



Clark County Planning Commission

Steve Morasch, Chair
Ron Barca, Vice Chair
Robin Grimwade
Bill Wright
Karl Johnson
Richard Bender
Matt Swindell

CLARK COUNTY PLANNING COMMISSION MINUTES OF PUBLIC HEARING THURSDAY, OCTOBER 19, 2017

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

6:30 p.m.

CALL TO ORDER

MORASCH: All right. Good evening, and welcome to the October 19, 2017, Planning Commission meeting. I will call the meeting to order and ask for a roll call.

ROLL CALL

BENDER: HERE
GRIMWADE: HERE
JOHNSON: HERE
SWINDELL: HERE
BARCA: ABSENT
WRIGHT: HERE
MORASCH: HERE

GENERAL & NEW BUSINESS

A. Approval of Agenda for October 19, 2017

MORASCH: All right. With that, we'll move on to approval of the agenda. Does anyone have any changes to the agenda? Hearing none, I'd ask for a motion to approve the agenda.

JOHNSON: Make a motion to approve the agenda.

BENDER: Second.

MORASCH: It's been moved and seconded. All in favor?

EVERYBODY: AYE

B. Approval of Minutes for September 21, 2017

MORASCH: Opposed? All right. We will now move on to approval of the minutes. Are there any changes to the minutes? If not, I'd take a motion.

GRIMWADE: I move that the minutes be accepted.

SWINDELL: Second it.

MORASCH: It's been moved and seconded. All in favor?

EVERYBODY: AYE

MORASCH: Opposed? All right. So the minutes have been approved.

C. Communications from the Public

MORASCH: That brings us on to communications from the public. This is the time in our hearing where we allow communications from the public on matters that are not on our printed agenda. So the agenda has the public facility zone tonight and it has the biannual code amendments. So if there's anyone here that wants to talk on something other than the public facility zone or the biannual code amendments, now is the time to come forward. All right. No one's coming forward for public communications.

So that moves us on to our public hearing items, and we have an opening statement that I usually read before the public hearings. There's two public hearing items tonight, as I mentioned, the public facility zone and the biannual code amendments. I'm going to just read this opening statement once.

Opening Statement

MORASCH: I'm the Planning Commission Chair, and the procedure we're going to follow tonight for each of the public hearing items will go as follows: We will begin by hearing a staff report. The Planning Commission members may ask staff questions at this point. And once all of the questions have been answered from the Planning Commission, at that point we will open up the hearing for public testimony. There are sign-in sheets in the back. So if you want to testify on an item, please sign in on one of the sheets, but I will also be asking if there's anyone that didn't get a chance to sign in. So even if you don't sign in, you'll still have a chance to talk.

Members of the audience who wish to testify are going to come to the front to the microphone and give your name, and maybe spell your last name for the court reporter. Speak slow enough so that she can hear you and understand you because she's taking, you know, stenography and if you talk too fast, she'll have trouble getting all of your thoughts on our written minutes that will go into the record for the hearing, so please speak slowly.

Then I will close the public testimony portion of the hearing and the Commissioners will deliberate and they may ask staff to answer additional questions or make rebuttal, and then at that point we will make a vote on our decision. Our decision is just a recommendation and it will be forwarded to the Board of County Councilors who has the final decision-making authority on all the issues here tonight. We don't decide anything, we just decide on recommendations.

Let's see. I think I covered that part already. Be relevant and concise with your testimony. And I think, due to the number of people in the audience, we're going to ask that people limit their testimony to three minutes. That doesn't include the time at the end if the Planning Commissioners have questions, that doesn't come out of your three minutes. If you have any exhibits you wish us to consider such as a copy of your testimony, photographs, petitions or other documents or evidence, please hand it to staff on your way up and it can be distributed to us. This information will be included in the record for the hearing item and we will consider it as part of our deliberations.

At this point, I would like to ask if anyone on the Planning Commission would like to disclose any conflicts of interest? Okay. I have two that I'm going to disclose. When we get to biannual code amendments, Items 40 and 42, I have clients that are providing testimony tonight on those two matters, so I'm going to recuse myself from Items 40 and 42 and Karl, we'll hold those till the end and Karl will take over as acting chair for those two items.

That concludes my introduction. I will begin the first hearing on tonight's agenda. Staff, you may begin.

PUBLIC HEARING ITEMS

- A. CPZ2017-00017 Public Facility Zone:** A proposal to amend the Public Facilities code language under CCC 40.230.090, correct a mapping error to remove the public facility comprehensive plan and zoning designation on 20 parcels (approximately 60 acres), and apply the comprehensive plan and zoning designations that existed immediately prior to adoption of the 2016 Comprehensive Plan to the following parcels: 274348000; 181696000; 181765000; 181766000; 181767000; 181764000; 181768000; 181769000; 181770000; 140879000; 209483000; 198094000; 120301000; 118257308; 118257306; 108033000; 175929001; 226094000; 278212000; 146239000; and

Apply the public facility comprehensive plan and zoning designation on eight parcels totaling approximately 30 acres to the following parcels: 184828000; 986027187; 986027186; 189301000; 105080000; 147697000; 189756000 and 189847000.

Staff Contact: Laurie.Lebowsky@clark.wa.gov or (360) 397-2280 x4544

LEBOWSKY: Thank you. My name is Laurie Lebowsky, Clark County, I'm a Planner III with Clark County Community Planning, presenting the docket item for public facility zone tonight.

The public facility zone was created as part of the 2016 comprehensive plan update. The purpose of the public facilities zone is to recognize already developed properties. As far as the purpose of this docket item tonight for public facilities, we wanted to cleanup some issues as far as mapping and code issues. I sent letters in March of this year to local public agencies with who have properties that are zoned public facilities. In the letter I asked to find out if they wanted to keep their properties as public facilities or have those properties changed back to the designation immediately prior to the 2016 comp plan update.

In your binders you have Exhibit A that shows the properties that will be changed back to the previous zoning per the request of the public agencies. Exhibit B of the staff report shows the properties, actually primarily Vancouver School District owns properties that are shown in Exhibit B, and they have requested that properties be zoned, changed to public facilities.

If the PC is interested, I could go through the maps included in Exhibits A and B of the binder up on the screen.

MORASCH: I've seen the maps. Does anyone else on the Commission want to see the maps again?

LEBOWSKY: And they're in your binder, the maps.

MORASCH: In the binder. Yep. Okay. You can move on then. Thank you.

LEBOWSKY: Okay. Thank you. The second part of the docket item, as I mentioned, is to cleanup some language in the Title 40 code, and that exhibit is in Exhibit C of your staff report. The proposed changes are either in strikeout or underline. All of the changes are highlighted in yellow.

Commissioners, I have received three comments regarding this docket item. The first was an e-mail from Patti Lundgren dated October 5th, 2017. I gave you her e-mail and my responses to her e-mail at the October 5th, 2017, work session. We also have copies of those e-mails that I believe you all have received copies. Received a second comment, also from Patti Lundgren, dated October 15th, which you also have copies of that e-mail, included are my responses to primarily her questions.

Finally, I received a letter today from Clark Public Utilities and you all have copies of that letter. They're requesting a change that all of their properties with the public facilities zone be changed back to the comprehensive plan designations and associated zoning immediately prior to the comp plan update.

The Board hearing for this docket item is scheduled November 28th. The staff is recommending that the PC forward approval of this docket item as outlined in the staff report. I want to note that since CPU is requesting that the public facility zone be removed from all their properties, the PC could include in their recommendation to the Board that those properties be rezoned to what they were immediately prior to the comprehensive plan update. And that concludes my part of the staff report.

Chris, do you want to add anything?

COOK: Whether the PC could make the amendment to the recommendation to include all of CPU's properties in it is not to me an obvious answer. I don't know how many properties there are. I don't know what they're adjacent to. I don't know what the effects would be. That could be significant enough an amendment to require new notice. If you have a notion of the number of properties and the extent to which this amendment would be applicable, that would be a good thing to know.

LEBOWSKY: It would impact 47 properties.

MORASCH: Are those adjacent or are they 47 separate?

LEBOWSKY: They're all spread out throughout the county.

JOHNSON: That's not even on our, what we went over in work session, though; is that correct?

LEBOWSKY: That's correct, that wasn't in the work session.

JOHNSON: So we have new --

LEBOWSKY: I received the letter today, so...

JOHNSON: So it's just a letter that --

LEBOWSKY: Right. That's my comment as far as the letter.

MORASCH: What's the notice period if we wanted to renote that?

COOK: 15 days.

LEBOWSKY: Yeah, 15 days.

MORASCH: And would we have time to renote it then before our next hearing, so that it could get to the Board by the end of the year, if we so desired to do that?

COOK: I couldn't tell you what the schedule is. I know that the Board's schedule at the end of the year is pretty difficult.

JOHNSON: I thought we had time last time, though.

WRIGHT: But if we did go ahead and add that amendment as we're now talking, it would certainly be time enough to be noticed for the Board's decision.

COOK: But the problem is that the public would not have had notice that the Planning Commission was undertaking review of that.

WRIGHT: I understand.

COOK: This letter was received today by Clark County regarding changes that occurred more than a year ago. So as I say, it was received today, the County has not had an opportunity to thoroughly respond to it, staff has not, my office has not, and the public notice gave no mention of this. It referred the public to the items that were on the web page at the time, on the Planning Department's web page at the time that the notice was published, so...

GRIMWADE: Could the Planning Commission consider Clark County's submission in relation to what we were given in the work session and what the notice of this meeting has been and then revisit the situation once staff has done all the necessary work and G-Notice has been given?

LEBOWSKY: I believe the issue, Councilor Grimwade, is that, or, Commissioner Grimwade, is that there's not enough time given as Chris Cook mentioned the schedule for the Board of County Councilors.

COOK: I don't know whether there's enough time. And I don't know what the calendar looks like for either the Planning Commission, and I don't know what hearings are open for the Board because this wouldn't go then in the same order. Wouldn't proceed in the same order that it was planned to proceed in, so...

GRIMWADE: So do we have to have a decision this calendar year on their request or can it be just rolled into the next calendar year?

COOK: Well, that's an interesting question. Sonja, is there, do you have available the Planning Commissions' agenda and --

WISER: For November?

COOK: For the rest of the year.

WISER: Okay. We have no meeting scheduled for December. November we are booked. December's empty right now.

COOK: Okay. You say "we are booked," but what we're talking about doing is taking one item from here and putting it into another place.

WISER: Okay. For November we have Title 40, we have the rail dependent uses, we have a biannual code amendment from Jan.

COOK: That's coming tonight.

WISER: But there was -- is that tonight or is there one for November?

BAZALA: One more additional one is coming November 16th.

WISER: Right. One more additional one is coming in November, and I believe there was a fourth one, and I would have to look at the agenda for that.

COOK: Well, in order to decide what to do with this, we need to pretty much know whether there is an opening on the calendar.

WISER: Okay. Let me bring it up. Hold on.

BENDER: While she's looking, I have a question. I read the letter from CPU and in Paragraph 2 they state they had no knowledge of the rezoning of the properties, all 46 of them. Weren't they notified in a public disclosure like everything else is?

LEBOWSKY: Well, as I mentioned, they were sent a letter March 23rd of this year with a list of

properties that they have that are zoned as public facilities. And I requested do they want to keep the public facility zone, do they want to change them, and of the 47 they said there were 5 of them they wanted to be changed back to the zoning immediately prior to the 2016 comp plan update.

BENDER: So they were notified?

LEBOWSKY: Correct.

SWINDELL: They were notified and responded.

LEBOWSKY: Correct.

SWINDELL: And is there anyone here, do we know if there's anybody here representing them tonight?

ELDRIDGE: Yes. My name is John Eldridge, I'm legal counsel for --

MORASCH: Well, before you come up, I think that's when we open the public testimony.

SWINDELL: Yeah. I mean, sorry. I was just curious.

MORASCH: He was curious if you were here.

SWINDELL: Sorry. I was just curious if anybody was here.

PUBLIC TESTIMONY

MORASCH: You are on the sign-in sheet, you are number one, so as soon as we open the public hearing, and if you want to sit up there, that's fine, but I don't want to start taking public testimony until we decide what we're going to do, and open the public hearing. And I think at this point it sounds like scheduling would be problematic at best.

So maybe we should, unless there's further questions about the staff report, I'd recommend we open the public hearing, we hear the testimony, and then decide what we want to do as far as a recommendation. All right. Well, with that, I will open the public hearing, and the first person on the agenda is Mr. Eldridge. So, Mr. Eldridge, please state your name and begin.

ELDRIDGE: Yes. My name is John Eldridge, and that's E-l-d-r-i-d-g-e. I am legal counsel for Clark PUD and I'm here to talk about the public facility designation change. Ms. Lebowsky mentioned earlier that we received a letter back in March asking us to designate which property we wanted to revert back to the original designation, that was presented under the context that those properties that we could do that on are those that were either vacant or

that were being (inaudible) or considered for surplus or sale later on.

We were never given the impression that we could identify all of our properties and say that we want them all reverted back to their original zoning classification. And, in fact, I think when I originally looked into this, I hired somebody who specialized in land use planning and he had spoke to several people in the Planning Department and communicated our interest in reverting all of them back to their original designation, but again, I don't have direct knowledge myself.

But I can tell you that we did not have knowledge of the fact that we could have done this earlier. And, in fact, the only reason I'm testifying today as opposed to earlier is we tried to participate in the earlier workshop that you had on this matter, but I was told that public testimony was not accepted, so we saw this as the first opportunity that, what we had to come in and address this issue. And really what I want to talk about is the overall impact this has on utility operations.

I know I'm kind of under the gun for three minutes, but there's a bit of material I need to cover on this, so I hope you give me a little bit of leeway.

The first time we became aware of this situation was actually when we tried to sell a property earlier this year. During the sale process, the developer that we were selling an abandoned well site to backed out of, or at least stopped the transaction when it was discovered that the property was zoned public facilities. Before that time, we had no knowledge of the fact that our property had been changed. We understand that the Commission likely put out public notice back in 2016 when the comp plan was updated, but that was likely put in the newspaper and nobody from Planning or any other department contacted us and let us know that this wholesale change would be made to all of our properties within unincorporated Clark County. So our expectation with something this significant, we would have been contacted, and we would have come in and talked about the impact back in 2016 if we were given that opportunity, but unfortunately we weren't.

Now I understand under the new process that we're dealing with now, it's going to take over a year before we can revert a particular parcel back to its original zoning designation if we decide to surplus it or use it for any other purpose. Well, unfortunately unlike other municipalities, I believe, Clark Public Utilities manages its property on a much more dynamic basis. We're engaged in more transactions, we're probably more freely in giving easements or doing boundary line adjustments, and, in fact, in the last few years in addition to property sales, we've been entered into multiple boundary line adjustments and we've granted multiple easements.

But given the strict use restrictions under the public facilities designation, it appears that we're not going to be able to do that in the future. We're not going to be able to do boundary line adjustments when we have disputes with our neighbors and they're encroaching on our property, and we're not going to be able to grant easements to other parties because of the

way this is structured.

MORASCH: We're at the three-minute mark. So I'll give you another minute because we don't have the timers working right. Can we get the timers working for the next speaker? But I'll give you another minute to wrap it up, but I would ask if you can try to wrap it up soon.

ELDRIDGE: Okay. Well, like I said before, we're not going to be able to give out easements or provide easements to other entities and that's going to impair our abilities to engage in certain projects because one of the conditions that we often enter into, is we get an easement from one party and then we transfer it to another and we give a reciprocal easement back to them. But, you know, one other thing to keep in mind, we also get requests for easement and property transfers from other municipalities for road projects including Clark County.

Now with the restrictions that are under public facilities, the only uses for that property, at least as far as transportation, is for park and ride facilities, school bus facilities and transit stations. We're not going to be able to provide these easements in the future or give property to the County because of the restriction. So, you know, they're going to have to go through condemnation proceedings in order to do that, so that's going to delay your projects.

But given the significant impact this has on our -- this has on our utility, we're asking that you specifically exclude our properties from the public facility designation or do it on a wholesale basis for municipal utilities and revert those properties back to their original zoning classification. Now, if the purpose is to provide notice and track where the public facilities are located, it seems like it would be easy to do that as an overlay as opposed to stripping away all of the underlying zoning classifications because that's where we're running into the problems from, so...

MORASCH: Okay. Thank you.

ELDRIDGE: Thank you for your time.

MORASCH: Thank you. Does anyone have any questions?

WRIGHT: Well, yeah. I'd like to clarify as far as you know, how many of these issues have actually appeared and stopped things from happening, or at this point just a concern it might happen?

ELDRIDGE: Well, we have one property right now that's on hold because it was designated public facilities. So at this time that one property, which is in the process right now to get reverted back, it was one of the five that we identified, that one's on hold. As far as other easements right at the moment, I can't speak to that. I mean, there are times I'd have to go into a little bit further and dig into this to get an answer back to you, but I can tell you in the last couple of years this has happened a half a dozen times, a dozen times. I mean, it's a

regular basis for us and it's going to stop our projects.

WRIGHT: Well, the issue you raised about easements back and forth between Public Works for road purposes or for locating power lines, and whether it's owned by the County or you and easements traded back and forth, I know that can be a very significant issue for Public Works to deliver their projects. And I would hope there might be some flexibility in the code that, you know, if this can't be resolved timely that some way to allow these things to happen until the administrative elements can be fixed, but...

ELDRIDGE: Unfortunately under the way the code is written, there are very specific uses for, that can be permitted within a public facilities designation, and like I mentioned, using it for transportation or at least for road purposes doesn't seem to be allowed.

MORASCH: Any other questions? I would just have a comment, and that is one of the things we're dealing here with tonight is the Growth Management Act that requires all the comprehensive plan amendments that a county does in one year to be done in sort of a consolidated format, and so that's the scheduling issue you heard us talk about.

So depending on what we ultimately decide tonight, I might encourage you to follow up with the County to get on to next year's docket for any issues that don't get addressed by this particular proposal because the County can do their comp plan amendment every year. And it sounds like some of the issues you've raised may be bigger than what's in front of us today, so I would encourage you to come back next year if we don't fully resolve everything tonight --

ELDRIDGE: The only other thing --

MORASCH: -- because we're stuck with our schedule.

ELDRIDGE: Oh, I appreciate it. The only other thing I would ask, in the future if there are large wholesale changes, that we're contacted directly and we can avoid this kind of thing so we could explain to you the impact that it might have on our operation, so...

MORASCH: Sure. All right. Thank you.

ELDRIDGE: Great. Thank you.

MORASCH: The next person on the -- did we get the timers fixed?

WISER: Yeah.

MORASCH: Okay. The next person on the agenda, Russ Knutson, Clark Public Utilities.

KNUTSON: Mr. Eldridge covered everything.

MORASCH: Covered everything. All right. Thank you.

HOLLEY: I didn't hear everything he said.

MORASCH: He said that he was with CPU also and that Mr. Eldridge had covered everything, so he doesn't need to speak to us tonight. Next on the list is Ila Stanek.

STANEK: I actually don't want to testify. I just want to get notification down the road.

MORASCH: Notification. Okay. Ila would like to get notification, so she signed the sign-in sheet. Moving on. Ricky Frasier.

FRASIER: Just an observer today.

MORASCH: All right. Would you also like notification?

FRASIER: Sure.

MORASCH: Okay. Ricky Frasier signed the sign-in sheet, would like notification. Andrew Lundgren.

LUNDGREN: I don't need to speak. I'd just like notification.

MORASCH: All right. Mr. Lundgren also would like notification only, but does not wish to speak. Next on the list is Houston Aho.

AHO: I'm here for a separate item.

MORASCH: You're here for Item No. 42, that's correct. Okay. Well, we're moving right through this. Jerry Winters.

WINTERS: I also would like just to be on the updated e-mail list.

MORASCH: On notification only. All right. Then that is the end of our public testimony list. Is there anyone that would like to speak on the public facility zone that didn't get a chance to sign the list? All right. Well, that was quick. Thank you all. We will now close the public hearing and return it back to the Planning Commission for any further questions of staff or deliberation.

SWINDELL: Yes, I do have a question, a couple of them. You said they were noticed and there was a mail that went out to them or something?

LEBOWSKY: Yes. I mailed letters to all of the public agencies March 23rd of this year. I mailed a letter to Lynn Smith of CPU.

SWINDELL: Okay. So it wasn't just in the paper, it was actually mailed to them?

LEBOWSKY: Yes.

SWINDELL: And then their understanding was a misunderstanding that they could only do five properties and not all their properties, if I'm understanding the testimony correctly. They misunderstood what they could and couldn't do by reverting them back?

LEBOWSKY: I mailed them what properties they had that were zoned as public facilities. Public facilities applies to properties already developed as such. I had asked if there were properties they wished to surplus, vacant properties, or properties they thought were improperly given that designation to let me know and I would put it on a list, it would be part of this docket and it would be rezoned.

COOK: Did you limit the number?

LEBOWSKY: No, there was no limit.

SWINDELL: No limit. Okay. And then maybe more towards, I don't know, but the boundary line adjustment, it sounds like that's a big issue for them and whatnot, is there anything in the code that would allow them to do what they need to do if it's this way?

COOK: I don't know what doesn't allow them to boundary line adjust. Mr. Eldridge hasn't been specific on that in his letter that I could see.

SWINDELL: But having these as public lands, what does that prohibit them from doing exactly? Can you --

COOK: From boundary line adjusting? As I say, I don't know the basis for that assertion by CPU. I'm not saying it's not there. I had a couple of court filings due today. This came in today. I did not have time to review it in detail.

MORASCH: Do you know if our code prohibits boundary adjustments that would create split zones, because that's one possible problem that comes to mind?

COOK: I couldn't tell you. Yeah.

BENDER: Maybe Mr. Eldridge could elaborate on his legal take on his statement that boundaries could not be changed.

ELDRIDGE: Do you want me to step back up?

MORASCH: Well, that would require to reopen the public hearing, so... Do we want to reopen the public hearing?

BENDER: I think so.

MORASCH: Is that a motion?

BENDER: **Motion** to reopen the public hearing.

MORASCH: Do I hear a second?

WRIGHT: **Second.**

MORASCH: All right. All in favor?

EVERYBODY: AYE

MORASCH: All right. We will reopen the public hearing. Mr. Eldridge, please come forward and --

WISER: Three minutes or not?

MORASCH: Yeah, let's go ahead, do the three minute. But it's in answer to the question, so, no, no three minutes. But after Mr. Eldridge speaks, then I will reopen it to anyone who wants to come up and just comment because we're reopening the public hearing and more testimony is being submitted. So I probably will use the three-minute rule on anyone else, but if it's just answering a question, our three-minute timer does not apply to people who are responding to questions from the Planning Commission. I hope that's clear.

ELDRIDGE: It's our understanding that a boundary line adjustment does not change the underlying zoning. So that if we were to expand our boundaries, or actually shrink our boundaries and provide additional land to our neighbor, that that property would still be subject to the PF designation. And like you described, we would have split zone at that point. So we see ourselves as being landlocked and not being able to really do anything with that property either with adjoining neighbors or in the form of providing easements to other parties.

MORASCH: All right. Does that answer your question?

BENDER: Yes.

MORASCH: Any follow-up questions?

COOK: As I view it, that is certainly a practical consideration, that's not an illegality, it doesn't say you can't do that. Am I wrong there? Is there some code provision that you can point me to that says that a BLA would be prohibited?

ELDRIDGE: Not at the moment I can't. Because, again, this is new to us as well. I mean, we just became aware of it again at that property sale. So we've been looking into it and looking into the scope or the breadth of this and that's kind of why we're here today. So we don't know the full extent of this. And from what we can glean, and from talking with somebody who specializes in this area, I've been told that a boundary line adjustment would also be restricted. Now, if it's necessary, I can certainly reach out to them and provide the supplemental research associated with that as well if that's helpful, but I think, you know, even the easements alone have a big impact on us.

MORASCH: All right. Any other questions?

BENDER: If you do that, I think that should be addressed to legal.

COOK: Well, if it gets to Planning, it will come to me, yeah. I wanted to talk scheduling at some point if you wanted to revisit that.

MORASCH: Do we have time in the schedule? Have you --

COOK: Well, the November hearing, as Sonja indicated, is pretty well packed with some, some items that are pretty small, one item that might be controversial, maybe a couple. So it is something that could be continued. No, it needs to be renoticed. It's something that could be renoticed for November if you desire to do that, and having discussed it this evening, you might find the need for a long public hearing on this matter to be much less, so that might be a quicker way to go about it, but, you know.

MORASCH: Well, but we'd still have to open it up to public testimony --

COOK: Absolutely.

MORASCH: -- on all the new issues and --

COOK: Absolutely.

MORASCH: Although if it goes as fast as the public testimony went tonight, then that may not be time consuming, but...

COOK: If you wish to consider CPU's request, my advice is that you cannot do that this evening and I would recommend that you direct staff to renotify for the November hearing.

MORASCH: All right. Any other questions before we get into deliberation? Because I'd like to close the public hearing before we start deliberating. But before we do that, are there any other questions for Mr. Eldridge?

JOHNSON: No. Thank you, Mr. Eldridge.

MORASCH: All right. Thank you.

ELDRIDGE: Thank you.

MORASCH: With that, I will ask if there's anyone in the audience that would like to testify about the public facility zone? Since we've reopened the public hearing, I will give anyone in the audience that wants to talk a chance to come up and talk. I see Mr. Knutson --

KNUTSON: Yes.

MORASCH: -- you've decided now that you do wish to talk. All right. Three minutes.

KNUTSON: My name is Russ Knutson. I'm the Engineering Manager -- excuse me -- K-n-u-t-s-o-n. I'm the Engineering Manager for the water utility at Clark Public Utilities. As far as the notification, I sense there's a little confusion as to which notification we were talking about. We were notified in the beginning of this year that the opportunity to rezone certain parcels was available to us. I think the notification that Mr. Eldridge had spoke about that we were not notified of was the original 2016 comp plan change that revert, changed all of our parcels to public facility zoning, and we were not notified individually or directly about that. Thank you.

MORASCH: All right. Thank you. Any questions for Mr. Knutson before he steps down? All right. Thank you. Is there anyone else in the audience that wishes to testify about the public facility zone, now is the time to come forward? All right. Seeing no one, we will close the public hearing for the second time and return to the Planning Commission for any further deliberation.

JOHNSON: I just I kind of concur with Chris, our legal, based on trying to get this thing on the docket before the end of the year, and if we can, I mean just that's the recommendation. I mean, sadly we're stuck with the procedure and noticing, but I think if we can make sure, if that's possible that staff understands that that's something I think that we should take up. And I agree, Chris, like you said, we've kind of semi-hashed this and kind of figured out and I think it will be smooth, and sorry to mess with you there, Sonja, but you can do it, just more stuff in there.

MORASCH: I guess the concern I have is that the issues raised by CPU and some of the issues I

see from this code is, you know, it may take, this public facility zone may be worth a, sort of a deeper look to see, you know, what we really should be doing with it. And I don't know if there's enough time between now and the next hearing to, you know, really give it a thorough look. So I'm kind of on the fence.

I mean, I'm very sympathetic to what the CPU is saying and I'm just wondering can we do it between now and November, or do we want to do what we can tonight and recommend to everyone that they come back with a docket item in 2018 to take a hard second look at the public facility zone as a whole.

BENDER: What's your concern, Steve?

MORASCH: Well, you know, the issue with the easements that's been raised. I mean, should there be some provisions in the zone itself that deal with that, you know? What are the standards for development in the public facility zone?

I mean, some of the issues that CPU are raising, it seems like other public entities might have some of the same issues. So, you know, does that mean that they always have to come through the annual review process any time they want to boundary adjust? Because, I mean, there's the legal issue of can you create a split zone. But then there's also the issue of, if I'm the neighbor, I'm not going to trade land with you that's got this public facility zone burdening it because I don't want that on my land if I'm a private citizen.

So it seems like there's a lot of issues that could be looked at a little more carefully surrounding the public facility zone and what happens when a public entity wants to boundary adjust or surplus their property. What if they want to develop it, what are the standards? I mean, you know, the current standards are what the standards were before the rezone. Is that really appropriate or should we have some public facility standards that apply to various public facilities in the county?

BENDER: I agree. It's kind of fuzzy right now.

JOHNSON: But I think, I mean, it doesn't matter what we do. If they can make it work, if they get together and they work something out before this, we can't do it tonight, I mean that's basically. So if staff wants to find us a solution before the end of the year, that's great.

MORASCH: Well, before November 16th I guess.

JOHNSON: Excuse me. Before November 16th, if you can't, you can't. But I would encourage a little better communication whether somebody's getting the communication or not because it seems like there's a lot of, like you said, fuzzy nature to this.

WRIGHT: I had a question for staff on this issue. How often is the Board limited to adjusting

the Title 40 code? What I'm suggesting is maybe there can be some adjustments throughout the year next year on a specific code language that would make this zone more flexible for the users, for Public Works and CPU.

GRIMWADE: Yeah. That was kind of my original comment about can we sort of reinvestigate this at another point in time. I wasn't necessarily expecting us to see it done in November. And I think when I'm hearing 45 properties and I'm thinking we're way out in October and the time it takes to evaluate and assist and give us the factual information on every one of those for informed decision-making, I would say you would be pushing the boundaries extremely hard and it would probably be an injustice to all parties concerned, and I would be far more happier with having the ability to look at it earlier in the new year when you've had time to digest all that and address these other potential shortcomings of the zone.

MORASCH: Correct me if I'm wrong, but the code can be addressed at any time, the map because it's a comp plan map, is something that can only be done once a year, is that --

COOK: That's right. And this is kind of a two-part docket item. Is that right? Because it includes some provisions that are code changes --

LEBOWSKY: Correct.

COOK: -- but it also proposes the changes of the comp plan designations for several properties, so it's both a map and a code amendment. But, yes, you're correct that the code part of this is not something that is tied to the annual schedule.

MORASCH: Were you going to say something?

SWINDELL: I think I agree with you that we need to -- we need to push it back. We need to take a look at this. We need to take care of this before we go any further. I think it's much more far reaching than just, you know, Clark Public Utilities, it's everybody they interact with. It has the potential to cost tens of thousands if not hundreds of thousands of dollars to the public, anybody interacting with them. I think we need to push it back and take a look at it then, and I'm in for the long haul, if it takes us till midnight, we'll get 'er done, whatever it takes.

COOK: One thing that could happen, without moving the hearing on it, is to for the PC to recommend to the Board that the properties that are before you already, that they do get their redesignation, that is one thing, so you could split it like that if you desired.

MORASCH: Right. So we could recommend to approve what's before us and then we could also recommend that all the other parcels be reconsidered in either between now and November if we want to try to do that in a month. Or have the comp plan designations reconsidered next year for the rest of the parcels, and as part of that, have a second hard look I

think at the code language.

COOK: When you say all the parcels?

MORASCH: I mean, all the parcels that are subject to this --

COOK: How many is that?

MORASCH: -- zoning that any public facility public agency may want to rezone, so the 46 parcels that CPU is requesting. Plus, I mean, if we're looking at those parcels, we should probably open it up to any, I mean if we're going to look at those next year, open it up to any other agency that might want to come in and say we don't want this on our --

COOK: Which they were already told they could do.

LEBOWSKY: Right.

MORASCH: But if we're going to reopen it, we might as well reopen it for other agencies is my --

COOK: That's fair.

LEBOWSKY: That's probably more than 100 parcels at least that have, if you talk about all the properties --

MORASCH: If we talk about all the properties, yeah. And we may not be, if all the other agencies say we're okay with our properties as-is, then it would just be the 46 or whatever CPU properties. How much analysis could you get done on those 46 properties between now and our next meeting, I guess that's the next question?

LEBOWSKY: When you say "analysis," do you mean in terms of potential impacts?

MORASCH: What I mean is the same type of analysis that was done for the parcels that are in front of us tonight that we're being asked to revert back to the prior zone.

LEBOWSKY: Well, these properties, what you're talking about, they would go back to the zoning prior to the 2016 comp plan update. So in terms of --

COOK: Did you analyze them, though, or did you just essentially make a chart that included every property where an agency asked that it be included in this list? I'm not sure that there was an analysis.

LEBOWSKY: No, there wasn't.

COOK: I mean, it was basically if we did this to your property and you don't like it, tell us.

LEBOWSKY: Right.

JOHNSON: That's my point.

MORASCH: Okay. So that is something we could do then between now and November 16.

JOHNSON: Yeah, that was my point. That's exactly what we have here with these properties.

LEBOWSKY: Okay.

MORASCH: All right.

BENDER: I want to make sure, Laurie, that, Laurie --

LEBOWSKY: With the 46.

BENDER: Yeah, I want to make sure though you're not being pushed, you know, from the standpoint of not being able to do it the way you want to do it.

LEBOWSKY: I believe for the 46 I could. I think the issue more is the notice.

MORASCH: Okay. So it sounds to me like our options are, try to get it done by November because we could, or just review what we have today and push the rest of it off to next year for a harder look.

JOHNSON: We can only deal with what's in front of us today which is not those 46.

MORASCH: Right. But we could recommend that the whole thing come back to us in a month at which point we could do what's in front of us and the 46.

JOHNSON: If I can just add something to that. I'm kind of -- I think staff needs to come back to us and say, yeah, we can do this and we're doing it or it's simple, but --

(INAUDIBLE.)

(MORASCH AND JOHNSON TALKING OVER EACH OTHER.)

JOHNSON: I know. I know that. I know. Yeah, then that's a good recommendation if you can. I mean, if it's -- I go both ways. Well, are we pushing it too far or is it something that we can just sit back and say, look, it can wait and that doesn't mean it's going to wait a year, we

could start the process in January or whatever. How much does that affect CPU, and that's my only concern. If it's something that it's going to take into July or something, a two-tiered system and that really affects them in a negative way, then we need to do our best to I think to try to do it, but if not --

MORASCH: But the comp plan map would be a year because those have to be done at once and they're done at the end of the year. So even if they started looking at the comp plan change in January, it wouldn't be final until the end of the year, yeah.

WRIGHT: I guess what I'd like to see, unless convinced otherwise, is to put this off until November as previously discussed, but have CPU take a look at those 46 parcels. They're the ones that would need to analyze whether there's, you know, some various problems with those being in a public facility zone or not, and bring those problems to us at a future hearing.

SWINDELL: I believe he did. He said he needs those 46 out of that designation so they can do what they need to do when they need to do it. And I think that's -- and I agree with you that we need to take, push this back to the, I think 16th of November, is that correct, something like that, of November, and just put this whole thing back to November. We do this again, we get it done, give it to the County Council and let them do what they need to do. I would agree with that if that's what you're saying.

MORASCH: Is that a motion?

WRIGHT: It sounded like it.

SWINDELL: I make a **MOTION** to do what I just said.

WRIGHT: I'll **second** that.

MORASCH: So it's been moved and it's been seconded that we postpone our hearing on this until the November hearing and that it be renoticed to include the 46 parcels that CPU gave testimony on and that the issue then be decided by the Planning Commission on the November hearing. Is there any discussion on the motion?

JOHNSON: So we're not even dealing -- we're going to be dealing with the ones we have in front of us still?

MORASCH: I think we deal with the whole thing in our November hearing because you'd have to take more public testimony and we don't want to make a decision tonight on something if someone wants to come and talk at the November hearing.

JOHNSON: No. I'm talking about the 15 --

MORASCH: No, we're going to decide it --

JOHNSON: -- or 18, we're not going to deal with those today at all?

MORASCH: That would all be decided at the November hearing.

LEBOWSKY: Real quick. There are 47 CPU properties.

MORASCH: 47, not 46.

LEBOWSKY: Right. Correct.

MORASCH: All right. The 47. So we would be deciding them all in the November hearing. Now, that's not to say we couldn't have further deliberation on those other parcels if there's something you wanted to deliberate about. But I don't think we want to make a decision in a piecemeal fashion on some parcels tonight and some parcels on November, so we would have to reopen the whole thing for public testimony and then make a decision in November. Is there any other discussion on the motion? Dick?

BENDER: I second the motion.

MORASCH: Oh, it's already been seconded.

BENDER: Oh, sorry.

JOHNSON: I asked for clarification.

MORASCH: Any other discussion on the motion? All right. Then I will take a roll call on the motion, Sonja.

ROLL CALL VOTE

BENDER: AYE
GRIMWADE: AYE
JOHNSON: AYE
SWINDELL: AYE
WRIGHT: AYE
MORASCH: AYE

MORASCH: All right. So the motion passes unanimously. We will see everyone that wants to show up for this exciting item again at our next meeting on November 16.

So with that, we will move on to the second public hearing item, the biannual code

amendments. Jan, are you --

JOHNSON: Are we going to be able to just -- never mind.

PUBLIC HEARING ITEMS, continued

| BI-ANNUAL CODE CHANGE ITEMS – FALL 2017 | | | |
|--|--|-------------------------------------|--|
| No. | | Title/Chapter/Section | Description |
| Scrivener’s Errors | | | |
| 1 | | 40.210.010.C.4 | Fix incorrect reference to the Lot Reconfiguration standards in the Resource zoning section |
| 2 | | Table 40.210.030-3 | Correct side setback footnote |
| 3 | | 40.220.020.C | Fix duplicate numbering in 40.220.020.C.5 |
| 4 | | 40.240.050(A)(4)(g)(2)(i) | Correct mis-spelling of “Sight distance” |
| 5 | | 40.260.157.E.2.a | Correct the reference to the type of park amenities that can be added to a park that do not require additional site plan review |
| 6 | | 40.410.040 | Correct the reference to a deleted CARA subsection |
| 7 | | Table 40.510.050-1, line 9.c.(2)(j) | Correct misspelling of “Sight distance” |
| 8 | | 40.530.010.D.3 | Correct the reference to the Urban Holding overlay in the non-conforming uses section |
| Reference Updates | | | |
| 23 | | 40.260.250.G.2.b.2.h.iii | Update the reference to a Washington Department of Fish and Wildlife Priority Species Area and correct formatting in the County’s wireless code. |

| | | | |
|-----------------------------|--|--|--|
| 24 | | Table 40.310.010-3 | Remove Mixed Use sign standards in 40.310 to eliminate conflicts between 40.310 and the sign standards in the Mixed Use Design Guidelines |
| 25 | | 40.500.010.B.4 | Remove an extinct reference to timeline extensions |
| 26 | | 40.570.090.E | Update references to SEPA WAC exemptions |
| Clarifications | | | |
| 27 | | 40.100.070 | Amend the definition of "Access" to state that all residential lots must have at least 20 feet of access |
| 28 | | 40.100.070 | Remove the unnecessary and inaccurate definition of "Building Setback Line" |
| 29 | | 40.100.070 | Amend the definition of "Lot Depth" to include "Average Minimum Lot Depth" |
| 30 | | 40.100.070 | Create a separate definition for "Urban Holding Lot Area" and amend the Rural and Urban Lot Area definitions |
| 31 | | 40.230.085.D.3 | Clarify fence standards in the Business Park zone |
| 32 | | 40.250.110.C.2, Urban Holding Overlay (UH-10, UH-20) | Correct and clarify the purposes of Lot Reconfigurations in the Urban Holding Overlay |
| 33 | | 40.260.175.C and 40.350.030.C.4.j | Relocate the allowance to issue building permits prior to the completion of all public improvements from the transportation standards to the special uses section. |
| 34 | | Sections 4.3 and 4.3 of the Highway 99 Overlay standards | Clarify that Conditional uses are Permitted uses in the Highway 99 overlay only if allowed by the "regular" zoning of the site. |
| Minor Policy Changes | | | |
| 37 | | 14.06.105.2 | Remove the current building permit exemption for floating homes |
| 38 | | 40.100.070 | Amend the definition of "Lot Depth" to allow more flexibility in the design of flag lots |

| | | | |
|----|--|---|--|
| 39 | | Table 40.210.050-1 | Allow contractor's storage offices, storage buildings, and yards in the CR-1 and CR-2 zones |
| 40 | | Chapter 40.260 | Add Special Use standards for RV parks |
| 41 | | 40.340.010.A.8 | Allow existing gravel parking lots in the Rural area to remain in use under some circumstances |
| 42 | | 40.350.030.B.4 | Reduce the required distance from intersections for residential corner driveways, and allow shared driveways to exceed individual width requirements |
| 43 | | 40.350.030(4)(B)(e) | Remove County requirements for road access onto State Routes |
| 44 | | 40.350.030.B.5.c. | Defer certain frontage improvements in Rural Centers via a non-remonstrance agreement |
| 45 | | 40.430.010.B.3.b | Require geohazard review for replacement or expansion of structures that do not meet setbacks to geohazard areas |
| 46 | | Section 5.5.1 of the Highway 99 overlay standards | Require that residential developments meet parking requirements in the Highway 99 Overlay |
| 47 | | Table 2.3 and Section 4.3 of the Highway 99 overlay standards - | Increase height limits from 2 to 4 stories in Transitional Areas, and from 3 to 4 stories in the Activity Centers of Minnehaha Gateway and Parks Commons |
| 48 | | Section 7.2.1 of the Highway 99 overlay standards | Remove requirement for structured parking for Low-Rise Apartments |
| 49 | | 40.210.020.C.2 | Allow re-division of remainder lots approved under prior Ag or Forest cluster provisions |

MORASCH: I'm waiting for Jan. All right. Jan, staff report on the biannual code amendments.

BAZALA: All right. Good evening.

MORASCH: And I think we'll probably try to take these in groups at least until we get down into some of the more complicated ones.

BAZALA: Okay. All right. Good to know. All right. Good evening, Jan Bazala with Community Development. We're here to review the list of all biannual code amendments.

The code amendment process is aimed at fixing errors and ambiguities in the code as well as providing for some minor policy type changes. They're called biannual code changes because sometimes we do them twice a year, lately we don't get to them sometimes even once a year. Many of the items come from staff, some have come from the development community working in concert with staff. Some have come from Team 99, the citizen group that was involved in the Highway 99 overlay standards, and some have been requested by the Board.

We have 32 total items tonight; 8 Scriveners, 4 Reference Updates, 8 Clarifications and 12 Minor Policy items. Copies of the amendment were sent to SEPA agencies. Public notice of the hearing was provided and the Development and Engineering Advisory Board reviewed the amendments and staff worked with the DEAB with a couple of these items. The DEAB endorses the proposed items; although, they do have a couple of requested changes. One to the RV park standards, which is Item No. 40, and the corner lot driveway standards which is Item 42, and I'll discuss those when I get to those sections. Representative from the DEAB is here tonight, so if you have specific questions or want testimony from them, they should be available to testify.

We got a separate public comment today regarding the RV park standards, you should have a copy of that comment up on your desk at this point. Also tonight, you should have a copy of the revisions to the corner lot driveway standards, which is Item No. 42, so I'll discuss that item later on.

So we talked about these items at the October 5th work session, and I can basically start with the scrivener's items, if you want. These are items 1 through 8 and basically they're typos, essentially. If you want to discuss any of those, I can go into further detail.

MORASCH: Does anyone have any questions or discussion on the Scrivener's Errors? I'm thinking I'll take these in groups starting with the Scrivener's Errors. Okay. So I think, unless you have anything to add on the Scrivener's Errors, I'd like to open up the public hearing just for the Scrivener's Errors and then we'll close that public hearing and we'll make a decision on the Scrivener's Errors. And then we'll do the same thing for Reference Updates and Clarifications, and then when we get to Minor Policy Changes, we'll take them individually if that sounds all

right with you, Jan.

So I will open the public testimony for Scrivener's Errors, that's Items 1 through 8, and I've got a sign-in sheet, there's three people on it. Do any of you who have signed in want to talk about Scrivener's Errors? Anyone else in the audience want to talk about Scrivener's Errors? All right. Then I will close the public hearing on Scrivener's Errors and turn it back over to the Planning Commission for either deliberation or a motion on Items 1 through 8.

JOHNSON: I make a **MOTION** we accept the Scrivener's Errors Nos. 1 through 8.

SWINDELL: I'll **second** it.

MORASCH: It's been moved and seconded to accept the Scrivener's Errors Items 1 through 8. Any discussion on the motion? All right. Roll call, please.

ROLL CALL VOTE

BENDER: AYE

GRIMWADE: AYE

JOHNSON: AYE

SWINDELL: AYE

WRIGHT: AYE

MORASCH: AYE

MORASCH: All right. The Scrivener's Errors have passed. Moving on to Reference Updates.

BAZALA: Okay. These are Items No. 23, 24, 25 and 26. Basically they're updates to changes in various agencies and changes that the codes have made.

MORASCH: Any questions for staff on the Reference Updates? All right. With that, I will open the public hearing on the Reference Updates. Is there anyone in the audience who wishes to speak on the Reference Updates? No one. All right. I will close the public hearing on the Reference Updates and turn it over to Planning Commission for deliberation and/or a motion.

GRIMWADE: I'd make a **MOTION** that the updates be accepted.

JOHNSON: **Second**.

MORASCH: It's been moved and seconded that Items 23, 24, 25 and 26 to the Reference Updates be accepted.

HOLLEY: Who seconded?

JOHNSON: I did.

MORASCH: Seconded by Karl. Any discussion on the motion? All right. No discussion on the motion. Can we have roll call, please.

ROLL CALL VOTE

BENDER: AYE
GRIMWADE: AYE
JOHNSON: AYE
SWINDELL: AYE
WRIGHT: AYE
MORASCH: AYE

MORASCH: All right. The Reference Updates 23 through 26 have passed, which moves us on to Clarifications.

BAZALA: Okay. Clarifications are Nos. 27 through 34. These are intended to clarify current code that may not be specifically clear. I might note that No. 31 could have a little more meat to it regarding fence standards in the business park zone. So if you've looked at that and are good with that, that's fine; and if you want to discuss that one, I am happy to do that.

MORASCH: All right. Does anyone have any questions about the Clarifications for staff before we open the public hearing? All right. With that, I will open the public hearing, and I know there is a DEAB member in the audience. If you have any questions about Clarifications or want to comment on the business park fence standards, now is the time. Anyone else in the audience want to discuss any of these Clarifications or the business park fence standards, now is the time to come down or forever hold your peace? All right. No one wants to talk on this. So we will close the public hearing, turn it back to the Planning Commission for any further questions of staff, deliberation or a motion.

JOHNSON: I make a **MOTION** we accept the Clarifications 27 through 33 as written.

SWINDELL: I'll **second** it.

WRIGHT: Through 34.

JOHNSON: Excuse me. 34. One more. Sorry.

MORASCH: All right. It has been moved and seconded to accept the Clarifications 27 through 34. Is there any discussion on the motion? No? Okay. Roll call, please.

ROLL CALL VOTE

BENDER: AYE
GRIMWADE: AYE
JOHNSON: AYE
SWINDELL: AYE
WRIGHT: AYE
MORASCH: AYE

MORASCH: All right. We are moved on to No. 37, the first of our Minor Policy Changes, and I think we'll go ahead and take these individually.

BAZALA: All right. And I believe this should be No. 38 according to the attachment. I'm not sure if the --

MORASCH: The agenda says, 37, remove the current building permit exemption for floating homes.

BAZALA: Oh, yes. That one is not for your consideration. I'm not sure why you have that, if that's a previous version. Everybody else on -- anyway, No. 37 is a building code issue.

MORASCH: But before we move on to 38, I guess I'll just ask, is there anyone in the audience who wants to testify about this No. 37 since it is on our printed agenda? No one wants to testify. All right. You're free to move on.

BAZALA: All right. No. 38, and there are some gaps in the numbering due to the master list that's going to the Board, just so if there's any question. So No. 38 is to amend the definition of lot depth to allow more flexibility in the design of flag lots.

The definition of flag lot and front lot line and lot depth technically results to flag lots that are supposed to have the long dimension of the main body of the lot that's parallel with the driveway pole or driveway easement, and sometimes it results in unnecessary manipulations of easements so we can get it to meet the code. It's, you know, not -- it doesn't make a lot of sense.

So we're proposing that the change that would allow the main body of the flag lot to be oriented either parallel to or at 90 degrees or some other angle to the flag pole or the lot easement. It makes perfect sense in staff opinion.

MORASCH: All right. Any questions for staff on the flag lots? All right. With that, I'll open it up to the public. Does anyone in the public want to talk about Item No. 38, the definition of flag lots? All right. Well, no one does. I will close the public hearing and turn it back over to the Planning Commission for deliberation or a motion.

WRIGHT: I **MOVE** we accept change No. 38 regarding the definition of lot depth.

BENDER: **Second.**

MORASCH: It's been moved and seconded. Any discussion on the motion? All right. Roll call, please.

ROLL CALL VOTE

BENDER: AYE
GRIMWADE: AYE
JOHNSON: AYE
SWINDELL: AYE
WRIGHT: AYE
MORASCH: AYE

MORASCH: All right. No. 38 passes. No. 39.

BAZALA: 39 is a proposal to allow contractor storage offices, storage buildings and yards in the CR-1 and CR-2 zones. Contractor's warehouses and storage yards are not permitted in either urban or currently the rural commercial zones. Staff gets a lot of requests for this type of use in rural centers and, you know, essentially a lot of rural centers don't have the real urban feel that the other commercial districts do, so the Board has been receptive to this idea. And oftentimes contractors are located in the rural area and for them to have to drive into an industrial zone or someplace in a city might not be the most efficient use, so that's the proposal. Outside storage areas are required to screen to an F2 standard which basically requires a six-foot high fence, so screening would be provided for these types of uses.

MORASCH: All right. Thank you. Any questions for staff on Item 39? All right. With that, I'll open it up to the public testimony. Does anyone in the audience wish to speak to Item 39? No one? So I will close the public hearing and turn it back to the Planning Commission for deliberation or a motion.

BENDER: I make the **MOTION** that we accept change 39.

GRIMWADE: **Second** it.

MORASCH: Moved and seconded. Any discussion on the motion? All right. Roll call, please, Sonja.

ROLL CALL VOTE

BENDER: AYE
GRIMWADE: AYE
JOHNSON: AYE
SWINDELL: AYE
WRIGHT: AYE
MORASCH: AYE

MORASCH: All right. 39 passes. We're going to skip, well, not skip, but we're going to postpone 40 till the end because I'm going to recuse myself from 40. So can we move to 41, Jan.

BAZALA: All right. No. 41 is to allow existing gravel parking lots in the rural areas to remain in use under some circumstances. Basically the idea here is if in the rural area, if there's an existing parking lot that's been in use, and you want to you come through site plan review for a business, you can reuse that existing gravel lot. If you propose new spaces, those would need to be paved and ADA and ADA accessways would need to be paved. But otherwise, if the gravel has been serving the acceptable purpose, the idea is that you could continue to use these in the future.

MORASCH: All right. Any questions for staff on Item 41? All right. With that, I'll open it up to public testimony. Does anyone in the audience want to speak to Item 41? Seeing no one, we will close the public testimony and turn it back to the Planning Commission for deliberation or a motion. A motion.

WRIGHT: **MOVE** we accept change 41.

SWINDELL: I'll **second** it.

MORASCH: Moved and seconded. Any discussion on the motion? All right. Hearing none, we'll have a roll call, please.

ROLL CALL VOTE

BENDER: AYE
GRIMWADE: AYE
JOHNSON: AYE
SWINDELL: AYE
WRIGHT: AYE
MORASCH: AYE

MORASCH. All right. 41 passes. We're going to postpone 42 to the end and move to 43.

BAZALA: Okay. No. 43 is to remove County requirements for road access onto State routes. The code section being amended requires the applicant to meet the access standards that the County requires similar to the County arterial road. Sometimes the State does not require that high of a standard, and so the applicant and the County are in an awkward position of requiring something more than the State would require. So we are proposing just to get the County out of the approval for the access and let the Statetake over, should streamline the process and make it much more simple and less confusing to applicants.

MORASCH: All right. Any questions for staff on No. 43? With that, I'll open it up to the public. Does anyone in the audience wish to testify about Item 43? Seeing no one, we will close the public testimony on Item 43, turn it back to Planning Commission for deliberation or a motion.

SWINDELL: I make a **MOTION** we accept Item No. 43 as changed.

BENDER: **Second.**

MORASCH: It's been moved and seconded to accept Item 43. Any discussion? Roll call, please.

ROLL CALL VOTE

BENDER: AYE
GRIMWADE: AYE
JOHNSON: AYE
SWINDELL: AYE
WRIGHT: AYE
MORASCH: AYE

MORASCH: All right. 43 passes. That brings us to 44.

BAZALA: All right. This is a proposal to defer certain frontage improvements in rural centers via covenant that commits a property owner to pay a fair share towards a future road improvement project.

Now, this is different than existing provisions in the code, that if there's a project on the transportation improvement program, the six-year program, one can already pay into a proportionate share into that improvement and not construct the improvement. This is different in that the road isn't already on the transportation improvement program.

This would be for, you know, like I say, for rural centers, and if the proposals are not -- I'm sorry -- if the needed improvements aren't going to create a traffic hazard or safety hazard or

result in an inadequate level-of-service, or not provide safe walking distance conditions when it should, then the County could defer these improvements.

The idea is that the property owner would enter into an agreement with the County, provide a covenant stating that in the future they would pay their fair share towards a future road improvement project. So this wouldn't be like -- this is different than bonding that they wouldn't be paying for any improvements immediately, it would just be a covenant that says in the future whoever owns this property would be responsible to pay their share of that improvement based on the basic amount of money that it would have cost them at the time their development was approved.

MORASCH: All right. Any questions of staff on Item 44?

BENDER: Yeah. I would like a little more definition. I hate to say this, but the remonstrance agreement, a little definition.

BAZALA: Well, that's actually -- that's -- that term should not be used actually. It really is going to be a covenant instead. That was early language that they should have deleted. In some cases -- well, I won't even go there because I'm not really sure exactly what they are, I've never been involved with them.

Basically this would just be a covenant that you sign saying you would provide a calculation as to how much money these improvements are going to cost you. And then you'd sign a covenant so that in the future, if a number of projects come in and it makes sense to construct the road all in one fell swoop, it can certainly be more efficient than each developer coming in and doing their own little small improvement which sometimes has to be ripped out when a new improvement comes in next to it or ultimately when the County does work.

BENDER: And you want to change it now?

COOK: Where is it?

BAZALA: It's just in the header.

COOK: It's just in the heading --

BAZALA: It's not in the code itself.

COOK: -- it's not in the code.

MORASCH: And my understanding after looking at the code that's in our staff report is that, you know, the details of, you know, what the covenant would say and how, you know, how it would read and all that would be worked out at the time of the application. Jan, are you

listening to me? I'm asking a question.

BAZALA: Okay. The details. I'm sorry.

MORASCH: My understanding of reading the staff report is that the details of the covenant would be worked out at the time that the covenant was entered into at the time of development, that this doesn't have a lot of detail about what that covenant --

BAZALA: Right.

MORASCH: -- would actually entail --

BAZALA: Right.

MORASCH: -- other than it's going to be some kind of proportionality analysis of what the fair share is that they're going to pay.

BAZALA: Right. Right. You know, my understanding is that many developer agreements are like that, so I kind of see it as sort of a developer agreement.

MORASCH: And some of those are fairly detailed. Yeah. Did you have any further questions? I didn't mean to interrupt your question, but I just wanted to get that clarification out.

BENDER: You're fine. Yeah, appreciate that.

MORASCH: Any other questions? All right. With that I will open it to the public. Anyone wish to talk about Item 44, deferral of certain road improvements in the rural centers via covenants? No one coming forward, I will close the public hearing on Item No. 44 and return to the Planning Commission for deliberation or a motion.

BENDER: I make a **MOTION** that we accept change 44.

SWINDELL: I'll **second it**.

MORASCH: It's been moved and seconded to accept change No. 44. Any discussion?

WRIGHT: Yes. I understand that presently there can be problems that arise when improvements are not made all at one time, differences in grade and so forth, drainage, but I think this solution is worse than the problem.

I think you're putting cost on people that aren't expecting it and it isn't going to be the developers that are going to pay these covenant costs 10, 15 years down the line when the

road is built, it's going to be an unsuspecting property owner and they may find that they have a 10,000 or a \$15,000 payment to make to complete their frontage.

And so recognizing that life is not perfect and we can't find a code that's going to make things perfect, I will vote against this because I think the solution is worse than the problem.

SWINDELL: Can I ask. Will something be recorded on the deed of this agreement?

BAZALA: Yes. The covenant would be recorded and would show up in the chain of title.

SWINDELL: So when somebody goes to purchase, they'll see that and they'll know it and they'll decide that will be the deciding factor for them.

BAZALA: Yes, they should.

MORASCH: I think the issue Commissioner Wright's concerned about is not everyone is sophisticated enough to realize that their title report that says covenant regarding road improvements in a rural center agreement means that they're going to have to pay \$20,000 or something. I mean, is that your concern?

WRIGHT: Exactly. And in addition, the amount set forth in the covenant may not be anywhere nearly adequate to pay the proportionate share in 10 or 15 years when that road is actually built, so there's another problem, the County is going to have to eat that cost as well.

BENDER: Is the covenant retroactive to current property owners?

BAZALA: You mean to --

BENDER: If I own a piece of property and we pass this, and all of a sudden I've got a covenant on my property. No?

COOK: A covenant is an agreement. So it would -- it's not something that's imposed upon you, it's something you sign. So there would be a condition of approval if the frontage improvements were deferred requiring this covenant. If you own a piece of property and you're not developing it, then there's no opportunity for this to happen.

BENDER: It would be future property owners who bought the piece of property we're talking about hypothetically.

COOK: I'm sorry?

BENDER: It's if the person that has the property now is not affected by this covenant, but if he goes to sell, it would then be --

COOK: Only if the person who buys it is going to be developing it such that frontage improvements would be required.

MORASCH: Any other deliberation?

SWINDELL: So if I'm understanding correctly, the reason why we're proposing this is because we've had issues where one parcel will develop say a sidewalk and then there's nothing on either side, and then someone two blocks down did develop something and they don't match or line up and it's better to just say let's wait, create an agreement, when all this gets ironed out later, then we can decide what we want to do.

BAZALA: That's the idea, yes.

SWINDELL: That's the idea.

GRIMWADE: How frequently does that situation occur and has there been any assessment on the economic impact of delaying versus ripping up those interim improvements?

BAZALA: I don't have experience with that in either case. Ali Safayi with Public Works is here. I don't know if he has anything to add about how often this situation comes up.

MORASCH: Well, and how often does it come up in rural centers because this only deals with rural centers, so it's probably a lot less often than in general, but, go ahead, please. State your name.

SAFAYI: Good evening, Commissioners. Ali Safayi, Public Works. The rural center requires that the road be widened to the standard and also a sidewalk constructed. As you know, in rural centers or rural area, there are like ditches on the side of the rural area and topography is not similar to the urban area. So most developers have a difficult time to try to do a piece of just 100 feet of frontage and try to improve that. So they approached the County and tried to see if there are any ways that this whole improvement could be done at a later date when the grade is, and the design is more advanced.

As far as how often it happens, every single rural center that redevelops, and we have a lot of them in the like north and south of 219th Street that are coming for redevelopment as the area becomes more urbanized, and we've had a few just last year, probably five, six cases, and they had a hard time trying to see how they can design the frontage.

Besides, the stormwater is triggered and that is also an issue for the developers because it can get easily really involved. So you would try to have a stormwater facility for a piece of road as opposed to having, I mean, the entire road improved, so... But, again, you know, it's happening more than it used to as the area becomes more urbanized.

MORASCH: Okay. Any questions?

WRIGHT: Yeah. Ali, you I'm sure over the years you've had a number of occasions to deal with covenants that were made 10, 15 years prior, have you ever had any trouble getting those to be paid?

SAFAYI: Actually, we used to have those covenants back in the '80s and the accounting and keeping track of them was not easy. So I'm hoping that with this new code there will be, I mean the accounting will be more managed and, you know, be able to keep track of all those properties that have promised to pay their share of the improvement when the improvement is going to be implemented.

WRIGHT: It sounds like a good hope.

SAFAYI: Hope.

COOK: Commissioner, I would suggest that maybe the brand-new WizBang software that Community Development has been developing and will be rolling out is better able to flag and track such things than he's capable of doing.

MORASCH: Oh, I think Commissioner Wright's question wasn't so much could the County track it, but do you have problems when you go to collect from the owner who isn't the same person who entered into the covenant. It's some buyer that's bought the property, and ten years later may or may not even be aware, you know, that they have this in their title report.

SAFAYI: Yeah. The covenant transfers with the land and they should have a copy of it in their deed document, but it's always, you know, a question. Somebody could claim that they were not told by the seller, you know, what --

MORASCH: They didn't see the notice that -- they didn't understand what the notice meant that they got. I think we heard that from an attorney earlier tonight on another matter.

COOK: Yeah.

SAFAYI: Yeah. So there are two options; one to have them do it and most likely get torn up because it doesn't work, you know, for drainage or for the grade, like a throw away and a piece of sidewalk, you know, in the middle of nowhere. I don't know what type of a use it would have. The other option to at least try to put all our money together and try to do something decent.

GRIMWADE: Is there anything that prevents you from determining the cost of the development at the time, taking that money, putting it into an investment account and then

dealing with that development in years to come?

COOK: I don't think we can do that.

SAFAYI: Yeah. There is a legal issue about that.

GRIMWADE: That's a legal issue or is it a policy issue?

COOK: Yes, sir. Yeah. The County is not an investment fiduciary and cannot be one.

GRIMWADE: And is that purely in the state of Washington or does that apply in the state of Oregon?

COOK: I couldn't tell you.

SAFAYI: Yeah. I believe there is a clause that talks about the, how much, how long you can keep somebody's money. There is a window, usually I think like five years, but I don't know where that number comes from, that you -- because if you don't do it, that means it was not needed as a result of the development, so there is an issue there, but...

COOK: But regardless, I don't think Clark County has any interest whatever in being a fiduciary.

WRIGHT: I guess in summary, I just repeat that I recognize the existing problem, I think you're creating more problems based on at least my history with the County in trying to enforce some of the covenants that have been so eagerly signed in the past and so conveniently forgotten when the time came to pay for them, so...

MORASCH: Maybe the covenant should be entitled covenant to pay X dollars right in the title of the covenant.

COOK: Not a bad idea.

MORASCH: Anybody that gets that on their title report, because otherwise you get this thing that says covenant to blah, blah, blah, and you don't know what that is unless you go get the documents. It might not be a bad idea to put that right in the title of the document covenant to pay X dollars. Any other questions for Ali while he's up here? All right. Any other deliberation?

SAFAYI: Thank you.

MORASCH: Then I would take a motion. Don't everybody jump at once with a motion.

GRIMWADE: Okay. So I'm going to make a **MOTION** that Item 44 **NOT be approved**.

WRIGHT: **Second.**

MORASCH: All right. It's been moved and seconded to not approve Item 44. Any deliberation on the motion? All right. Could we get a roll call, please.

ROLL CALL VOTE

BENDER: AYE
GRIMWADE: AYE
JOHNSON: AYE
SWINDELL: NAY
WRIGHT: AYE
MORASCH: NAY

MORASCH: Okay. So the motion passes 4 to 2 to recommend against adoption of Item No. 44. That brings us on to Item No. 45, geohazard review.

BAZALA: All right. This would require geohazard review for replacement or expansions of structures that don't meet setbacks in geohazard areas. The existing code has an exemption in it so that you can replace or substantially expand a residence that is affected by a geohazard area or a potential geohazard area.

So the Building Official pointed this out recently, and given other events that have happened, like the situation in Oso or something else, that he didn't feel that we should have this exemption to the geohazard code in it.

Basically, this allows a complete replacement of a house that could be potentially in danger. So this would require a review of any expansion of a house or a replacement of a house. It could be that everything's fine, but it should be subject to the geohazard code which would require a professional engineer to analyze the situation and evaluate whether the site is actually safe or not, even though this house could be there on the site for 50 years, geologic time that's not much, things can happen.

So we're proposing to get rid of the exemption, limit it to residential remodels that do not alter the footprint or increase the gross floor area of the structure. So you wouldn't have to always do it, but if you're going to expand or increase the floor area, then a geohazard review should be done.

MORASCH: Any questions?

BENDER: Yes. Is there a definition of the geohazard areas in the main body?

BAZALA: There is in the geohazard code.

COOK: Geohazard areas are one of the critical areas and they are mapped and available on GIS.

BENDER: Okay.

MORASCH: I have a question. You may not be able to answer it, but why -- I understand we're going to keep the exemption if we adopt this for remodels that do not alter the footprint, and that makes sense, but what's the issue with the gross floor area, why is building a two-story instead of a one-story home on the same foundation something that would trigger the geohazard review?

BAZALA: Well, the idea is that you're not substantially increasing an investment in area, yet you could have a small home and double the size of it and is that a good thing for the County to be endorsing. Also perhaps the foundation, maybe it's good for one floor and the additional second story on top could cause a problem.

MORASCH: Well, on the investment issue, I mean if someone wanted to, they could take the building down and completely rebuild it which would be a significant investment, but if it's the same exact footprint and gross area, then they don't have any --

BAZALA: If they take it down, they would have to --

MORASCH: They would have to.

BAZALA: They would have to.

MORASCH: So this is only for a remodel --

BAZALA: They would be subject to review.

MORASCH: -- and remodel would not include taking it down to the foundation and rebuilding it. Do we have a definition of remodel that distinguishes it from --

BAZALA: That's a good point to clarify that. Well, it would have to not alter the footprint or increase floor area.

MORASCH: Right.

BAZALA: But you could replace a like-for-like under this.

MORASCH: Theoretically you could come in with an old house that's been there for 100 years and tear it down to the foundation and rebuild a modern house that's the same gross floor area on the same foundation, it would be exempt.

BAZALA: The way that it's written, yes, it appears that it would. But we may have a definition for a remodel versus a rebuilt, I personally don't know that. That's a very good question.

SWINDELL: I believe the code states, and I'm not an expert on this, but I believe the code states that you have to have at least one wall standing to be considered a remodel. If you tear down every wall down to the foundation, then you're rebuilding the home, it doesn't qualify, I believe one wall. Someone else can clarify that I'm sure.

MORASCH: All right. I'm going to quote you next time. Any other questions before I open it up to public testimony? All right. Does anyone in the audience wish to speak to the Item No. 45 regarding geohazard review for replacement or expansion of structures? No? Okay. I will close the public testimony and return to the Planning Commission for deliberation or a motion.

BENDER: Make a **MOTION** we accept 45 change.

JOHNSON: **Second.**

MORASCH: It's been moved and seconded. Any discussion? All right. Then could we get a roll call, please.

ROLL CALL VOTE

BENDER: AYE
GRIMWADE: AYE
JOHNSON: AYE
SWINDELL: AYE
WRIGHT: AYE
MORASCH: AYE

MORASCH: All right. No. 45 passes. That moves us on to No. 46.

BAZALA: All right. Require that residential developments meet parking requirements in the Highway 99 overlay. Currently all developments in the Highway 99 are exempt for complying with parking minimum number standards. Team 99 members have requested that residential developments should comply with the parking minimum standards that apply everywhere else in the code. Apparently there's been at least one development that neighbors have felt has resulted in some overflow parking because the development did not provide sufficient parking

numbers. So that's the proposal.

MORASCH: All right. Any questions? All right. I will open it up to the public testimony on Item No. 46 relating to the Highway 99 overlay residential development parking standards. Anyone wish to speak on this issue? Is that a hand coming up?

STANEK: Yeah.

MORASCH: All right. Ila Stanek, please come down.

STANEK: It just needs a little clarification, guys, because it sounds like we didn't even think anything about parking, but we did. Ila Stanek, S-t-a-n-e-k. Initially the 2010 approval of the Highway 99 overlay included about five options that you could do if you wanted to have alternate planning for parking. You could do tandem things, you could share with your neighbors. And one of the last lines said, if you don't want to do any of this stuff, then it reverts to the requirements in Title 40. Somehow, I don't know how, nobody told me, they just took that line out and so now it sits there. You've got these little options, you don't want to do there, there's no parking requirements. So it just has to go back in the way it was. That was how it was intended, we didn't forget it. That's it.

MORASCH: Okay. Before you go, any questions? No? All right. Well, thank you for coming and sitting through our whole hearing.

STANEK: Thank you.

MORASCH: Is there anyone else in the audience who wishes to speak to this item? All right. Well, then we will close the public testimony and return to the Planning Commission for deliberation or a motion.

SWINDELL: Make a **MOTION** that we pass line Item No. 46 as presented.

WRIGHT: **Second.**

MORASCH: Moved and seconded. Any discussion? All right. Roll call, please.

ROLL CALL VOTE

BENDER: AYE
GRIMWADE: AYE
JOHNSON: AYE
SWINDELL: AYE
WRIGHT: AYE
MORASCH: AYE

MORASCH: All right. No. 46 passes. That moves us on to No. 47.

BAZALA: No. 47 is a proposal to increase the height limit from two to four stories in the Highway 99 overlay transitional areas, and from three to four stories in two activity centers, one is the Minnehaha Gateway and Parks Commons Activity Center.

So some recent development proposals have questioned the height limits in the transitional areas and activity centers. In some areas you'll have multi-family overlay which allows four stories right up against an activity center or transitional area which are intended to be more commercial. And so you can get four stories in the residential areas, and you are limited to either two or three stories in some of these other areas. So Community Planning staff consulted with Team 99 and both entities recommend the increase height limit.

MORASCH: All right. Any questions before we open the public hearing?

BENDER: Yeah. What's the stick framing limitation on stories?

BAZALA: I don't know for a fact. I don't know that it's relevant to this. I mean, the building it would be a building code question. There's no, nothing in the Highway 99 code that would require one type of construction over the other, that would be limited to the building code.

BENDER: Thank you.

MORASCH: Any other questions? All right. I will open it up to the public hearing Item No. 47, increase the height limits from two to four stories in transitional areas and three to four stories in activity centers, Minnehaha Gateway and Parks Common in the highway overlay. Ila Stanek, please come up.

STANEK: It's all about clarification, people. Ila Stanek, S-t-a-n-e-k. Originally because Highway 99 overlay subarea plan is form-based, so when you first set it all out, they made kind of a judgment call about what was going to be done here, what was going to be done there. Two stories seemed like a logical thing in these two areas, but we've had at least one project that wants to go higher. Part of what we did with Highway 99 in the beginning was deal with the community, they wanted flexibility. So this developer asked for flexibility and we voted as a team to recommend that that be done, so we put it forth to staff. That's it.

BENDER: What was your criteria for two versus more stories?

STANEK: Pardon me?

BENDER: What was your criteria for two stories only?

STANEK: Why did we do it at that?

BENDER: Yes.

STANEK: Well, we weren't -- initially that's what we thought that area would take. The area has changed since then and there has been more commercial buildings pulled in and apparently on their way to being pulled in. So that's -- it was a nothing kind of zone, and we thought two stories would work. It just won't work, so we gave them more. They asked for more; we gave them more.

SWINDELL: Can I ask you.

MORASCH: Before, yeah, it looks like we have more questions, so don't jump up right away. I've got a question too, but I'll let --

SWINDELL: Did you consider maybe going to six stories --

STANEK: No.

SWINDELL: -- or even higher? Was there any consideration, did you talk about it?

STANEK: There are areas along Highway 99 that do allow six areas, those are more major zones, if ever God would be good and give us 78th Street and Highway 99, you'd see some six-story buildings on those corners, but not that far down.

MORASCH: That was my question also.

STANEK: Well, darn.

SWINDELL: Did you not want to see six stories that far down or is it just didn't think anybody would want to do it?

STANEK: It isn't so much that. It is how the land lays, what we already have. You've already got a lot of residential development out there that's been there a long time, and so pretty much we were looking at what the area, the traffic and the community would handle. I don't think it would be the worst thing on the corner of 63rd and Highway 99, I could be talked into that, but nobody's come forward with something like that, so maybe we're just kind of waiting for the right developer to come forward and ask us for something else.

SWINDELL: Okay. Thank you.

STANEK: Anything else?

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

STANEK: Certainly.

MORASCH: Does anyone else in the audience wish to speak on Item 47? No? Okay. We will close the public hearing on Item 47 and I'll turn it over to the Planning Commission for deliberation or a motion.

WRIGHT: Is this the one Ron sent us the e-mail about?

MORASCH: I believe it is, yes.

WRIGHT: He talks about Hazel Dell and Highway 99.

HOLLEY: Talks about what?

WRIGHT: We got an e-mail from Ron Barca, one of the Commissioners, and he is talking about six-story buildings in the Hazel Dell area. I think he meant Highway 99 because that's the area we're talking about.

JOHNSON: But he was also with this caveat of putting parking under the building, his idea was to --

SWINDELL: Well, I myself like the idea of giving developers the option, if probably it could be the cart before the horse kind of thing, but if you allow the option, someone might see the opportunity and then we'd have the opportunity to look at that and see if it made sense and then we can look at it. I like the idea of going to six.

MORASCH: And would you require parking under the building as a condition of that or would you just go to six and leave everything else as it is?

SWINDELL: I think I'd leave that up to planning and zoning. Wouldn't they handle that when they bring it in? I mean, we can recommend it.

MORASCH: I think what Ron is recommending in his e-mail is that --

SWINDELL: It be allowed to go to six, then they'd park --

MORASCH: Then you'd have to park under the building, but parking under the building adds a lot of increased development cost as going up to six might also, so... So I'm wondering if you are proposing that we just change four to six or are you proposing to add some language about parking in addition to changing four to six?

SWINDELL: I think just move it from four to six and allowing some flexibility.

MORASCH: All right. Any other discussion?

WRIGHT: I'd make a **MOTION** to what Matt just sounded like he was proposing, change the four to six in both of those entries.

SWINDELL: I would **second** it.

MORASCH: It's been moved and seconded to approve Item No. 47 with the amendment that four be increased to six stories in transitional areas and activity centers of the Minnehaha Gateway and Parks Commons. Is there any discussion on the motion? All right. Roll call, please.

ROLL CALL VOTE

BENDER: AYE
GRIMWADE: AYE
JOHNSON: AYE
SWINDELL: AYE
WRIGHT: AYE
MORASCH: AYE

MORASCH: All right. Item 47 passes with that minor amendment, and that moves us on to Item 48.

BAZALA: This is also Highway 99. This is to remove the requirement for structured parking for low-rise apartments. A developer is developing in that area and they were very concerned about the cost of providing structured parking, and so the proposal is to remove that structured parking requirement from that one apartment type.

MORASCH: Low-rise apartments?

BAZALA: Low-rise apartments.

MORASCH: All right. Any questions for staff on Item 48? With that, I will open it up to the public hearing. Is there anyone in the audience that wishes to speak on Item 48? No? No? Okay. All right. No one in the audience --

STANEK: I changed my mind.

MORASCH: Yes, someone does. Okay.

STANEK: I'm sorry, guys, I know you all want to go home. I'm sorry. Clarify low rise for me.

BAZALA: Three to four-story buildings served by elevators. These buildings could be single purpose residential or mixed use building with retail and/or office on one or more floors.

STANEK: The particular area that they're looking at, the reason they require the structure is simply because the land won't hold, there's just not enough room for a parking lot. Three to four stories --

BAZALA: Yes.

STANEK: -- is that what you're telling me?

BAZALA: Yes.

STANEK: That's low rise? That's what you guys all think is low rise? Okay.

BAZALA: That's what the Highway 99 code defines it as.

STANEK: I know. I'm just going to have to try to explain six stories to them, so now I have to do that.

MORASCH: But the low rise is still that definition; right? What we recommended on Item 47 isn't going to affect the definition of low rise? I'm checking with Jan to make sure.

BAZALA: It would not.

MORASCH: It would not.

BAZALA: I mean --

STANEK: It makes sense, and it would get something in there we can't -- we don't have now which is always good. It's all about development.

MORASCH: Okay. All right. Before you go, any questions? No? All right. Thank you. Anyone else wish to speak to Item No. 48? No? All right. With that, I will close the public hearing and turn it over to the Planning Commission for deliberation or a motion.

SWINDELL: Can I just ask a clarifying question?

MORASCH: Yes, you may ask a question.

SWINDELL: Structured parking, does that mean structured parking is underneath, what does

that mean?

BAZALA: It says within or under the building.

SWINDELL: Within or under. Okay.

MORASCH: All right. Any other questions? A motion then.

JOHNSON: I make a **MOTION** we accept Item No. 48 removing the requirement for structured parking for low-rise apartments.

SWINDELL: I'll **second** it.

MORASCH: It's been moved and seconded to accept Item No. 48. Any discussion on the motion? All right. Roll call, please.

ROLL CALL VOTE

BENDER: AYE

GRIMWADE: AYE

JOHNSON: AYE

SWINDELL: AYE

WRIGHT: AYE

MORASCH: AYE

MORASCH: All right. Item 48 passes. That brings us to Item 49.

BAZALA: 49 is to allow the re-division of rural -- I'm sorry -- resource remainder lots that were approved under prior ag or forest cluster provisions. There's about 26 older resource cluster land divisions that have been rezoned to rural designations. Many of these resource cluster plots allow the remainder to be divided when the zoning changes. But there are other current provisions in the rural zoning districts that prohibit a remainder from being divided until any cluster -- I'm sorry -- prohibited from being divided -- I'm tired -- prohibited remainder from being redivided until the site's brought into the urban growth boundary.

So the proposed amendment would allow further division of these remainder lots when the zonings change to rural. There could possibly be other notes on the original plot that could have a bearing on whether future division is possible, and so those would have to be looked at, and plot alteration would have to be approved for that. But currently right now the code strictly prohibits any divider from being redivided until it's brought into the urban growth boundary.

MORASCH: All right. Any questions? Is there anyone in the audience, I will open the public

hearing on Item 49, re-division of remainder lots, does anyone in the audience wish to speak to Item 49? No? Okay. I will close the public hearing on Item 49 and turn it back to the Planning Commission for questions.

BENDER: I have a question for Bill. Bill, you're always talking about infrastructure. Jan, how many lots are we talking about?

BAZALA: There are 26 of these and the remainders vary in size. I think, I didn't look at each and every single one, but I think the biggest, I looked at like 6 or 8 of them today out of the 26 and I think the largest remainder I saw was about 30 acres. So let's take a guess here and let's assume that they would have to be redivided at a 5-acre density. So if on average there were let's say 15, if the remainders average 15 acres, then you'd get 3 additional lots times 26, and that's just strictly a guess, I did not do the analysis of each and every one, so...

MORASCH: I have a question. You looked at 6 or 8 of these. Did it look like if we allow these remainder lots to get divided under current zoning, that the overall density, if you took all the land that was subject to the original subdivision, and looked at it under our current zoning, are they going to get more density with what we're proposing than they would if they took the original and came in and tried to divide it into the 5-acre lots?

BAZALA: Yeah. I did some analysis of that today and it looked like they would average about 2 and a half to 3 acres overall for the whole original subdivision.

MORASCH: Any other questions or discussion? That kind of makes me not so favorable to the proposal.

WRIGHT: Well, what was the thinking when this was brought forward? I can't recall if staff had a recommendation on this or not.

BAZALA: This came from the Board's office. There have been some requests that they should be able to rezone it. And the code does say, or those plots did say, you can't redivide it until the zone changes and in these cases the zones has changed.

WRIGHT: Has changed, yeah.

MORASCH: But I think the original intent was probably when it urbanized. And I'm all supportive of redividing these large remainder lots when they're brought into the urban growth boundary. I mean, I think that's good planning, but I'm not sure if I support redividing these cluster lots in the rural area, but I'm interested to hear what my fellow commissioners think about that.

SWINDELL: Did we tell them originally that this was the agreement? Was this the agreement we entered into with them that they would be able to do this?

BAZALA: I'm sorry. Say again.

SWINDELL: Originally when they did their cluster, was that the agreement we made, that when the zoning changed, you would be able to?

BAZALA: The common plot note is that something to the effect of re-division of the remainder lot shall not occur until the zone changes. Something to that effect, and I believe that was probably in the old code that required that.

Now, one thing of note is that these prior resource cluster developments, even if a property was zoned AG-20, that those provisions allow them to divide at a 5-acre density. So you could have 20-acre parcels that would be divided into cluster lots and you could, even though it may be ag zoning, you know, 20-acre zoning, they still allowed 5-acre density. So you'd get 4 cluster lots out of this one 20-acre ag zone, so I think that's part of the reason why the overall density is higher now.

MORASCH: So they've already had their 5-acre density when they did their cluster lot to begin with under these old codes.

BAZALA: That's what it looks like.

MORASCH: And now we'd basically be doubling up on the 5-acre density if we say, okay, now you can take your remainder lot and redivide it at 5 acre. I see you shaking your head.

BENDER: I am, yeah. I'm leaning really heavily towards status quo.

MORASCH: Towards what?

BENDER: Status quo.

WRIGHT: So the Board may have some political reasons for an interest in this, but --

MORASCH: And they're free to overrule us.

WRIGHT: Absolutely. You know, we have technical, I've addressed rural zoning and densities in the past.

COOK: Bill.

MORASCH: She wants you to talk a little louder into the mic so we get it on the record.

WRIGHT: How far back do I have to go, last month? My comment was that the Board may

have some political reasons for wanting this, but in the past we've looked at and shied away from increasing the densities in the rural area, and that's exactly what this would do.

JOHNSON: But isn't this a prior provision, a prior, I don't want to say agreement, but I mean it says when the zoning changes?

WRIGHT: Well, if it is such an agreement, why is any action necessary?

JOHNSON: Yeah, that's kind of what I was thinking too.

COOK: Well, because in the interim the code has changed. So they may have a plot restriction on their plot that is applicable to their property but that doesn't mean that they can do a land division under the rural code as it exists.

WRIGHT: But it sounds like the original contemplation was that the zoning would be changing to an urban zone.

MORASCH: Yeah. If they were getting the 5-acre density on their cluster - I have to agree with that - that the understanding would have been changed to an urban, not changed to a 5 acre, because they're already getting the 5-acre density at the time of the original cluster development.

COOK: I couldn't tell you what the intent was there. I haven't looked into it, but, you know, it was a while ago, so there aren't a whole lot of them. The documentation is not uniform, and they're just kind of strange outliers. I mean, since that time it's been pretty clear that you don't redivide the remainder until you're in a UGB.

MORASCH: Any other deliberation or does somebody want to make a motion on Item No. 49?

BENDER: I make a **MOTION** that we don't accept changes to 49.

GRIMWADE: I'll **second**.

MORASCH: All right. It's been moved and seconded to recommend against adopting Item No. 49. Any further deliberation on the motion? All right. Roll call, please.

ROLL CALL VOTE

BENDER: AYE
GRIMWADE: AYE
JOHNSON: NO
SWINDELL: NAY
WRIGHT: AYE
MORASCH: AYE

MORASCH: All right. Item No. 49 passes. Well, the motion -- let me rephrase that. The motion to recommend denial of Item No. 49 passes on a 4 to 2 vote. And that brings us to Items No. 40 and 42, and I'm going to recuse myself from those since I have clients who are providing testimony. So with that, I will turn the hearing over to our acting chair, Karl.

JOHNSON: Acting acting.

MORASCH: Acting acting chair, Karl, and I will leave it to you. Have a good night everyone.

JOHNSON: Have a good evening, Steve. All right. Item 40, Jan.

BAZALA: All right. No. 40 is to add a recreational vehicle park standards in the special uses standards. Currently there are no special use standards for RV parks. They are allowed in the commercial zones and they're not conditional uses, so the staff doesn't have the ability to just sort of make up conditions, that's a bad term, but to create conditions that would make it compatible with the neighborhood.

So there have been a couple of RV parks come in for review. Actually, one came in for site-plan review and then we've had a couple other pre-apps. So the one that went under review, I personally did. It was difficult to determine what level of internal and external landscaping to apply, what the solid waste requirements were, how big the RV spaces should be, public health requirements, things like that. It was, you know, we didn't have anything to fall back on.

So we looked at other counties standards and then we consulted other county departments, Public Health was involved, and so we developed this proposal. Also consulted, you know, oddly enough with the City of Palm, they didn't consult with the City but Palm Springs. They had -- I go there on occasion to visit my in-laws when they go, and that gave me the idea to look at their code, and their basic format looked pretty reasonable.

So the staff recognizes that these are, you know, a first shot. Staff recognizes that they're a pretty big item to chew on, but we've been given the go-ahead from the Board to give it a shot. So the DEAB originally when the staff report was written did not recommend approval of it, and subsequently they did approve it. They did recommend that the length of stay go from 90 days to 180 days, and at this point they are recommending approval with 180-day length of stay. As noted, comments, public comments did come in today on this. So I don't know if you want me to go into any detail on this or you've looked at it and are comfortable with me not going over the particular items one-by-one or the --

BENDER: Item 6, how did you derive the number of facilities for each one of the areas of a, b, c and d?

BAZALA: On which page are you on?

BENDER: 24.

BAZALA: Oh, 24. Sanitary Facilities?

BENDER: Yeah.

BAZALA: Looked at the other standards and Palm Springs 1 for 25. Whatcom County had 1 per 30 spaces. Also another county had 1 per 25. I think those were the only ones that actually had a number, so that's what we went with.

JOHNSON: Jan, did you accept DEAB's proposal of 180 or did you leave staff recommendation at 90?

BAZALA: We don't really have an opinion.

JOHNSON: I was going to ask you where you got the 90 and that was my next -- the same place, kind of looking around?

BAZALA: 90, sort of, kind of not -- some of the standards had no length of stay addressing, you know, provision at all, they just left it vague. We are cognizant of the fact that these are not intended to be permanent residences.

So currently other codes limit you to staying at an RV for 30 days or 60-calendar days or -- I'm sorry -- yeah, 30 days or 60-calendar days of the year. So 90 was chosen based on somewhere falling in between the 180 days that we have seen and the 90 days. I can't say that it's a scientifically proven number. The DEAB debated this number. They're basically, when they had their deliberations or discussions, I think they were divided like close on whether they should be changed to 180 days.

The idea that was brought up, well, what if I have, you know, what if somebody lives in Palm Springs half the year and they want to come back north during the warmer months and want to live the other half of the year here, so that's where the 180 days may have gotten its genesis, so...

WRIGHT: Yeah. I have a question. This process seems a little unusual for a change of this magnitude. I mean, typically the County will form stakeholder groups and get opinions, not just from staff, not just from other cities or even engineers, but from people that actually make a living or try to make a living building and running RV parks. And it seems like we're being rushed to make decisions about technical issues that we certainly don't have any expertise, it's just, you know, pull a number out of the air and it seems better this way or that way. Why didn't you go back and have a stakeholders group and get some outside opinion?

BAZALA: Well, some of it is just lack of staff time, you know. If you're not comfortable in this process, then you certainly have the ability to say so, you know. The fact that some were coming in sort of highlighted the fact that we got nothing, so I think that was the idea of moving forward through the biannual process.

GRIMWADE: What notification was given to the public as you were going through this?

BAZALA: It gets notified in the newspaper of the public hearing.

GRIMWADE: So if you don't get the public newspaper, the public don't get to know about it?

BAZALA: That's right.

COOK: Well, also notice appears on the County web page and then the DEAB was heavily involved, which is a very particular segment of the public, but if we're talking about stakeholders, that certainly is a group of stakeholders.

GRIMWADE: And your usual process is to have an active discussion with stakeholders?

BAZALA: Say again.

GRIMWADE: Your usual process for going through these sort of major policy changes.

BAZALA: Well, when typically Community Planning does the bigger ticket items and they typically do hold, provide more public outreach.

JOHNSON: So just kind of a -- so these are for new parks. An existing park now, would they be subject to these new --

BAZALA: No.

JOHNSON: I know we've asked that kind of before, but, I mean, so...

BAZALA: No, this would just be for --

JOHNSON: New.

BAZALA: -- new.

JOHNSON: New requirements.

BAZALA: Right.

JOHNSON: So the 90 or the 180 or 90 day, whatever we approve, that's not for existing parks?

BAZALA: That's correct. You know, and, you know, frankly, there is no code that addresses them. So we, you know, I think under some provisions, you know, if you have an RV on your own property and the neighbor complains about it, code enforcement uses a 30-day rule. But I don't -- we don't have staff there going around chalking tires, I think it was brought up at the Planning Commission work session.

JOHNSON: Any more questions for staff? Okay. At this time, we'll open public testimony. Is there any testimony?

PUBLIC TESTIMONY

DICKMAN: Good evening. Cody Dickman, D-i-c-k-m-a-n. I'm here representing Delta Development. Hopefully you had a chance to look over the comments and recommendations regarding the amendments to Chapter 40.260 that we sent in earlier today. Just a little background.

Delta Development has been developing and managing multiple recreational parks across the greater northwest for over 25 years. Currently we own and operate two parks; one in Multnomah County and one here in Clark County as well. We also are in the preliminary phases of an RV park, so that might have been weighed in on staff to make this code.

We fully support the County's efforts to adopt the standards for RV parks, but we also have some concerns in regards to the amendments to this chapter. I can go through each of these one-by-one if you want or you can address questions based on our recommendations, either way is fine.

WRIGHT: Well, I'd like to ask a question if that's appropriate. I'm interested in your letter. I just got the gist from reading it that you guys put together some kind of top drawer RV parks with amenities, landscaping.

DICKMAN: Sure.

WRIGHT: And yet at least in Clark County you're doing that without any ordinance requiring you to do so. And I'm wondering if that's really an impediment then that you, you know, you say you're not against having an ordinance, but yet we're getting high-quality RV parks under the current status go and, whereas, you know, you probably have some folks that are willing to pay a pretty good price, you know, to have your amenities. There may be other folks that are not after that market niche, they may need to go a little more value. And so I guess I asked a question in there, and I could tell by your nodding your head that I think you answered it, but feel free to respond.

DICKMAN: Sure. Yeah. So when we develop our parks, over the years we've seen that the tenants and the occupancies of these parks really respond well to higher developed parks, so we pride ourselves in developing with full frontage. Landscaping is a huge, even amenities we supply at our parks that we develop.

There's a couple of things under the provisions that were proposed that would limit our abilities to add these amenities such as the two acres. Under our response we had five acres recommended and this is due to the fact that it would just, it wouldn't be feasible for us to develop an RV park if we had such large amenities. Landscaping would go take away from the RV spaces, kind of putting us in a situation where it would, just wouldn't be feasible for us to develop a site.

WRIGHT: Thank you.

BENDER: Your pads have power, water and sewer?

DICKMAN: That is correct.

BENDER: The thing that's bothering me about this change is basically that all RV's aren't created equal. There are RV's that have full facilities inside the unit, and there are RV's that do not --

DICKMAN: Sure.

BENDER: -- and if you build a lower-end RV park, you're going to get more lower-end RV's that's going, in my opinion, is not going to be adequately served by Item 6, sanitation, and Item 7, dump stations.

JOHNSON: Any other comments? Okay.

SWINDELL: Actually, yeah. I just want to clarify. So that right now the development standards say a minimum of two acres and you're saying you need at least five.

DICKMAN: Right. The proposed development standards say for two acres. Based on our experience five acres is what we deemed an appropriate acreage to build an RV park.

SWINDELL: So essentially our standards would be less than what you would want?

DICKMAN: Correct.

SWINDELL: So that shouldn't hurt you, I believe.

DICKMAN: Right. I guess the reasoning behind that, not only do we not want to see

developing RV parks pop up that pose an eyesore around the county, but also there's been a lot of other development sites particularly near Multnomah County where lower acreage lots have been built on and it brings a bad name to RV parks, so in a sense it hurts business.

BENDER: I happen to agree with you.

SWINDELL: I'd agree with you on that as well. And then you're also proposing -- I'm going to -- just a minute, guys, if you don't -- I'd like to ask a few, I have kind of a lot of questions. I wish I would have gotten this sooner to go through it.

DICKMAN: We were just told about this, so...

SWINDELL: No. I appreciate you taking all the time that you did to put this in here. I have to agree with the Commission that this is a lot to adopt, you know, without having more time, so... Tree size, you're addressing tree size. What was the other one? Oh, the rest rooms. You're proposing instead of every 25 lots, every 50 lots?

DICKMAN: Correct.

JOHNSON: And is that standard?

DICKMAN: That's been standard in our developments. About around 50, for every 50 we have a rest room both per sex, a lavatory and showers as well.

BENDER: And that's workable because you have full facilities on each pad.

DICKMAN: Correct.

SWINDELL: Okay. I was just reading your response on the site management, I had a concern with that as well, requiring that they provide housing for someone to be a site manager. It seemed like that might be a little too much, but... Has staff had a chance to read this and go through --

BAZALA: Yes.

SWINDELL: -- have you had a chance to take a look at this?

BAZALA: Yes.

SWINDELL: Do you have any, I mean, I see some good things in here that are, you know, good, good things to take into consideration. They've been building and developing them, I haven't been building and developing RV parks, so...

BAZALA: Right. Yeah. The rationale for having a full-time residence on the site, you know, perhaps that is could be, you know, overly restrictive so, you know. I think some of the concern was that some responsible person is always available to respond to parties or whatever. And I saw that in some of the codes where one of the jurisdictions had the applicant provide a plan to show how, you know, what are you going to do if there's complaints, or respond to emergencies, so that left it open. They didn't have a manager on-site necessarily, but some means of ensuring that somebody's around to take care of things so a neighbor wouldn't have to call the cops immediately if there were some, you know, big party going on that was inappropriate.

BENDER: Do your sites currently have a manager?

DICKMAN: Yes. Currently, not an on-site manager, we do have normal hours, normal business hours, 8:00 to 5:00, we have a maintenance team and we also have a maintenance guy who is staffed 24/7. He does not reside on the property, but in case of emergency calls, he's open 24/7 to come.

BENDER: And having a two-acre site would make that even more financially impractical?

DICKMAN: Sure. Yes.

JOHNSON: Any more questions for the public? Is there any other persons that want to testify? Mike.

ODREN: Yep.

JOHNSON: Come on up, Mike.

DICKMAN: Thank you.

SWINDELL: Thank you.

JOHNSON: Thank you.

ODREN: I'm Mike Odren, O-d-r-e-n, representing the Development and Engineering Advisory Board. We were presented with the - a little bit of background - we were presented with an older version of this when we were looking at the rest of the biannual code revisions and making recommendations to the PC, and we hadn't seen it, that was the first time we had seen it.

So we -- that's why we did not recommend approval of it at that time, it allowed us time to go through and provide our own comments with regards to, we had some considerations. And, in fact, I'll show you that we marked it up, I marked it up pretty good. We had concerns about

safety with regards to widths, vehicular lane widths with regards to emergency vehicles, some clarifications to some items and the language that came back was significantly better than where staff started.

I might just respond to Commissioner Wright's comment about it not going through a standard, typical, whatever process for something as significant as this. I believe it was more as Mr. Bazala had said, a timing issue that there were projects such as these coming up, and there was no review criteria, none. And so it might be viewed in that regard as some criteria, something on the books might be better than nothing on the books. The worst case scenario being, we're just going to have something that looks like a Walmart parking lot and we're going to call it an RV park.

Not necessarily every developer might be considered as well versed and considerate to their future tenants as Delta Development. There's going to be the lower echelon in that regard. We've seen it and that's why we have standards to begin with across the board, that's why there is a code.

I might just respond to, and I think that Delta's comments were great, I got those earlier today from them directly and would just like to make a couple of comments myself on them. Regarding the two-acre size, I think that that provides flexibility. If Delta chooses on their own to develop on a larger site and provide additional amenities outside of this, that's great, I think that that's fantastic. But we shouldn't necessarily limit others, particularly when you start looking at, you know, the number of developable lots out there in the urban area to be able to support something like this. So having that two-acre size, I'm sure it was, hey, let's start somewhere with regards to that and see how it plays out.

Moving on to the trees, the tree size. Being a landscape architect, I simply don't agree with the one-inch size. It's going to get broken right out of the gate. The two-inch size is appropriate. There are tree availability issues right now because of the past recession. Staff has been flexible allowing different size trees, maybe undersized from what the standard is in code with good reason, but I believe that the one-inch size that Delta has indicated in here is too small, that's maybe a five or six-foot tree that can be snapped off easily.

With regards to - and I'm not going to talk to all of these because they have more experience with these facilities - parking, whether it be tandem parking, say parking in front of the RV itself versus a side-by-side parking and spacing standards, that's going to be left up I think to the design, the depth of these stalls, but I do want to talk about the recreational amenity amount that he brings up, Item No. 4.

Staff has recommended 100-square feet per unit and Delta makes a good point in saying, well, gosh, you know, if you have 270 spaces, you need 27,000-square feet of recreational space, what would that look like, what would it be. If you say, have a 150-unit facility, that would be, you know, 15,000-square feet, that's a lot of area, that's a lot of area; however, what Delta has

recommended is 10-square feet, a tenth of what staff is recommending. Now, if you do the same math, 150-square foot facility, now you only have 1500-square feet of recreational area in which to deal with, and that's not very much either.

So having looked at this and, you know, with a new pair of glasses on outside of what staff had provided us before, I think there's some flexibility in here that the Commission should look at, staff should look at, with regards to recreational amenities in these facilities. Maybe somewhere in the middle would be more appropriate.

I don't visit RV parks, but I now own an RV and look forward to maybe doing that at some point in time, but I know that when we go camping, we enjoy having a large open space area in which to run the dog, and that's one thing here is that, you know, where do you take your dog to the bathroom and let it run around and get some exercise, so all of those kind of need to be considered also.

Numbers of facilities with regards to bathrooms, 30 per 40 per 50 per 25, you know, I think this is all new and that's why the biannual's are around, is that we can see how it actually works out in practice. But not having anything is, I believe a disservice to the County, especially when there seems to be a number of these projects coming up.

If we could be guaranteed that all of them would be developed as Delta develops theirs, then we wouldn't have any problems, but we all know that not everybody develops to the same standard absent any other standards they might want to follow, so... I can answer any questions that you might have also.

JOHNSON: Questions? Okay. Is there anybody else from the public that would like to testify? Seeing none, bring it back to the PC for discussion.

WRIGHT: Well, I have some real issues with this. I don't think it's a Minor Policy Change at all and I don't feel competent to be making decisions about how much exercise space should be available or how many units it takes until you have a wastewater dump station.

I would really like to see this go back to a more inclusive process where people who actually have some money in the game can comment and get some standards that are going to be more acceptable to the industry. Because not everybody has a Cadillac Escalade that's going to be building an Airstream trailer, you know. There's other folks that maybe have a Ford 150 pickup truck with a camper on the back that need a place to stay for a few weeks and they don't care if they have a tennis court or not, and I think we're just so prescriptive in this set up.

With all respect due to staff, you guys worked real hard on it and it's, you know, it's a very comprehensive document, but I can't say myself personally that this is the right numbers and the right places. So I'm going to vote no on it.

BENDER: This is a major code change that I agree with you, Bill, I mean, it requires more background search to determine what's more standard out there in the industry and I'm also going to vote no on it.

SWINDELL: Well, I'd just, I'd like to say, I mean, staff's put a lot of time into it obviously, you really tried to, you know, do the best you could with the time that you had and the amount of staff time, and I understand restraints. I see the comments from someone who's in building these and they have a lot of good suggestions. I would have to agree that I think this is more of a major change than a minor, and I think this, I think it needs a little bit more time.

But with that, I do want to ask, this doesn't -- if we make a recommendation that they don't move forward, that it dies right here, it dies there, I guess you'd say with the County Council eventually, and there's nothing out there, when someone wants to develop an RV park at this time, what do we do with the process?

BAZALA: Well, I can only speak to the one that I did, basically had to convert the existing parking/landscaping code and propose it to the consultant and they were reasonable, I think in the fact that, you know, I couldn't point to an exact code requirement because a parking lot is not really an RV park but we negotiated something, it's around what this code proposes, you know, about that level.

Discussion about recreational area was had, and I requested that they put some recreational space in there and they didn't feel they needed it, you know, so I consulted with legal staff as to whether that could be a SEPA issue, an environmental issue, legal staff did not think, thought it would be kind of a stretch to exert SEPA for something like that, so we ended up with none at all.

So, you know, rest rooms weren't proposed and, you know, I think they had them in their office maybe, but that was that. Solid waste storage was, you know, they provided one and it was really hard to determine how much solid waste they should have because it's really it's not a building really, you know, the only building they built was an office. Let's see.

Length of stay, all I had was the 30-day requirement saying that you can't stay more than 30 days. You know, again, granted, I'm not going to be out there every day putting crayons on tires, but that's what we have is, you know, you stay in your RV more than 30 days, it's a violation, it's not a residence, so... Those are the kind of things that we had to create. Let's see.

SWINDELL: So it's very difficult. It's a very difficult situation and we could end up with a Walmart parking lot kind of, I mean.

BAZALA: If there was somebody who didn't want to cooperate at all, it could be, that could happen.

SWINDELL: There you go.

WRIGHT: But you still have the Health District standards, I mean you're not going to have a Walmart parking lot with raw sewage running across it, so I mean we're a little advanced from that I think.

JOHNSON: Jan, you said you've only had one?

BAZALA: That I've reviewed. I've looked at past, you know, past RV parks, all I saw was an amendment to one old existing park and there's very little there. And because I was looking for guidance in what, you know, what we have applied in the past and there wasn't much there, so...

WRIGHT: Jan, I don't want to sound harsh because I know you have put a lot of effort into it --

BAZALA: Not to worry.

WRIGHT: -- I just don't have the dartboard here to hit the right little boxes that have the numbers.

BAZALA: Right. Well, you know, all I can tell you is, and I can't say that these are the best numbers, you know. I've looked at six or eight different other codes, tried to hit a happy, you know, happy medium if the numbers varied, but you are, it is your discretion as to what you want to do with this and there's going to be no offense taken if you don't.

JOHNSON: Robin, did you have anything?

GRIMWADE: Yeah. I think from my perspective I think you've done a really good job in a short period of time. I think it makes an excellent base to work from. I definitely have concerns about a couple of the elements like the residential caretaker, the recreation space. I do have major concerns about where the two views have come in tonight.

As a recreation planner I can see some issues on both sides. My concern is that if the Commission were to say, hey, we want this to go back, how long a period of time would it be before it would come back to the Commission, because that to me indicates the likelihood of the immensity of the issues that could be having to be dealt with by the County. I also feel very much of, you know, act in haste, you're going to repent later down the line and you could create an enormous amount of unnecessary work.

And I'm a very strong advocate for giving the public the opportunity to comment, i.e., all stakeholders so you get a good rounded and balanced opinion reached. That doesn't mean that everyone's going to get what they want, but at least we understand where that's been in

the public arena.

BAZALA: Right. Yeah. I understand that. As for the Community Development doing it, I mean I think it probably be, we'd probably want to see Community Planning do this. That would be the standard, you know, to have more extensive outreach process, and I don't know what their schedule would be. I would be surprised if anything could get back to you in six months, I think that would probably be optimistic, but I don't honestly know.

COOK: Be clear that if you vote not to recommend passage, that does not mean that it's going back to staff, it means it's going to the Board with a recommendation of denial and then it's up to them as to what they do with it.

BENDER: Understood.

JOHNSON: Yeah. And I, I mean I'll just echo, I'll be really quick, Jan. I appreciate the work. I am stuck because I really I don't want you to have to recreate something all of a sudden, and I'm not worried about the Walmart scenario, I'm just worried about not getting it right. I agree with Robin where we're creating a bigger problem. So I just, when I looked at this in work session I went, that doesn't look minor. I mean, I -- that was -- and that was before you spoke, so...

I think we need to get it dialed in tighter. I think we've got some great information from both sides here that is relevant and gets us kind of in the right place. So I'm inclined to say for the record that I'm going to be voting against it, but I really would love to see this again with some experts in here saying here's where we're at, and I think some of this is in the middle, you know, it's not hard stuff, so... Again, thanks for the hard work.

BAZALA: You bet.

JOHNSON: Is there any other questions for staff. And I'll be happy to hear a motion or --

BENDER: I make a **MOTION** that we do **NOT** accept changes to No. 40.

SWINDELL: I'd **second** it.

JOHNSON: A motion has been made and seconded that we do not accept No. 40 which is adding special use standards for RV parks. Is there any discussion? Roll call.

ROLL CALL VOTE

BENDER: AYE
GRIMWADE: AYE
JOHNSON: AYE
SWINDELL: AYE
WRIGHT: AYE

JOHNSON: The motion passes to **NOT** accept Item No. 40, special use standards. Moving on to the last one of the evening, No. 42, reduce the required distance from intersections for residential corner driveways, and allow shared driveways to exceed individual width requirements. Jan, staff report.

BAZALA: All right. So today you should have a new revised copy of this item. So at the work session you brought up some good questions about whose engineer is approving this, and so this latest revision clarifies that. So basically to recap.

The current corner lot driveway code requires driveways to be 50 feet away from the edge of the right-of-way. The current proposal reduces this to 40 feet and that would be from the actual edge of the pavement. So effectively this can move the driveway over about 15 feet closer to intersection than what the current code allows.

Now, to offset the reduction in distance, the proposed code has the caveat that parked cars in the driveways can't block sight distance, but when the driveway really ends up blocking the sight distance anyway, the new provision in here allows an option to allow the applicant's engineer to recommend the placement of stop signs.

So when you have a stop sign at an intersection, you stop the car, you have a lot more time to see traffic coming at you. At an uncontrolled intersection, then you need a lot more distance, a lot more sight distance in which to see things, so parked cars can be a problem if they're in the sight distance triangle.

So basically this gives developers the options to put stop signs where the County historically has been reluctant to have them. So this gives the, you know, the onus is sort of on the developer's engineer to evaluate the situation and make the pitch why stop signs should work in this case.

This would be limited to the multi-family zones that have density requirements. So we allow single-family homes on individual lots and so they have minimum density requirements. And in order to meet those minimum density requirements, the lots have to be small, otherwise you're not going to meet the density. So that's been the concern with the development community is like this existing code, it's just too restrictive and how do we deal with it. So basically that's the proposal.

It's gone through a lot of review with the DEAB and County engineering staff. Originally when the staff report was written, the DEAB didn't entirely support it, but with this new change, they do support it. They did request that these provisions be also allowed in the R1-5 and R1-6 zones which generally the minimum lot widths in those zones is 45 feet and 50 feet respectively. Now those are minimums, those aren't maximums and staff at this point has not been willing to -- we don't recommend extending it to those larger lots because we don't feel that the density is as pressing an issue in those zones. But that's what the DEAB has requested, to extend to the R1-5 and the R1-6 zones, possibly planned unit developments which allow smaller lot size that deviate from the norm and possibly the density transfer developments. But they approve the language, but would like to see it extended to more zones than just the multi-family zones.

And Ali Safayi is here if you have technical questions on this. I just handed out a diagram that hopefully helps explain the situation. It is a technical situation. So if you have questions on that, then I probably should defer to Mr. Safayi because he deals with this a lot more than I do.

JOHNSON: Questions for staff?

BENDER: Yeah. Go ahead, Bill.

WRIGHT: Jan, just to be clear, this specific proposal does not go to the 5 and 6,000-square foot lots though?

BAZALA: As it's currently written it does not.

WRIGHT: Okay. Thanks.

BENDER: Basically we have two variables here. We have the distance from the starting point of 50 feet originally, and then we've gone down to 40 feet with the new starting point to the edge of the road. What's the total delta in feet that we're changing?

BAZALA: I believe it's like 15 feet. Is that accurate?

SAFAYI: Actually from the face of the curb to 40 feet, there is 9 feet difference between the property line and the curb, so you have 9 feet closer.

BENDER: A total delta of 19 then?

SAFAYI: Yeah. And then -- yeah. And then 10 feet less so it's 19 feet actually.

BENDER: And what lot sizes are we talking about?

BAZALA: Well, in these multi-family zones, lots can be as narrow as like 18 feet now that we never -- well, like town, these would apply to townhomes. So basically, you know, we don't have a requirement for, we don't have a minimum corner lot size. Well, actually that's not true, entirely true. In the narrow lot standards, your lots have to be at least 40 feet.

BENDER: But the change would require a four-way stop?

BAZALA: That's something that the code would allow the applicant's engineer to propose a four-way stop sign or two way or whatever, however they felt was adequate to reduce the necessary sight distance.

SAFAYI: In some cases, could be just a stop on two legs and let the through go through. So it depends on the situation. If you have a larger road and more traffic in one direction, you could stop the ones that are, have less traffic coming to them.

BENDER: The stop signs would occur at the sight distance reduction at the corner?

SAFAYI: Yeah. Yeah. When you have a stop sign, then you are 15 feet behind the edge of the road and you need to see like 250 feet in each direction. So actually, that triangle doesn't fall on the lot anymore, it will be entirely in the street, it wouldn't cross the property.

WRIGHT: Ali, is it fair to say the County's excursion into high-density residential development like this has created a lot of unintended consequences and surprises for staff to deal with?

SAFAYI: Yeah, definitely there is a conflict between the planning code and transportation standards, that's for us, like the corner lot goes.

WRIGHT: Yeah. So probably the best we can hope for here under these circumstances.

SAFAYI: Correct.

JOHNSON: Any more questions for staff? Okay. At this time, we'll open the public testimony. Houston, are you coming up?

AHO: I appreciate the comments.

JOHNSON: Chris.

COOK: Yeah. I should comment later, yes.

JOHNSON: Okay. Thank you. Sorry, I didn't see you, Chris.

COOK: Not a problem.

AHO: Good evening. Houston Aho with Aho Construction. Aho is A-h-o. I'd just like to clarify right off the bat that this isn't a standard that is limited to narrow lots, this hits lots up to about 60 feet, you know. The big thing here is you can't park your car in your own driveway unless your lot is larger than 60 feet. So in an R1-5 zone and an R1-6 zone which has a minimum lot width of 45 feet and 50 feet respectively, it eats right into the core of affordable housing in Clark County for your traditional affordable housing, your single-family detached, so it's not just limited to multi-family.

I think, I worked extensively with the County staff and DEAB on this issue as well. I think the one zone that DEAB had proposed, or I had proposed to DEAB and they related forward was the mixed use, I think that one has just been overlooked. I think the residential portion of mixed use is R-12 to R-43, so I think that one's a glaring one that should be added most definitely, because that conforms with kind of what the staff's already agreed.

The PUD, you're already getting, you know, you get design flexibility in a PUD, so there should be some consideration for PUD's as well, as well as a density provision in certain PUD's. So if you're at an R1-6 PUD or an R1-5, with that density provision you can actually be in an R-12 zone. Or another case in a PUD, if you're mixing two zones like an R1-6 and an R-22, you can effectively have an R-12 zone in there. It definitely gives you the flexibility even to go narrower than either one of those zones would allow you to with your product standalone. So there is some, you know, a little bit of overlook.

I think we worked with staff and I think we made a compromise on, you know, what we thought would work and everybody's in agreement with it with the exception if you add R1-5, R1-6 in there, a mixed use in consideration for density bonuses or transfers and PUD provisions. Because right now you have lots that are built and developed that you can't park your car in, so to explain that to a buyer or a homeowner who currently has a home under construction, it's going to be tough, okay. You know, there's economic impacts to this for everybody and I can't go rip out my lots and make them larger, you know.

Making corner lots larger is something we already do in the building industry or the developing industry, okay. I am fortunate that I develop most of the lots I build on, so my lot, corner lots are already a little bit wider if possible because you have a street side setback of 10 feet. So we usually, you know, cushion for that so we can have a standard product for interior lot and the same on the, you know, the exterior lot as well or the street side corner lot.

But there is other restrictions with the corner lot, it's typically with the sight distance. You have to set them further back and that already pushes the driveway there. So now if you can't park your car and you got a long driveway, it's really not good for affordable housing and it has density impact too, because if now everybody has to make their, you know, lot 60-feet wide in a zone that allows 45 feet, you're going to have to start dropping lots and prices are going to increase along with affordable housing. So that's just a brief, you know, recap, that it's not

just hitting multi-family.

JOHNSON: Any questions?

SWINDELL: So are you asking for the R1-5, R1-6 and provision for PUD, is that what you're proposing?

AHO: That's what I'm proposing. I proposed that to DEAB and DEAB had passed that forward as long, or with the recommendation to staff at the DEAB meeting.

JOHNSON: Thank you.

AHO: Thank you.

JOHNSON: Is there any more testimony? Seeing none, bringing it back for discussion.

BENDER: I see a couple of problems that I have some firsthand knowledge of. When you impede traffic with a stop sign, that car comes to a halt or the vehicle comes to a halt, when you impede traffic with a stop sign and that car or the truck or vehicle comes to a stop at that stop sign, they have to then accelerate away. You've already got a small lot with the residence there, and if it was a flow through, the amount of noise pollution that they're enduring is X, but if you put a stop sign there you increase X dramatically. Plus, again, I'm not in favor of impeding traffic when not necessary.

WRIGHT: What I'd like to point out, that the proliferation of residential area stop signs that are not warranted other than by this situation is not a panacea. In fact, studies have shown there's a very high rate of folks violating residential stop signs, as I recall, I think it might be 30 percent or so. That being said, I think you have so many compromises and shoehorn forcing things to fit in these high-density developments that something has to give. And if you're going to have these sorts of developments, I think you just have to accept the risk of these stop signs and all the downsides that you pointed out, Richard. People are going to live here and they're going to like it, or if they don't like it, they're going to go somewhere else, but they're going to get the whole meal deal.

JOHNSON: Any other comments? Okay. Hearing none, I'm waiting for a motion.

WRIGHT: I'd **MOVE** we accept change No. 42, is it?

JOHNSON: Yes.

COOK: Mr. Chair, I have a comment.

JOHNSON: Oh, sorry. That's the second time.

COOK: I'm sorry. I was bothered by the wording somewhere around Line 34 or 35 and then Jan spoke the wording that I think is much better. So it now says and the applicant's professional engineer may use traffic control devices. I would suggest an amendment to change the word "use" to "propose."

SWINDELL: That's a good catch.

GRIMWADE: Good point.

WRIGHT: I'd **AMEND** my **motion** to incorporate that change that Counsel just suggested.

JOHNSON: And by the way, your motion is as written on 42?

WRIGHT: Yes.

SWINDELL: I would **second** that motion.

JOHNSON: Motion's been made and seconded to accept reduce the required distance from intersections for residential corner driveways, and allow shared driveways to exceed individual width requirements. Any discussion?

SWINDELL: Yes. I'd like to talk about the R1-5, the R1-6 and the PUD proposal, and I personally dealt with this in developing land and in building homes myself. And you have, I mean he's pointing out a good - I'm sorry - Houston pointed out a good point that when somebody's buying a piece of property and they can't even park their car in their driveway, and I think it extends beyond just the proposed zones, it goes into the PUD'S like he was saying. I mean, you're getting into those higher densities and we want that, that's what we're wanting, we don't want the sprawl, we don't want it out there, we want it -- but then they're restricted because of that and I think we should amend, I would like to propose an amendment to the proposal or whatever it is that we include the R1-5, the R1-6 and the PUD.

WRIGHT: I would accept that as a friendly amendment.

JOHNSON: The motion receives the amendment of accepting the R1-5, R1-6; is that correct?

SWINDELL: And the PUD's.

JOHNSON: And the PUD's.

BAZALA: One quick interruption, and the idea was brought up about mixed use as well and that was discussed, you know, at the DEAB meetings and that. So I think Houston's comment is well taken if you're going to extend it to these.

SWINDELL: I would extend it in mixed use as well, I propose that as well.

WRIGHT: I thought that's what I said.

JOHNSON: The motion is made and seconded. Any discussion on the amendment?
Hearing none, roll call.

ROLL CALL VOTE

BENDER: NAY
GRIMWADE: AYE
JOHNSON: AYE
SWINDELL: AYE
WRIGHT: AYE

JOHNSON: Item 42 passes. And that's it.

OLD BUSINESS

None.

NEW BUSINESS

None.

COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

SWINDELL: Very good job. You did a very good job.

ADJOURNMENT

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 CTV on the following web page link:
<http://www.cvtv.org/>

*Minutes Transcribed by:
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