEW BUSINESS

We'll move to new business, and I've got some new business. I think congratulations are in order to our fellow Commissioner John Blom, winner of the George C. Marshall award.

BLOM: Thank you.

MORASCH: Good work. Did you want to say anything?

BLOM: No, we're good.

JOHNSON: Big shot.

MORASCH: Well, no other new business.

VII. COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

Comments from members of the Planning Commission?

BARCA: I had no idea, John. Can we make this John Blom Day?

USKOSKI: I will second that.

BLOM: I'd entertain that motion.

MORASCH: All right. It's now John Blom Day at the Planning Commission.

BLOM: You have to pronounce it right, though.

MORASCH: Blom.

BARCA: Blom. Sorry. All right. I take it all back.

MORASCH: That's all right, John, everybody gets my last name wrong all the time too to the point where I don't even know how it's pronounced anymore, so... Okay.

VIII. ADJOURNMENT

So I think with that, we're ready to adjourn. Thank you very much.

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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