



Clark County Planning Commission

Steve Morasch, Chair
Ron Barca, Vice Chair
Bill Wright
Eileen Quiring
Karl Johnson
John Blom

CLARK COUNTY PLANNING COMMISSION THURSDAY, FEBRUARY 18, 2016 MINUTES OF PUBLIC HEARING

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

6:30 p.m.

CALL TO ORDER & ROLL CALL

MORASCH: All right. Good evening and welcome to the February 18, 2016, Planning Commission hearing. Can we get the roll call, please.

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

Staff Present: Marty Snell, Community Development Director; Chris Cook, Prosecuting Attorney; Sonja Wisner, Administrative Assistant; Kathy Schroader, Office Assistant; and Cindy Holley, Court Reporter.

GENERAL & NEW BUSINESS

A. Approval of Agenda for February 18, 2016

MORASCH: All right. First item on the agenda is approval of the agenda. Does anyone have any changes to the agenda? If not, I'd take a motion to approve.

BARCA: Motion to approve.

BENDER: Second.

MORASCH: So moved. All in favor?

EVERYBODY: AYE

MORASCH: Opposed?

B. Approval of Minutes for October 15, November 19, & December 17, 2015

MORASCH: Approval of the minutes. Has everyone had a chance to review the minutes? Any comments on the minutes? In which case, I'd take a motion to approve.

BARCA: Motion to approve the minutes.

BLOM: Second.

MORASCH: All in favor?

EVERYBODY: AYE

MORASCH: Opposed? No. Okay. The agenda and the minutes have been approved.

C. Communications from the Public

We'll move on to Item Number C, communications from the public. This is the time for any member of the public that has an item they wish to talk to us about that is not on our agenda.

Yes. Please come down and state your name for the record.

BARCA: Not on the agenda.

MORASCH: Not on the agenda.

HUNTER: Right. James Hunter. I live at 11116 NE 156th Street in Brush Prairie. I was just last night at a Planning Department open house on the rural industrial land bank and there was a surprise that came up that I want to ask whether you are all aware of and if there's anything you can do to change what you've approved if you are not.

And what I became aware of last night was that included in the comment letter from the Railroad Advisory Board was a request to change the uses allowed on the Ackerland part of the rural industrial land bank. And these include several heavy industrial uses, one of them, for example, is being sawmills.

Now, when the Planning Department came and spoke to us over the last year, repeatedly they pointed out that this is light industrial and the difference between light industrial is that you can have a furniture factory on this property, but you can't have a sawmill and so amended to the recommendation from this board is included those

changes in uses. Are you all aware of that?

MORASCH: If it happened after our decision, then, you know, we may or may not be aware.

HUNTER: No. It was -- it was my understanding and it's how -- my understanding was that it was included, and I haven't had a chance to look into this, and the Planning Department, according to Mr. Gawecki, is it hasn't gone up on the website yet, is that it was included in the comment letter to this Board at for the hearing.

MORASCH: If it was included in our letter, then we were aware of it, yes, because we read things before the hearing.

I don't know. Staff, do you know if that particular comment letter was included in our record?

BLOM: Well, we didn't make any changes to the recommendation, so it's only -- it's public testimony. We didn't change what we recommended. That was not included in our recommendation I think is what your concern is, right, did we make that recommendation to the Board?

HUNTER: Yes.

BLOM: Okay. So, no, they could have asked us to do anything in there. We didn't actually make any changes.

HUNTER: Well, but you did. You did amend the recommendation to include the requests from the rural -- or from the Railroad Advisory Committee.

Now, I remember the -- I remember the conversation and the conversation included that it not block any spur lines. Do you all remember that? He did mention that, but he didn't mention these changes in uses. And I think if it's -- if it was in there and you aren't all aware of it, I don't know if there's a process for going back and looking at it again.

But there's going to be some people in Brush Prairie area that are ready to raise a whole lot of hell because we've been sold this as light industrial for the last year. We've had umpteen presentations and they all said that and this was the example, no sawmills but furniture factories, also includes concrete production and plating metals may involve chromium, all sorts of things that, you know, present real risk to our community. And I think you need to make sure that that wasn't in a letter that didn't quite get read or discussed.

MORASCH: I remember the letter from the Railroad Advisory Board and our recommendation was to implement what they had asked for in the letter that was attached. I don't remember this issue being brought up in that letter. If this is something that wasn't attached, then it wouldn't have been part of our

recommendation.

HUNTER: Well, I think we need to find out because it's in your recommendation to the Board.

MORASCH: Okay. Well, at this point, I think you need to take the issue up with the Board because we've made a recommendation to the Board. That's just a recommendation. We don't decide the issue. The issue is decided by the Board of County Councilors.

HUNTER: Yeah, but it has your seal of approval and I think if you weren't aware of it, you need to look at it again.

MORASCH: We were aware of what was submitted to us, and if there was something else that wasn't submitted to us, then we weren't aware of it and it wasn't part of our recommendation because our recommendation was limited to the documents.

HUNTER: Well, it's the Planning Department is describing it as part of your recommendation, so, you know, you might all want to get on the same page.

MORASCH: Okay. I would encourage you to take the issue up with the Board of County Councilors at their hearing on it because the matter has moved from our hands into their hands and they're the ones that make the final decision, so they would be the ones that could send it back to us if they were of the mind to, but I don't think we have any power to do anything at this point.

HUNTER: Well, make sure you read your letters.

BENDER: Mr. Chairman, isn't it possible that he can prepare himself by getting a copy of the minutes of that meeting and the documents that were submitted and voted on? And if you see a non-correlation going on, that is your vetted way of saying, hey, something's wrong here.

HUNTER: Okay. Thank you.

MORASCH: Yep. That's correct. Thank you. Is there any other member of the public?

BOLDT: I am a member of the public.

MORASCH: Mr. Chair, welcome to the Planning Commission.

BOLDT: Well, welcome. And for the record, Marc Boldt, Council Chair.

First of all, as chair, thank you for all your work. I'd just like to make a few statements, that I believe you are the independent body telling us, giving your recommendations. So as far as that, this is the last time you will ever see me in this council or in a work

session. Thank you. God bless.

MORASCH: All right. Thank you. All right. Anyone else from the audience that would like to testify about a matter not on our printed agenda? All right.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION

- A. Amending Clark County Code 40.210.030 to conditionally allow Residential Care Facilities on larger parcels.

Staff Contact: Marty Snell (360) 397-2375, Ext. 4101
Email: marty.snell@clark.wa.gov

MORASCH: We will now move on to public hearing items. And we have one public hearing item tonight, that's amending the Clark County Code Section 40.210.030 to conditionally allow residential care facilities on larger parcels. Marty Snell.

SNELL: Thank you Chair and members of the Planning Commission.

For the record, Marty Snell, Community Development Director. I'll be quick with this staff report here, take any questions that you may have and then get on to the public testimony here.

So this is a change to a proposed -- changes proposed to a use section in Clark County Code Title 40 as follows: Amend the rural center residential districts use section, that would be Clark County Code Section 40.210.030, to conditionally allow residential care facilities on parcels greater than five acres.

So the background of this code amendment is as follows: A private nonprofit, Daybreak Youth Services (Daybreak) approached the Board of County Councilors in November of 2015 to share its unique opportunity to open a residential treatment facility in the Brush Prairie area of Clark County. Prepared with facts regarding either the lack of or complete absence of space for substance abuse treatment for boys/young men and girls/young women, the nonprofit discussed with the Board the idea of amending the rural center residential districts code to allow the operation of a residential care facility.

With a commitment to acquire and repurpose a newer abandoned church, Daybreak sought a code change so that they could apply for some kind of approval by the county.

The Board desires a permanent code amendment to the use table in Clark County Code Chapter 40.210.030. With caveats that residential treatment facilities require at least five acres and approval of a conditional use permit, the Board addresses the issue that this proposed code amendment will not have widespread effect. It's an error on my part, will not have a widespread effect.

The permanent code amendment would also prevent the possibility that an approved Daybreak operation becomes a legal nonconforming use.

There was a community outreach done by Daybreak. They held a meeting at the former Bethesda Slavic Church in Brush Prairie on November 30th. They've provided some letters and notification. There was a meeting summary given to you at the work session last -- a couple of weeks ago.

So the code amendment is starting at the bottom of Page 2, and where this really is of -- where you want to go to is Page 4. You'll see an item added just before Number 2, Services, Business, and that addition is letter m, Residential Care Facilities (on parcels greater than 3 acres). And for RC-1 and RC-2.5, it's a conditional use, and then there's a reference section to the Special Use Chapter of the County Code 40.260 and 180 is the section that deals with residential treatment homes and facilities, the approval criteria for those kinds of uses. So that, in a nutshell, is what's before the Planning Commission.

The Board would like your recommendation, and I believe this will be scheduled for the Board's consideration March, I want to say, 8th or 9th, whatever that second Tuesday of March is. That concludes my short staff presentation.

MORASCH: Okay. Thank you. And just for the benefit of everybody, let me check here, the second Tuesday of March is the 8th.

SNELL: March 8th.

MORASCH: 8th. Okay. So that's an important date for anybody watching at home or in the audience.

SNELL: And that's at 10:00 a.m.

MORASCH: At 10:00 a.m. At this point, Sonja, do we have a sign-in sheet?

SNELL: As folks are making their way for public comment testimony, we do have maps of the rural centers in Clark County, seven of them, and this shows property that has either two and a half acres or five acres, and you have to kind of look at the zoning of the area.

So in this particular map, the Brush Prairie rural center, you'll see that there's some zoning that's heavy industrial. You'll see some that's zoned rural commercial, that's the CR-2, and then you'll see the RC-1 and the RC-2.5. So those properties that are cross-hatched in red are parcels that are greater than five acres, and those parcels that are hatched in green are between two and a half and five acres. And we have all the other rural centers, if you wish to look at those.

MORASCH: All right. Thank you.

Well, at this point in time I will open the public hearing to public testimony, and the first person on our list is Mark Gawecki.

PUBLIC TESTIMONY

GAWECKI: Good evening, Commissioners. My name is Mark Gawecki. I live at 17706 NE Homestead Drive in Brush Prairie, Washington. Thank you for the opportunity to address the Commission this evening on the topic of residential care facilities on large parcels.

I'd like to start by giving you some background information on this topic. On November 18th, 2015, County Commissioners Madore and Mielke approved an emergency measure to allow the Daybreak organization to proceed with an application for a 40-bed drug and alcohol rehabilitation facility in Brush Prairie. The existing zoning limited such a facility to 10 beds, which was inadequate for their needs. The normal procedure in this case would be to apply for a zoning change with the Planning Commission, then a review with the Board of County Commissioners before such an application could proceed to the next step.

Daybreak argued that they didn't have time for such a process. They explained that they had found a facility that they were negotiating to buy but just learned that the zoning was only for a 10-bed unit. The seller was pressuring them to buy. The Daybreak Board of Directors was meeting that evening and Daybreak officials wanted to tell them they were on a path for approval of the project. Their earnest money was in jeopardy.

The County Commissioners asked what public outreach had been done to get community support for such a facility. The answer was none.

MORASCH: Our mics are still working. Maybe you need to sit a little closer.

GAWECKI: The Daybreak Board of Directors was meeting that evening and Daybreak officials wanted to tell them they were on a path for approval of the project. Their earnest money was in jeopardy.

The County Commissioners asked what public outreach had been done to get community support for such a facility. The answer was none. Daybreak wanted to make sure they had changed the zoning to allow the plan to proceed before alerting the community of their intentions.

After some pleading on the part of Daybreak, the County Commissioners relented and decided to call the situation an emergency. They then granted Daybreak an emergency interim zoning ordinance, a temporary change in zoning so the application could proceed. Daybreak was granted a 60-day window to have an application deemed complete.

This emergency change was made without public input, avoided a formal review by the Planning Commission and eliminated the need for the County Commissioners to have a formal hearing. There was no attempt to contact the other rural centers in the county that would be affected by this decision. There was no emergency. Daybreak

simply wanted to get the zoning changed any way they could or they stood to lose their earnest money.

Please listen to the tape recording of this meeting to hear what the emergency was all about, money. I found out about this meeting in early December of 2015 and attended the next scheduled County Commissioners' meeting and complained about this emergency process. My objections were dismissed by Commissioners Madore and Mielke. Commissioner Madore reminded me that now all it took was a majority of two commissioners to make this decision. In 2016 it would require three to uphold this decision.

I was about to be excused when Commissioner Stewart said she had a question about the day of the meeting in November. She recalled that she was out of town on county business when the Daybreak meeting took place and staff was well aware of her scheduled absence. She also recalled that she had a phone call urging her to stay out of the project. She questioned whether the emergency procedure was appropriate in this matter. She questioned whether the action could be rescinded. She was told that it was not likely. Councilor Stewart made the observation that this emergency interim ordinance applied to all rural centers in the county, not just Brush Prairie.

Please view the video of this meeting at www.cvtv.org/vid_link/17525. You can hear my testimony followed by Councilor Stewart's questioning the procedure used to push this emergency measure through. See timeline 1:50:02.

The 2015 three-member Board of County Commissioners set in motion a procedure to make the emergency zoning ordinance a permanent code amendment. This amendment will have a widespread effect. This would allow residential treatment facilities throughout the county with at least five acres to have similar 40 or more bed facilities.

This is the measure before the Planning Commission at this time. Planning Commission can recommend to the 2016 Board of County Commissioners to approve or reject this permanent code amendment. I recommend that the amendment be rejected and the zoning on these facilities remain 10-bed units.

Unfortunately, this will do nothing to stop the establishment of the proposed Daybreak facility in Brush Prairie, but it will prevent further such facilities in Clark County and, perhaps, restore some trust in the county government.

Thank you for allowing me to testify. Included with this memo is a transcription of the November 18th meeting. Thank you.

MORASCH: All right. Thank you. Any questions for Mr. Gawecki?

I just have one. Did you do the transcript yourself or is that something you obtained from the county?

GAWECKI: Yes. I apologize for all the spelling errors.

MORASCH: That's all right. Thank you.
Any other questions?

BENDER: No. I wish I had this earlier.

MORASCH: Okay. All right. Thank you.

GAWECKI: Thank you.

MORASCH: Next on the list is James Hunter.

HUNTER: Hello again. I'm James Hunter, 11116 NE 156th Street in Brush Prairie. Thank you for the opportunity to comment.

I have no objections to the idea of or the need for or the urgency of a facility of this kind, but I feel like the process that has taken place -- well, I recall from the last meeting, I was here, you all were having a little bit of argument about whether planning had taken place in turn to the rural industrial land bank and I can see both sides of this, but I don't know that anybody can argue that what has happened here is planning.

The process -- I think the most important thing to think about is that you're changing the code for all of these sized parcels in all the rural centers in order to site a single facility. That doesn't make sense. I mean, I don't know what the possibilities are, but if there could be a variance or a conditional use, that would make sense, but changing the code for everybody based on one example is not planning.

I had a kind of difficult time researching what this was all about because, of course, what I got and what you got is that the changes two Cs and a reference to another code one line of text which really doesn't tell you the whole story of what's going on here. And so I had to look up the definition of a residential care facility versus a staff residential home, and as I recall staff residential home is 10 or less; care facility is 11 or more. Now, there's no upper end defined there. The project people have said 50 or 40 and then 58. I think it's growing, but it's not 11.

So and I don't really have any experience with this kind of facility, but my parents were in one of these that you'll see on in letter j, Residential Care Home. So if when your parents get beyond the point of that, they're not going to get any better, they go to a residential care home to live out the last days of their lives, and my folks were in one on the edge of Vancouver near Brush Prairie, and it was in a home in a subdivision.

And I'm sure there were some impacts to the other neighbors because when people are that age, you're going to get visits from the ambulance and you're getting visits from family and there is an impact, but that impact is limited to the upper limit number that the code allows.

So what we -- and if you look in this zone, everything else is set at that limit because I think that was the intent of what this zone represented. So specifically to this case, one of the things I imagine, I don't know if you know the location, but if you're driving down 503 just coming up out of Salmon Creek, you can see the church there, and if you look beyond, there's a row of homes and one of those homes is like a Lindal cedar home A-frame with glass on the whole front thing. Those people are going to be looking out on 50 youths playing basketball, probably swearing, you know. And if you live by a staff care facility, that's what you're going to have, but when people moved into that zone that's not what they signed up for.

So I think it's -- and the conditional -- and you also, if you want to know the whole story, you have to look at what the conditional uses are and one of them is is that there not be so many facilities that it changes the character of the neighborhood. Well, just by going from 10 to 40 or 58, you have changed the nature of that neighborhood.

So I think that concludes my comments. I think that this code change should not be recommended based largely on process and that it really doesn't fit the character of the rural center zone. Thank you.

MORASCH: All right. Thank you.
Any questions for Mr. Hunter?

BARCA: I have a question. So do you believe that there is any room for a facility larger than 10 beds of any type in a rural center?

HUNTER: You know, I -- I don't know. But I think if you're going to propose a zone change to consider it, you ought to study it, and this hasn't been studied. It's just been thrown in your laps.

BARCA: Well, okay. So I think in fairness outside of the emergency, we've done a work session on this now and this is the normal process for looking at code change, but I think that we're also sensitive to the concept of impacts. What we're trying to do is balance, of course, public good with the idea of impacts.

So I do have another question for you. Right now the way the proposal from staff is written, it's five acres in a rural center. Do you have an opinion on the idea of a five-acre parcel as opposed to a two and a half or a one-acre parcel?

HUNTER: Yeah. Actually I, and I don't know if you guys have a slide of the site itself, I know I've seen one in another packet of information, but...

BARCA: It should be part of this map that's in front of us. Do you have a map up here?

HUNTER: Yeah. So is it those --

BARCA: Can you find it, Marty?

HUNTER: The red one just above 154th; right? So one of the things I would say, I think rather than having a parcel size, it would -- what would make more sense for impact is a distance from --

BARCA: Setbacks.

HUNTER: Setbacks, neighboring lots, because that may be a five-acre lot, but it's a long skinny five-acre lot, so the distance between the building and those homes that look on to it doesn't represent what something in the middle of five acres would be.

So, yeah, I think you could change it to consider the actual distance. I don't know how you'd work that out, but I think that would be better than just saying five acres, because five acres could be this wide and that long and be right in people's backyards. And in this case I think, I mean, I don't know the distances, but from looking at it when I come out to the highway, they are going to be impacted.

BARCA: Okay.

MORASCH: I guess I do have a question. I heard you say that you thought that they should have applied for like a variance or a conditional use. Did I hear that correctly?

HUNTER: Yeah. I mean, I'm not an expert in this and --

MORASCH: Right.

HUNTER: -- so they may not be appropriate, but it just seems the point was more than those things specifically was code change.

MORASCH: Okay. I just want to make sure you understood what that C meant, which is conditional use. So if we did approve what's being requested, it would make the use allowed as a conditional use in the zone which means they would still need to then subsequently apply for the conditional which would require a public hearing, notice to the neighbors, and a hearing's examiner would then make a decision based on the discretionary standards in the conditional use portion of the code.

So part of what you're asking for actually is incorporated into the proposal before us, because if we did approve this, this isn't going to allow somebody new to come in and site a use anywhere in one of these rural centers without first applying for a conditional use permit and going through that process. I just wanted to make sure that you're aware of that.

HUNTER: Yeah, and I've looked at that section of the code and the condition is that you not site a number of them in close proximity so that you create a change in the character of the neighborhood.

Part of my argument is the standard in rural centers is 10. You're throwing that open

to no upper limit. It's like the -- before my parents were in a care facility, they were back and forth between skilled nursing and assisted living, and I don't know if you guys are familiar with some of these places, but Fort Vancouver Skilled Nursing and Park Lido Assisted Living are across the street from each other just west of the Southwest Washington Medical campus, and those are of -- the level of those are coded as what your change would be.

Those streets are -- you can't find a parking place on those streets between the staff of those facilities and the people visiting and the wheelchair taxis coming and going to take people to appointments. I mean, they're big places with big impacts. And I don't see any limitation to this that wouldn't allow something of that size.

MORASCH: Okay. Any other questions?

BENDER: Yeah, I've got a question, not of you, but of the staff. I'm under the impression that you believe that what we're working on tonight is going to, if passed, would potentially allow any five-acre facility or lot to have 40 or more on it, and I don't think that's what we're working on, is it? Are we doing a provisional permit for just one five acre?

SNELL: Well, the code amendment on Page 4 would, through a conditional use permit, allow a residential care facility to be located in the rural center RC-1 and RC-two and a half acre zones as long as that property is at least five acres and larger.

BENDER: So we're throwing it open countywide then?

SNELL: Yes, that's what this amendment does.

BENDER: Okay. Clarification. Thank you.

SNELL: And very quickly, there are a couple of different terms that were used and I wanted to be clear for the Planning Commission that a staff residential home, which is just above at letter I, is not like a residential care home or a residential care facility. A residential care home does not provide, like, drug and alcohol treatment or services. A residential care home is up to six unrelated youth living in a home, but there's no service provision like a residential care home or a residential care facility.

And then secondly is I think Mr. Hunter alluded to a staff residential home when I believe he meant an adult family home which is my grandmother lived in an adult family home, so... There are a couple of different nuances to these definitions.

WRIGHT: Marty, could you explain some of the outright permitted uses that are allowed in the RC-1 which is I think the underlying zone of the parcel we're talking about here. Although, in a way, I hate to get into specifics, but this citizen is definitely focused on the specifics of this one lot, so I think it would be useful to know what could happen out there without any conditional use permit at all.

SNELL: So, yeah, anything in the list where it says -- where it has a P down, those are permitted uses. So certainly single-family dwellings; accessory dwellings; a family day care center; an adult family home; certain home businesses Type I's; a bed and breakfast; a temporary dwellings; commercial nurseries predominantly marketing locally produced plants and associated landscaping materials; agricultural markets; private kennels; animal boarding and day use facilities; publicly owned recreational facilities, services, parks and playgrounds; neighborhood parks; equestrian facilities on parcels five acres or greater.

There's another five-acre threshold; agricultural and forestry, including accessory buildings and activities; silviculture; utilities, structures and uses included but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines; temporary uses. And then last but not least, electric vehicle infrastructure, so Chevy Volt plug-in stations.

WRIGHT: Thank you.

SNELL: No problem.

MORASCH: All right. Any other questions? All right. Thank you, Mr. Hunter.

HUNTER: Thank you.

MORASCH: Meridee Pabst.

PABST: Good evening, Mr. Chair and Planning Commission members. My name is Meridee Pabst, P-a-b-s-t. My local address is 2728 North L Street in Washougal.

Thank you for the opportunity to speak with you tonight. With me is Annette Klinefelter. She is Executive Director of Daybreak and she's here in particular to address any questions you might have about how this type of use operates and what the potential impacts might be.

We just have a few policy points to make this evening. The first is with respect to how the county regulates this use elsewhere in the county in residential zones. Residential care facilities, the same definition, over 10 beds, are conditionally permitted in every other residential zone in the county. So from the lowest density single-family to the highest density multi-family or office residential it's considered a residential category and it's permitted in every other residential zone.

Second, as you know it's proposed to be a conditional use and as you also know that means each individual project will be subject to discretionary review and a public hearing. The examiner will have the opportunity to impose appropriate conditions of approval to mitigate the specific impacts of any particular proposal.

And then third, the potential impacts from a residential care facility use we feel are not significantly different from those uses that are otherwise permitted conditionally in the

zone, such as churches, schools, solid waste handling facilities.

Typically one of the biggest issues with compatibility is trip generation from a proposed use, and Daybreak has looked at a comparison between the potential trip generation of a residential care facility versus a church located in a building of that size on that site, and the church is expected to generate two times as many average daily trips.

So certainly in a comparison like that, a residential care facility would have less of an impact compared with other uses conditionally permitted in this zone.

We support the five-acre minimum for the proposed code change that it works from our perspective. And with regard to the setback question, I'm wondering if maybe that could be applied to outdoor activity areas or, you know, I'm not quite sure if it's a building setback or -- I don't know. I think we might have to think about it a little bit, but that's my initial thought.

It seems, you know, the feedback we've heard is the biggest concern is use of the outdoor recreation area on site. Do you have any questions?

MORASCH: I don't, but does anyone else have any questions?

BENDER: Yeah. Can you give me the history of the church that left there, why did they leave there? Were there any conditions that the surrounding neighbors were applying pressure on them or they just went bankrupt?

PABST: My understanding it was financial reasons. Do you have any further information about that?

KLINFELTER: Yes. It was a bankruptcy. It's in foreclosure.

BENDER: And the residents had no negatives at the time?

KLINFELTER: They had what, no negative experience?

BENDER: Over the activity of the church.

KLINFELTER: Yes. In fact, there were significant concerns on the part of the neighbors with having a church facility. The traffic and this church was a community center and it was operational seven days a week and so it had traffic coming in all day, every day.

There were some cultural differences. It was a Slavic Community Church, and so there were issues of the congregation members going into people's gardens and picking their produce and it just it wasn't a good fit.

And, you know, I understand the concerns of neighbors because it changed from a pasture that everybody shared, right, into this large mammoth facility on this particular

lot and it did change the nature of that neighborhood, and so that concern certainly parlays into the concern about this usage. But that concern would still exist on really any usage with a facility that size.

BENDER: I'd like to ask a question maybe general. Do you know what the trip facilities were for the various roads that serve that church and did they max them? And then the second part of that, your potential facility, what would be its trips allowable in comparison to what the church had?

PABST: So we had a formal trip study done or traffic analysis based on the ITE codes and compared the existing church use at the square footage of the size of the building with the proposed residential care facility which is measured based on the number of beds. And so the traffic engineer compared the two and found that the trips expected to be generated by the residential care facility use were about half of the average daily trips.

The traffic engineer also did a specific analysis based on the expected employee shifts, you know, because they have 24-hour staff on three different shifts, deliveries, visitors. We provided estimates based on the true staffing and numbers visiting the site and so our traffic engineer did that alternative as well, and it turned out pretty similar to what the ITE scheduled -- or excuse me -- use codes showed. So that in either case the trips were significantly less than for a church.

I know that when the county approved the church, was it five years ago or six years ago?

SNELL: Maybe a little longer.

PABST: You know, the trip, the potential for trip generation was, you know, the most discussed topic at the hearing for the conditional use permit.

There was some follow-up analysis done by the church's traffic engineer. There were certain mitigation measures that were required. But then when this site would be converted to another use with fewer trips, then that wouldn't trigger traffic mitigation at that point since it's still under that.

BENDER: What's the date of your study?

PABST: It would have been like December or so.

BENDER: Does the report show any near failures of any intersections?

PABST: I don't think so. And I think, you know, at this point the -- you know, the trips will be less than were already in the system for the church --

BENDER: That's true.

PABST: -- so it wouldn't trigger a review such as that, you know, the sort of leftover trips would go back into the system. And I think we'd have to look at the church's conditional use permit to know if anything was close to failure at that time, and I'm sorry, I don't remember.

BENDER: My concern is that we've had growth in this particular area. Brush Prairie is one of the faster growing areas and, therefore, the report the church generated compared to what you generated, I want to make sure there's no near failing intersection. That's why I'm asking.

PABST: Yeah, I'm sorry. I just don't remember what the approval said.

JOHNSON: I have a question for you too. So, you know, we're talking about a lot of things, but mostly it seems like the concerns are mitigating the clients that are going to be there. So just some quick questions.

I know the building by just looking on the outside. The center of that building, are you going to turn that into like a gymnasium or a multipurpose room or is that your plans or is it -- I assume it's a sanctuary right now? There's a reason I'm asking.

KLINEFELTER: Yeah. We're going to consolidate all of our operations into that one building so our administrative offices will be there as well.

So if you haven't been there, I mentioned to some of you at the work session, it really is kind of perfectly situated. It has two wings that are already have adequate bedroom space in them, and then the sanctuary is what we'll sort of build out with classrooms and group rooms and programmatic areas and administrative offices, and the other half of that worship space would be allocated for a gymnasium, an indoor gymnasium and exercise space. And then adjacent to that, which is the dining hall and the kitchen, will remain intact as is.

JOHNSON: So clients would go outside?

KLINEFELTER: They'll go outside.

JOHNSON: I know that's tough when they're kids and they would recreate or spend time, they would be noisy.

KLINEFELTER: Well, it will be a staffed activity, right, and we're happy to work with the neighborhoods around, like, scheduling, so it's, like, okay, we won't go outside and play basketball at suppertime. And we really want to be amenable parts of members of the neighborhood and are willing to make, you know, certain compromises so that we can help, you know, people feel comfortable and not be disruptive to our neighbors.

JOHNSON: One last question. Are all of your clients - I don't know if you can answer this - are they mandated to you by the courts?

KLINFELTER: No. We have kids that are referred to us by the courts, but they are not mandated. We do a criminogenic screen on every kid that comes into our facility to determine whether they're a risk to other clients, to our staff and certainly to neighbors, and so we don't --

JOHNSON: So they're not offenders?

KLINFELTER: They're not offenders.

BLOM: You gave us stats in the work session, I didn't write it down fast enough, how many beds do you say are available right now between -- these are the Canadian border and North California, am I remembering that part of it right?

KLINFELTER: Well, it's from the Canadian border to the Oregon border. For the entire state of Washington there are only 250 beds.

But what's really important to acknowledge is that between the Canadian border and the Oregon border west of Yakima, which is where 70 percent of youth live in the state of Washington, there are only 50 beds, 53 beds.

MORASCH: So I assume the need for beds far outweighs the number of beds that are available?

KLINFELTER: Yes.

MORASCH: And where are these kids going?

KLINFELTER: Well, many of them are homeless, right. I mean, they're living on our streets. So certainly homelessness, you know, certainly incarceration long-term, but, I mean, really this heroin epidemic that we're experiencing in the state of Washington with the lack of access for treatment is resulting in significant increases in homelessness for youth, not only in Clark County, but across the state.

BLOM: How long had you been looking for a facility before you found this one?

KLINFELTER: We have been looking for a facility for the last, we came here in 1999, so we've been looking since then.

The facility that we're in still since 1999 was only intended to be a temporary solution. It was never designed to be a residential treatment facility, and it's 16 -- it's full with 16 boys and it's incredible to me every day that they do as well as they do, and that's attributed to the quality of our programming.

Our programming is absolutely excellent, and because we have such strong, excellent programming and such incredibly loving, compassionate staff, we're able to keep kids engaged in their treatment and to significantly minimize altercations that would be

normal in any school type of setting, right, and to significantly minimize runs. We've made some security alterations so the kids can't just walk out. So, yeah, I'm amazed every day that they do as well as they do in such tight quarters.

I could never have expected that of my brothers. We lived on lots and lots of acreage in Southern Oregon and they fought like dogs, so our boys do a lot better in these tight quarters.

WRIGHT: A question I had, and I don't know if you have an opinion on this or not or if anybody would have an educated opinion or guess, but in our work session, one of our concerns was setting this five-acre limit, which I think part of the goal here is to create enough reservoir of eligible lots for these services to meet this need into the future and whether limiting it to five acres and above was a wise way to work through this or whether there should be possibly lower limits to be looked at in the future.

And now that we see the maps in front of us today, it looks like there's quite a few eligible lots and maybe some amalgamations of two and a half acre parcels that are adjacent to each other that would also could be eligible. Do you have any feeling whether that's giving you the kind of inventory that might meet the need?

KLINFELTER: I'm glad that you mentioned that because I had just saw the map as I walked in so I didn't have a chance to look at the inventory. In my opinion is if there's ample inventory, right, with five-acre properties, then do that, right.

SNELL: A very quick response to that, Commissioner Wright. I was looking at the maps myself, and in some of these rural centers, you'll have homes on these RC-1 and RC-two and a half acre lots, so this is at the universe, but when you look at the subset, there's going to be existing homes. There's going to be existing structures, so any staff residential home or facility, you'd either have to find a suitable existing building like an abandoned church or a grange hall or some other larger structure with common areas and things like that or you'd have to build from scratch. So I think that there's the properties are out there.

Now, whether or not you have to build from the ground up or whether you can find an existing building like this one, it would be, you know, due diligence on some prospective operator to look in these rural centers and find, okay, here's this abandoned grange. Maybe we can use it or some other structure or build brand-new, so it's just a thought.

BARCA: Meridee, you started with a commentary about other places in the zoning that residential care facilities are allowed. Would you state that again for me? I didn't catch that.

PABST: The residential care facility use is conditionally permitted in all of the county's residential zones. So whether it's a single-family zone or a multi-family zone, any sort of intensity, it's generally considered as a policy matter to be a conditional residential use in the county.

BARCA: So it's primarily considered in an urban use the way that it is set up today?

PABST: Yeah.

BARCA: Yeah.

SNELL: Yes.

BARCA: Okay. Thank you.

PABST: Thank you.

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

All right. Larry Knight.

KNIGHT: Good evening, ladies and gentlemen. My name is Larry Knight. I live in Brush Prairie.

I have just had the honor of becoming the president of the greater Brush Prairie neighborhood association. I'm personally trying to remain as neutral as I can. I've been in this position now for about 19 days and I have been overwhelmed. So if I speak a little bit unannounced, it's because I'm just kind of going off of what has been presented to me in the last, say, 48 hours in a whole bunch of e-mails.

A couple of questions. We just found out today, and I do not have a name, I'm trying to ascertain the name now, we have been told by Realtors to Go with Daybreak facilities going in that it's going to drop the property values approximately 10,000 to \$20,000 per home. I don't know if that's factual or not. I don't have a name. I'm an investigator. I always ask for names, so I'm trying to research that information now, and that was based on the vicinity of the project and site.

There's been some questions on the original within the last 90 days, it's gone from 10 beds to 40 beds plus 18 beds, nobody has definites. I've been to several meetings now and I keep hearing different things and some of it's a little bit concerning to me as an individual; some of it's very concerning as a representative of Brush Prairie.

The one thing I do want to make very, very clear, and I've heard it mentioned here tonight, that the adult homes, we have to understand our adults are adults. They are in that time of their life where they need extra care. These are juveniles. These juveniles are based on drug and alcohol, whether it's court appointed, whether it's private pay insurance, we recognize people, the kids, this generation needs a lot of help. We recognize that. I recognize that.

We have people that are very upset. The letters that went out originally were supposed to go within 500 feet of the facility. My understanding is it got redacted to

300 feet. I live just outside of the 500 feet and I never got anything. So, again, I don't know exactly, you know, I know Mr. Snell would know the exact appropriate footage.

We have people that own a mass acreage just across from it off of 503 to the west and she is bending my ear. She is very upset, property values, all kinds of stuff. You know, we talk trip check. One of the things I noticed when the church went in, the church was not technically seven days a week. It's a church. They have some activities. They have their worship. You put up with the kids speeding for about 20 minutes, you know, which is kind of crazy because considering the Central Precinct is right there.

This is 24/7, three shifts. They're moving their whole administrative staff over. We still don't know exactly how many people that will be. One of the questions brought up is coed, male and female together, what type of problems is that going to create. I mean, I don't know, I went to school, it was coed, so I get it. When you were talking -- well, I already covered that.

So I guess a lot of it is we're looking for some type -- something in writing. We understand we can present to you or somebody can present to you here's what we want to do, but we're not getting facts. Like I say, I've been to several meetings and the facts have gotten twisted, the numbers have been changed, nobody in Brush Prairie has seen the actual writing on the wall and I think that's where a lot of people are getting concerned.

This particular street, there is no lights on it. And I'm not so sure that the fire district could get a large engine down that street. I mean, it's terribly tight. It's very, very small, and this facility does right literally -- the wood home that was talked about, I know that house very, very well because of some previous stuff that happened years ago. The neighbors literally right across the street are very adamant that they're moving if this happens. They've been in the community a very long time. I've been there 20-plus years myself. I'm kind of amazed not everybody's here tonight. Everybody says they're showing up. So we do have our legitimate concerns.

90 days, today's date marks 90 days, if you want to get technical. How did this get brought into an emergency session so fast without really anybody being talked to about it? I mean, this is major. It's needed. We get it. We understand it. But I think the community right there, we accepted the church because it's a church, irregardless of whose church it was, it was a church.

This is a little bit different, and by little bit, we have to convince that area of residents are older. We don't necessarily understand and know the drug problem, the alcohol problem. We were raised differently, so it's a big scare to everybody. And, again, the due diligence I don't think has been presented to the people to educate the community, and that to me is kind of serious. And that's all I have to offer.

MORASCH: All right. Any questions?

BENDER: Yeah. I'd like the address of the building in question. The address of the building in question.

BARCA: The church?

BENDER: The church.

KNIGHT: The church is 154th and I do not know the exact building number.

KLINEFELTER: I'll pull it up in a second.

BLOM: Is there a light at that intersection on 154th?

KNIGHT: Negative.

BLOM: I'm just trying to picture it in my head. I just drove by there today.

KNIGHT: There's a railroad track. When you go across that railroad track that's unlighted, it's right there, hang a left, and if you're not paying attention, you'll end up in the field.

BLOM: Oh, okay. Thanks.

WRIGHT: I had a question. Do you think you and your constituents understand that what we're doing tonight is not specifically attached to this one parcel, that what we're looking at is a countywide change in the zoning and that should this pass, the parcel would have to go through conditional use permit with all the appropriate hearings, notifications, et cetera?

I understand this was developed to a certain extent because of one parcel, one use, one particular property, but we're really not about that tonight. This board is not about that and we understand your concerns.

KNIGHT: Speaking for myself, yes, I understand what you're saying, but I try to speak for a whole bunch of people that don't get it, so if I'm not here trying to at least be a neutral, everybody's going to yell at me and I'd rather them yell at you all. No offense. But, yes, I do fully understand what's going on.

WRIGHT: I mean, I'm not denying that it looks like a train might be rolling down the tracks on this deal, but as far as what we do tonight is that the county --

KNIGHT: I think everybody just wanted me to go on record, so like I say, this is my first one jumping in and, well, here we are.

BENDER: Is that NE 154th?

KNIGHT: Yes, sir. Yeah. It actually dead ends. They closed that road when they put

SR-503 in. The State closed that road with a gate, so there is no access on 503. So all of these vehicles will come in on a road that is approximately 16-foot wide.

BENDER: And that would be?

KNIGHT: That would be the 154th. And if you look at your map right there, it's just dead ended. The gate's been knocked over. There is a pedestrian path they have taken all the way from Battle Ground. I believe, it looks like it's moved all the way to about 178th.

SNELL: Way down.

KNIGHT: It's all the way up to Padden anyhow. So, you know, there's a pedestrian path, but there's not going to be any access occurring there. So like every vehicle is literally going to come down NE Caples Road and that road right now, I mean, I was there when that was the highway. Oh, my God, now it's not the highway anymore, but the traffic coming through there is unreal. It really is. When I have to wait a couple of minutes to get out of my own driveway, it's like wow. So it just is what it is.

KLINEFELTER: I have the address for you. It's 11910 NE 154th.

BENDER: 11910 NE 154th?

KLINEFELTER: Yes.

BENDER: Thank you.

MORASCH: All right. Any other questions?

BARCA: Yes, I have a question. So, Mr. Knight, hearing that you are representative for the Brush Prairie Neighborhood Association, I think it's important as you start to articulate this to be able to voice the true concerns of your constituents. Okay. I still have a concern, and this was what I voiced in our workshop, that people don't want to say security, but they're concerned about security.

And I think for this board, because we're looking at not the one facility, we have had an ordinance brought forward to us that we're going to be modifying that would say not only is this okay for Brush Prairie but Amboy, Hockinson, Meadow Glade, any of the rural centers, and this isn't allowed in the rural area currently.

KNIGHT: Correct.

BARCA: So I think it's important for us to understand what the people's genuine concerns are so we have an opportunity to address that. Not only that, but I think in the case of any applicant, they actually need that kind of information to be able to dialogue in a manner that is actually working towards resolution of those concerns or addressing them with what has been done in the form of mitigation in the past.

KNIGHT: Here - and again, bear with me - here's my understanding. Again, this has happened within 90 days. Apparently our president had stepped down. I know Mark behind me has been working on this. I have just now been able to reach out, try to get information. I'm trying to get exact complaints. I want to go in, I want my pros, I want my cons. I want to meet with Daybreak and I'm going to visit with her after this meeting.

Like I say, I'm not against it; I'm not for it. I'm remaining neutral. But I need to hear both sides, what do people of Brush Prairie like about it, what do they not like about it. And, again, I understand this is for five-acre plus. I get the entire Clark County, but again everybody has panicked because it's happened so fast that nobody's had a chance to really say anything.

They asked me to step up and be president because I'm kind of vocal, so this was a first meeting. It kind of caught me by surprise because it's not even on my list that I have. I was told about it last night when I was showing up late at the CASEE Center for a whole other deal, I was told 7:00. I went back and rechecked my e-mails. I was told 7:00 and, in fact, that's not true. It wasn't 7:00, but I got resolution on that because I learned something very new.

So I had my first board meeting this Friday with a couple of our people. Our secretary just stepped down this afternoon, so I'm kind of scrambling to pick up a whole lot of loose ends. So, again, I understand this is for projection for the entire Clark County. I just need to get something out of here to say, hey, there's a problem here in Brush Prairie.

BARCA: And the reason that's really important is because no matter what we decide here tonight as this body, it's just a recommendation that we pass forward to the County Councilors, so this isn't the last word on any of this type of ordinance.

MORASCH: And also our recommendation is not about this specific facility. It's about the code change which would allow facilities of this type in any appropriately zoned property, but they would have to come and file the conditional use permit that's been discussed tonight, which is a pretty thorough county review of a lot of the issues that you raise, things like fire access, is that adequate. That's the type of issue that would get thoroughly vetted through the conditional use process, because the county has codes for fire access and things like that, so they'd have to show how those are met.

And then the county also, the conditional use process is a pretty discretionary process, so the hearing's examiner has a lot of ability to craft conditions to meet code and things like that, but I would encourage you to stay involved and definitely get involved in the conditional use process because that would be the place to take a lot of these site-specific issues.

KNIGHT: Great. Thank you.

MORASCH: Anything else? All right. Well, thank you very much. And that's it for our sign-in sheet.

Is there anyone in the audience that didn't get a chance to sign in that would like to come down and speak on this issue? All right. With that, I will close the public testimony portion of our hearing tonight. And are you doing okay? Do we need a break?

HOLLEY: No.

MORASCH: All right. Then I guess I'll turn it back over to staff, if staff has any comments they want to make after the public testimony.

BENDER: I've got some comments.

MORASCH: Okay. Well, let's let staff go first.

SNELL: Kind of very quickly to kind of put a fine point on this is whatever recommendation you make goes to the Board of County Councilors Tuesday, March 8th at 10:00 a.m. Aside from that, there is a conditional use permit application in review for this particular facility in Brush Prairie. My understanding is that the hearing examiner has scheduled a hearing for March 24th at which time he will consider a proposal on a specific site and certainly neighborhood association folks are notified of that hearing and they are more than welcome to attend and testify, so that's the couple of points I had.

MORASCH: Okay. I did have a question. There was testimony about this emergency ordinance and the hearing about that. I just want to get staff's response to whether that's relevant for our consideration or what the relevance is of that.

COOK: Chris Cook, Deputy Prosecuting Attorney. I don't think there's relevance to it. I like to call those things interim ordinances rather than emergency ordinances, for one thing, because that's what the statute calls them, and I should note that the procedure in the statute was followed, so I don't see that there is an issue with regard to it.

I understand that the folks who commented don't like that, but it is an ordinance that has been used before. It's a procedure that has been used before. I'm sure it will be used again. Someone's perception was that this was an important thing that needed to happen without the usual time period for notice of public hearings and the entire procedure through the Planning Commission and the Board, I don't know whether that perception was correct, but two out of three Board members did. So they are the elected representatives of the people and that's the way they voted.

MORASCH: Okay. And we're not being asked to review that decision here tonight, are we?

COOK: Absolutely not. That decision was made. It is done.

MORASCH: Okay. Thank you.

WRIGHT: So is it fair to say, then, that our recommendation today will apply to every other site in the rural centers in Clark County other than this particular site that's under discussion?

COOK: Well, this is an ordinance change. It's not a site-specific --

SNELL: Correct.

COOK: -- request, but it is limited to parcels that are greater than five acres.

WRIGHT: But my point is the site in question under discussion so much tonight is on a separate track?

SNELL: Correct.

BARCA: And I think it is fair though as Chris mentioned, you know, we do have to be sensitive. This has all of the earmarks of a special spot zoning opportunity, but that's why I wanted us to take the time to talk about the distinction between the two that said, you know, yeah, we got wrapped up in the idea that this was put on our plate in some form of an emergent fashion, but it does not represent the emergency or the interim ordinance action that took place.

COOK: That's correct.

BARCA: Yeah.

HUNTER: Can I ask a question? It's really a point of information.

MORASCH: All right. I'll let you ask the question.

KNIGHT: So is what you're saying is that this emergency ordinance is what allowed this permit to go forward and if you -- if the Council didn't pass this ordinance, this would still go forward? Is that what you're saying?

MORASCH: I think that's my understanding. Staff is nodding, so, yes, that's correct.

BENDER: I don't feel that I have enough information to make a valid decision. I have some feelings that tell me that I don't like a single recommendation that changes the overall scope zoning of all of the areas in question. It's too large a result. And in lieu of the ongoing discussions with the Councilors over Alternative 4, that could even have more potential to affecting more lots in the county, so...

I don't feel comfortable taking a vote on this and I would hope the Board would think about basically postponing this until we get the information that we need.

MORASCH: All right. Does anyone have any other questions of staff before we move into deliberation or are we ready to deliberate?

BARCA: Let's roll.

MORASCH: All right. So anyone else? Bill, you were looking at me. Do you have anything you'd like to say about the proposal? Are you ready to vote on it? Do you feel like you need more information?

WRIGHT: Well, I think we have enough information. If we get past the single issue of this one particular lot that everyone is rightfully concerned about but look at the broader issue of having ample inventory of lots for this particular use in the rural area, I think it's pretty, pretty apparent to me that it's a wise thing and we should approve it, approve the recommendation to the Board.

MORASCH: Karl, you look like you're pulling the mic.

JOHNSON: Again, I am trying desperately to do exactly what you said which is try not to focus on this too much. My lens is always through those that can't speak or don't have the ability to speak at these things.

I just argued in front of the Battle Ground School District to save the school, Summit View Middle School which is for at-risk - I'm going somewhere here, so be patient with me - and I, you know, a lot of the parents that I have, I'm sympathetic to what you're saying. It's complicated many times. They just -- they're not there in a lot of these cases, and so we have to be able to articulate what their needs are sometimes with them being absent.

In this case, we're talking about, and I'm kind of flipping this for an opportunity to answer that, I'm amazed that there's no other people here from the drug and alcohol community just kind of speaking to this issue at large because it is a serious deal. I will tell you that you could look at statistically the problems with drug and alcohol right now are epidemic. We know that. But more important, the problems don't just go away because we have our areas of protection or whatever. They manifest in weird ways, crime and sickness and broken families and things like that.

So for me, I think we just need to be sympathetic to those that can't be heard. There is a desperate need. I see this every day, every single day where children are cast aside because of decisions by parents. And so some of us talk about, well, these are juveniles. I understand that. But I also understand that a lot of these decisions are made because there's no parenting there to support this and so we have to stand up as a community and do something.

There is always going to be the not in my backyard model, and I understand that, but I also understand that given the opportunity to change an overall code that would allow for us to change the needle here to move it in a positive way is very powerful. So I too

am looking more at the impact of what this could do.

I think there's many ways we can mitigate the exact problem. I think it begins with Daybreak being very, very sensitive, sympathetic neighbors and a neighborhood association that instead of says, well, look what they could do, wouldn't it be something special to say, you know, we're going to embrace this. And I know that's very difficult because I know some of the talk here is very point blank. I'm amazed sometimes when we talk about youth the way we do, but it's almost like you're adopting something. So that's site-specific. But to the bigger picture, there's a lot of red hatched and that the oversight would be the conditional use.

So, again, I know I've rambled a little bit, but I'm very much in support in helping especially a nonprofit to move forward on this.

MORASCH: Okay. Thank you.
John.

BLOM: I would agree with what Karl said. I would be open and curious to what other members of the Commission think about expanding it to two and a half acres with a conditional use knowing that it is site-specific. I mean, I don't think a 40-bed facility would make sense on two and a half acres, but maybe 15 or 20 beds, something that would be looked at during the conditional use.

If we don't do that, though, I'm noticing on the proposed code changes, it says on parcels greater than five acres and I'm wondering if that should be the same as the equestrian facilities where it says on parcels five acres or greater, the way that reads it sounds like it has to be over five. Chris, any comment or is that --

COOK: I'm sorry.

BLOM: So the way the code change is read it says on parcels greater than five acres.

COOK: Right.

BLOM: On the similar language over for equestrian facilities, it says on parcels five acres or greater. Do we need to change and say that if it is five acres, it's --

COOK: Five acres or greater, that would work.

SNELL: I actually thought about that when we were doing the work session, but I was late.

BLOM: But I would just kind of second what Karl says a call to getting site-specific to Daybreak to, you know, be a good neighbor, make this work so that it's --

JOHNSON: A model.

BLOM: -- a model -- thank you -- down the road.

MORASCH: Do you want to go or do you want me to go?

BARCA: We can go in order and you can go ahead right now, if you would like.

MORASCH: If I go, you won't get the last word.

BARCA: Well, I don't think it will be the last word, but go for it.

MORASCH: All right. Well, I just want to make it clear, I'm limiting my review to the code change and not to this specific facility because there's a separate review process for this facility that is currently ongoing, and I think March 24th is the date for the hearing for that and so that will be, you know, not something that we can decide. And I think we've heard from the County attorney that that process is ongoing, and regardless of what we do here tonight, that's a separate process and so I'm going to limit my deliberations to the code proposal that's in front of us.

And, you know, it's tough because, you know, people are worried about what, you know, what's in their backyard and rightfully so. At the same time, you know, I just have to think, you know, there but for the grace of God go I. I mean, I had the benefit of going to a nice high school with Meridee and Marty. We were all there at the same time. I think Meridee is a year behind me and Marty is a year ahead of me. That's why I still have my hair, but it's going gray.

You know, we have a problem of at-risk youth and I have, you know, I have some experience with, you know, representing in the past at-risk youth facilities. You know, they're either going to be homeless or they're going to get shipped, you know, to Portland or to Yakima or Spokane or some place. And when that happens, you know, they get pulled out of there, you know, the environment that they grew up. Their family and friends are at a distance and it's hard on them. And so I would support the proposal.

I would support going further. I would even go so far as to support for the smaller ones, not the bigger ones, but for the smaller ones, the ones that are more residential home size, you know, ordinary house, I would support moving those to a permitted use category, perhaps, with a future code amendment, maybe not tonight, but maybe looking at it in more detail with a -- like, a good neighbor policy in the code that would list certain things they'd have to do and if they met that criteria, because the conditional use process is a very costly process to go through and uncertain. And I think the county could do more to make it easier for nonprofit groups to site at-risk children in appropriate homes in our community, so... I'll turn it over to Ron.

BARCA: So when we think about what we're trying to pass here tonight, I have somewhat of a concern that we have focused in on the rural centers as being the only new place that we're willing to consider, but yet we're making it a five acre or greater parcel. Fargher Lake, Amboy as far as potentially being the places that the ordinance

would allow us to place these types of facilities in and they both have certainly ample five-acre facilities, but all of these are -- these centers are a bit denser than the regular rural area. So I'm a little confused that if we think five acres is important, why aren't we just opening up R-5 and saying it's a conditional use in R-5?

I think the potential of reducing the impact to the neighborhood by density would be there, that would be one of the possibilities from doing this. It's not guaranteed, of course, depending upon the parcel, but I think the idea by choosing an area that we have consciously planned to be more dense and then saying that we want to take one of the largest available parcels in that zoned area and now put a facility in there which we know there will be initially some form of backlash against, why segregate rural centers for that? I don't understand that.

So to me, if this Board would like to see five acres or greater as a standard, and I would imagine that we would want to have some very generous setbacks that go with something like that, then I'd like to see us waive the idea that it's in a rural center and just say this ordinance should apply to R-5s, rural centers as it does in all of our other urban residential planning. If we aren't interested in going outside of the boundaries of rural centers, then I genuinely believe we need to scrap that five acre or greater component, because I don't think it would change the functionality of anyplace there.

I think the conditional use process would be as equally as onerous whether you are on 4.4 acres, two and a half. It's all going to be about the facility and the surrounding boundaries that you have to deal with. And for me, I think we got wrapped up in this five acres, and I'm not going to put staff on the block about this, but we happen to be presented with an emergent scenario that's on eight acres and it just happens to fit really well, but we're dealing with this ordinance as an ongoing ordinance, and to me, gentlemen, I would like to have us have this discussion about five acres or greater, and if so, does it really need to be within the confines of rural centers? So I don't think it's the last word. I'd like to hear some comment.

MORASCH: Well, Marty, it looks like you're going to say something. Do you have a comment on expanding it outside of the rural centers to the general rule zone?

SNELL: No.

COOK: I have a comment. It would have to be consistent with rural character, and my understanding of rural centers is that one of their purposes is specifically to concentrate some of the more impactful uses in the rural area. That's what I think what they're for.

MORASCH: Are there other uses of a similar intensity that are allowed as conditional uses in the rural, like, R-5 zone, like churches and things like that?

SNELL: Yes.

COOK: Churches are certainly permitted.

SNELL: Yes. Schools, maybe down to elementary, but maybe not high school, but schools.

BARCA: I have the blessing of being two parcels down from the brand-new 800 person Lutheran Church that was just put in short of Heisson and as far as conditional uses and impacts, yeah, even in the rural areas they can be permitted.

COOK: There is, of course, a federal statute about siting churches that doesn't apply to siting residential care facilities here.

MORASCH: Is there a federal statute that applies to schools, though?

COOK: Not that I know of.

SNELL: So Chris makes a valid point. Our rural centers in Clark County, we call them rural centers, in the statute under growth management, they're called LAMIRDs or --

MORASCH: It's understandable why we call them rural centers.

SNELL: Yeah. Limited Area of More Intense Rural Development, and there are conditions around siting uses in LAMIRDs or rural centers, and Chris makes a valid point in terms of where we have -- if you think of these rural centers, Brush Prairie and Hockinson and Dollars Corner is a very good example of the rural center that has a mix of commercial and residential and service and it's closer into Battle Ground, mind you, and it's served by 219th and the cross-street is 72nd Avenue, but these are different than the R-5, R-10, R-20 zones.

BENDER: If the amendment passes tonight and it will be changed to, say, five acres or greater, I understand instead of greater than five acres, there will be a vetting process for each facility or organization that wants to construct one of these facilities, and in that vetting process, I think it will keep all five-acre parcels from being actually developed that way. I think that vetting process - and this is a question now - is stringent and specific and not all five-acre parcels will comply?

SNELL: And you might have five-acre parcels with substantial critical areas, a wetland or a stream, so the usable space on the five acres may not be conducive for a larger facility of any type.

BLOM: Getting to Ron's point, I don't want to say that I'm against that idea; I'm against looking at that idea tonight. I think that's something that we need to look at a little bit more. I have concerns about does that fit into the rural character if we're opening it up outside of the rural centers, but that may be something to look at.

BARCA: My discussion was two parts: One was if we chose to stay at five acres or greater, that was my proposal. The other was stay in the rural centers and reduce the requirement for acreage.

BLOM: I would be supportive of the second, stay in the rural centers and reduce it to two and a half acres.

WRIGHT: Yeah, I would support that as well. This is an observation of being on this Board not very long, it seems like we get these proposals to discuss, and when we start discussing them, we turn over the rock and there's all these little worms flittering under there and then we put the rock back on and then move ahead recognizing that there's a lot of things we really ought to be looking at in the future to make these decisions better and more substantial for the future, and I think we're kind of at that place now. I mean, the idea of making this a permitted use appeals to me, but I don't know whether that's something we can work through tonight, probably not.

MORASCH: Yeah. My thought was that that would take a future action because we would want staff to look at it. And I think at the Board of County Councilors is the body that has the ability to start that type of a process, am I correct in that, or do we as a Planning Commission, can we start a process to look at future code change?

SNELL: I would respond that if, you know, a companion motion or a separate motion would be to request that the Board look at all of these types of facilities whether it's the residential care home, the staff residential home or the residential care facility and look at it more comprehensively.

I think there is a very good point that Mr. Johnson had in terms of where's the drug and alcohol community, where are they on, you know, the service community, where are they on this issue? Bring in neighborhood groups, bring in the NACCC and say, okay, we need to have a more comprehensive discussion about these types of facilities in our neighborhoods and have that conversation with the Board and see if there's some traction that is then gained.

MORASCH: That sounds like a good idea. I'd be supportive of that type of a motion. Any other comments?

BLOM: Are you ready for a motion?

MORASCH: I'm ready for a motion if someone's ready to make one.

BLOM: So I would make the **motion** that we change the staff recommendation for residential care facilities to read on parcels 2.5 acres or greater and make it a conditional use.

WRIGHT: **Second.**

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

All right. Can we have a roll call, please.

ROLL CALL VOTE

BARCA: AYE
BLOM: AYE
JOHNSON: AYE
BENDER: AYE
WRIGHT: AYE
MORASCH: AYE

MORASCH: All right. Passes unanimously. Is there another motion that someone would like to make?

BARCA: You got the words?

JOHNSON: I don't got the words. I think we're saying the same thing.

BARCA: So I'd like to make a **motion** that we pass forward a recommendation to the County Councilors to address in more detail in a community outreach fashion the need to review all of the care facilities that are currently zoned as conditional with looking towards the idea of how to improve the process of siting and allowance.

JOHNSON: **Second.**

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

Sonja, can you give us a roll call, please.

ROLL CALL VOTE

BENDER: AYE
WRIGHT: AYE
JOHNSON: AYE
BLOM: AYE
BARCA: AYE
MORASCH: AYE

MORASCH: Okay. The second motion passes unanimously. So that concludes our public hearing on the agenda tonight.

OLD BUSINESS

None.

NEW BUSINESS

None.

COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

BARCA: I would just recommend for those from Brush Prairie that are still here that we've told you a couple of very important timelines, and specifically to the conditional use hearings, you can bring forward many of the issues that you brought forward in testimony tonight.

ADJOURNMENT

MORASCH: Thank you. All right. Well, I think with that, I will thank everyone and we are adjourned.

The record of tonight's hearing, as well as the supporting documents and presentations can be viewed on the Clark County Web Page at:
<https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>

Proceedings can be viewed on CTVTV on the following web page link:
<http://www.cvtv.org/>

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