

**CLARK COUNTY PLANNING COMMISSION  
MINUTES OF PUBLIC HEARING  
THURSDAY, JUNE 16, 2011**

Public Services Center  
BOCC Hearing Room  
1300 Franklin Street, 6<sup>th</sup> Floor  
Vancouver, WA

6:30 p.m.

**CALL TO ORDER & ROLL CALL**

DELEISSEGUES: Good evening and I'll call the Clark County Planning Commission to order for Thursday, June 16, 2011.

ALLEN:	PRESENT
BARCA:	HERE
USKOSKI:	HERE
VARTANIAN:	HERE
MORASCH:	ABSENT
DELEISSEGUES:	HERE
WRISTON:	ABSENT

Staff Present: Oliver Orjiako, Community Planning Director; Chris Cook, Prosecuting Attorney; Sonja Wisser, Administrative Assistant; Steve Schulte, Public Works; Jose Alvarez, Planner; and Jan Bazala, Planner.

Other: Cindy Holley, Court Reporter.

**GENERAL & NEW BUSINESS**

**A. Approval of Agenda for June 16, 2011**

DELEISSEGUES: We'll have approval of the agenda. Is there any changes to the agenda that anyone knows of or wants to suggest? George.

VARTANIAN: Given that one of the commissioners is going to be leaving not very early but earlier than we'd probably get to it, maybe we can have the election first just to get that out of the way. Because isn't there a minimum number of commissioners required to be here for that?

WISSER: For election of chair and vice chair?

VARTANIAN: Yeah.

WISER: It's up to you if you want to do it or wait until Steve comes back.

DELEISSEGUES: If you want to make the change to the agenda, we can do that. Well, I'd just say that we held --

VARTANIAN: Let's just wait until Steve comes back.

DELEISSEGUES: -- it off last time because Steve wasn't here and he's not here again so do we want to hold it off again for that reason or what's your pleasure?

BARCA: Well, since it's your position, if you're willing to hang on another round --

DELEISSEGUES: There's no meeting in July so it won't be very hard.

BARCA: Okay. I would say let's just put it off until we have as full a body as possible.

DELEISSEGUES: Is that okay with everybody?

VARTANIAN: Sure. Just a thought.

WISER: Okay, we'll continue it.

ALLEN: If it's okay with you --

DELEISSEGUES: It's okay with me.

ALLEN: -- since you got to continue on.

DELEISSEGUES: I'm happy, happy-go-lucky. So does anyone know of any other changes to the agenda? If not, well, motion.

VARTANIAN: Move we accept the agenda.

BARCA: Second.

DELEISSEGUES: Moved and seconded. All in favor.

EVERYBODY: AYE

**B. Approval of Minutes for May 19, 2011**

DELEISSEGUES: Any changes to the minutes for May 19th?

VARTANIAN: I move we accept the minutes as submitted.

ALLEN: Second.

DELEISSEGUES: All in favor.

EVERYBODY: AYE

### **C. Communications from the Public**

DELEISSEGUES: Does anyone in the audience wish to communicate any topic of interest to the Planning Commission that is not on tonight's agenda? Okay, seeing none, we'll go to the public hearing items and the first is the annual review and docket items. We'll start with CPZ2011-00003, Battle Ground School District capital facilities plan.

## **PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION**

### **A. ANNUAL REVIEWS & DOCKET ITEMS:**

- 1. CPZ2011-00003 Battle Ground School District CFP** The Battle Ground School District is required by law to update its capital facilities plan (CFP) every two years. The plan projects revenues and numbers of students for a six year period. The School District has updated its CFP. It will be presented to the Planning Commission and the Board of County Commissioners for approval. The CFP is adopted by reference as part of the Clark County Comprehensive Plan.  
**Contact: Jose Alvarez (360) 397-2280, Ext. 4898**  
**E-mail: Jose.Alvarez@clark.wa.gov**

ALVAREZ: Thank you, Mr. Chair. For the record Jose Alvarez, Community Planning. We have six school capital facility plans before you tonight. I can do a summary report of all of them or if you'd like I could go through each one one at a time.

DELEISSEGUES: I don't know. I think we'd like you to go through all of them and we'll take them, you know, treat them with by exception if there's any questions. Is that okay with everybody?

BARCA: That's my preference.

DELEISSEGUES: That's usually the way we do it. Okay, go.

ALVAREZ: So CPZ2011-00003 it's the Battle Ground School District capital facilities plan. The staff's recommending approval of the request to adopt by reference Battle Ground School District capital facilities plan in the Clark County comprehensive plan. They meet all of the applicable criteria and findings.

The changes to the single-family residence fees would be from 9880 currently, the proposed fee would be \$5,128, a 48 percent decline. For the multi-family residence it's currently \$3500 and the proposed fee is \$2,649, a 24 percent decline.

Staff finds that the standard of service appears to be reasonably consistent with other

similar school districts. The enrollment projections are based on and consistent with Clark County, the City of Vancouver, the Town of Yacolt and the city of Battle Ground's comprehensive plans.

The district's anticipated funding levels are based upon historic State funding levels and other voter approved bond measures and thus the district's anticipated funding levels appear reasonable, are reliable. The district is proposing reduced school impact fees as I mentioned before and they're consistent with Clark County code. Any questions?

DELEISSEGUES: Sonja? Sonja, have we got the sign-up sheets?

WISER: I'll get them.

DELEISSEGUES: Yeah, go ahead, why don't you run through all of them.

ALVAREZ: All of them?

DELEISSEGUES: Yeah, and then we'll have them, we can remember. We've got good memories.

BARCA: They're on the screen in front of you.

ALVAREZ: Yes.

BARCA: That should help.

ALVAREZ: So the Camas School District, I'll just run through, they all meet the criteria and I'll just go through the changes in cost for the impact fees. The current Camas single-family residential is \$5,528, it's proposed to be \$4,460, a 19 percent reduction. Multi-family is \$3269, it's proposed for \$2,604, a 20 percent reduction.

The Evergreen School District for single-family is \$7,199, it's proposed to be reduced to \$6,989, a 3 percent reduction. For the multi-family in Evergreen currently it's \$3,969, it's proposed \$2,678, a 33 percent reduction.

For the Ridgefield School District single-family is currently \$4,490, the proposed is \$3,983, a 11 percent reduction. For multi-family it's \$2,314 and proposed to be \$1,796, a 22 percent reduction.

For the Vancouver School District the single-family is currently \$4,117, it is proposed to be reduced to \$1,523, a 63 percent reduction. For multi-family in Vancouver it's currently \$3,030.49 and it's proposed to be \$845, a 72 percent reduction.

The Washougal School District currently for single-family residential is 5,857, proposed to be 2,683, a 54 percent reduction. And the multi-family in Washougal is \$4,795 currently, is proposed to be \$2,689, a 44 percent reduction.

DELEISSEGUES: Okay, thank you. Any questions of Mr. Alvarez? Okay. We'll start with Battle Ground and Marnie might as well just come up here and stay up here. And if MaryBeth Lynn wants to accompany you, that's fine, both of you can testify about the wonders of the Battle Ground School District.

### **PUBLIC TESTIMONY**

ALLEN: Good evening members of the Commission. For the record my name's Marnie Allen. Mailing address --

DELEISSEGUES: Might could you pull that microphone a little closer?

ALLEN: Sure.

DELEISSEGUES: Yeah, thank you.

ALLEN: How's that?

DELEISSEGUES: Fine.

ALLEN: -- 2500 NE 65th Avenue in Vancouver. I work for the school districts and assist them in preparing their facility plans and impact fees. We're here to support the County's adoption of the updated plan in impact fees.

As you know we update these plans to look at current enrollment facility needs and forecast growth in the district and in accordance with the County code whenever we update the capital facility plan, we have to recalculate the school impact fees. So the school impact fees are recalculated using updated facility cost data and growth data. The formula then produces the fee amount and in this case all the districts are recommending that the County collect the calculated fee amounts.

So in general I'll make one broad comment and that is that you're seeing all of the school impact fees drop this year. There are very specific and different reasons that we could get into the details of each district, and I'm happy to do that if you want, but as a general overview there's one of three factors that are driving the drop.

One factor is construction costs have dropped since the plans were last updated and remember when we calculate the fees we use the cost to build facilities. So if construction costs go down, then the amount of the impact fee goes down.

A second factor is in some ways related to cost of facilities, but enrollment growth, there's still growth in all of the districts but it is flattening out and slowing down a little bit. And so when that happens some districts don't have the need to build as many schools as they were looking at needing to build three years ago. Some of them have also finished building some schools.

So for example, and we'll talk about Battle Ground, the last plan that was adopted for Battle Ground School District there was significant growth and they needed to build elementary, middle and high schools to serve that forecast growth.

They've completed building some new schools in Battle Ground. Their enrollment forecast has been updated and now looking out six years they only need to build at the elementary and high school level. So the cost to build the middle school which was paid for and included when the fees were calculated last time is no longer part of the fee amount this time; hence, a really big drop in the impact fee in Battle Ground.

The third factor that's driving a change in the cost is a reduction in the number of students living in single-family homes or in multi-family homes. So remember in the formula when we determine the cost per student for schools and we allocate a portion of that to new houses or apartments, we do that based on the average number of students living in those housing units.

If more students live in a new house, then a new house has a higher impact on schools and the fee amount is higher and they pay more. If there are fewer students living in housing the opposite happens and the fees drop.

So those are the three factors that are influencing drops in the school impact fees across all the districts. That's what I'm prepared to say about school impact fees. MaryBeth can summarize the plan. We also can just respond to questions if you would prefer to do that. We don't want to take any more of your time than is necessary to meet your needs.

DELEISSEGUES: You pretty much work with all the school districts on this obviously?

ALLEN: I do, yeah.

DELEISSEGUES: I just wondered if any of these reductions were based on a change in what they might be building in the future. For example not building a bricks and mortar building and trying to get by with additional portable buildings and things like that?

ALLEN: None of the changes in the fee amounts are based on that kind of a change because all of the districts believe that quality education is best provided in brick and mortar buildings so their plans call for that. But there was a change in the need to not build the middle school portion of the K-8 facilities that Battle Ground builds.

The other place where that kind of change I think it's similar is in the Ridgefield School District to where they were looking at building a new comprehensive high school on the property that they bought and they put that to the voters in a bond measure, the voters rejected that bond measure.

The community came together, formed a task force and now what their plan shows is expanding and improving all of the existing schools. So they're adding brick and mortar classrooms on existing schools to increase capacity and postponing building a new high school until later and that is a factor of the change in their fee amount.

DELEISSEGUES: Mary Beth, do you have anything to add?

LYNN: I really don't have anything to add to that, Marnie did a very good job of describing our needs. As she indicated we no longer have the need for the middle school that was in the previous plans because we have finished schools recently. Our plan looks at building two K-4 schools each housing 550 students and one high school housing 1200 students and that would provide additional capacity for 1750 students between now and our plan goes out to 2017.

DELEISSEGUES: Any questions?

BARCA: I do have a question but it's related to the Vancouver School District's amount of change and --

DELEISSEGUES: Well, wait until they show up.

BARCA: Wait until they show up, okay. So, Marnie, you don't --

ALLEN: I can answer that.

DELEISSEGUES: Okay, go ahead.

ALLEN: They'll have me answer that. I don't think Jennifer wants to answer that.

BARCA: Because it is the most dramatic --

ALLEN: Yes.

BARCA: -- and especially in the multi-family dwelling the impact is quite significant at 72 percent. I am wondering is this related to their population growth and the changes that they're seeing in the demographics?

ALLEN: Yes, in that there was a significant drop at the multi-family level in the number of students living in multi-family units. And part of that is because remember we look at the number, we match multi-family units built in the last six years with students enrolled in the district so that we capture impacts new multi-family housing is having on the district.

There hasn't been a lot of new multi-family housing units built in the Vancouver School District. The housing units that were built outside that six-year window housed more students, but they're not captured in calculating the student factor anymore. And so when you look at new multi-family housing units that are built in the Vancouver School District, there are significantly fewer students living in those units.

And you could think about the development that's happening in Vancouver downtown. Those are not multi-family units that are housing large families and a lot of students.

BARCA: I take that to a point, but I am wondering how much are we reacting to the historical housing that went on where everybody was building houses and everybody was buying houses and now we've flipped where it's very difficult to buy a house and rents are showing the strain of lack of supply and Vancouver has quite a lot of multi-family land that is still available in their available capacity.

And so I'm kind of wondering if we are spending a lot of time looking in the rearview mirror flipping these back now because the economy has spooled down. But the economy spooled down a couple of years ago and we're catching up to it --

ALLEN: Yeah.

BARCA: -- and now when it starts to spool up again, how long is it going to take us to realize that maybe we're undervaluing what's coming back.

ALLEN: A couple of things. I mean we're always going to be somewhat behind in that we're going to look at what's happening in housing when we calculate the fee and prepare the plan and that's going to change by the time we come here and that's going to change next year and we won't update again for probably two years unless there was a significant change.

If several more students showed up in a school district than was being forecast and things change significantly, they'd probably go back and update their plan and we would look and do a new student generation rate. But I think the thing that's ironic is that for me doing this work I was real curious to see what was going to happen with the multi-family rates because I thought, okay, more people are moving out of houses and into apartments.

I assumed mistakenly that there would be more students and more families living in those apartments which would have then caused the multi-family rate to go up and fees to go up and that's not what happened in Vancouver. What happened in Vancouver is that in 2009 there was for example .130 elementary students in an apartment and that dropped to .6, so almost by 50 percent. So there's half as many students living in apartments over that two-year period.

DELEISSEGUES: But you really can't project too much into the future, you have to follow the rules of the RAC, don't you?

ALLEN: Right. But the risk is that if we go, well, we really think that is going to reverse and we calculate and the County charges a higher fee, you're going to have developers going that data is not reliable because you're guessing at how many kids are living in apartment units, you don't know, and so that's why we use this data, the best data we have when we calculate it.

DELEISSEGUES: Well, one thing I'd like to do is just take these one at a time and vote on Battle Ground and make it clear and then we'll have the rest of them come up and vote on them one at a time just so there's an expression from the Planning Commission to the County Commissioners of what we're doing with each of the school districts. I think we

owe them that. So are there any questions further on Battle Ground?

BARCA: No.

DELEISSEGUES: Then we have a motion.

BARCA: Make a **MOTION** to accept the staff recommendation for Battle Ground School District on their new impact fees.

ALLEN: **Second.**

DELEISSEGUES: Moved and seconded. Any discussion on the motion? If none, roll call.

### **ROLL CALL VOTE**

USKOSKI: AYE

BARCA: AYE

ALLEN: AYE

VARTANIAN: AYE

DELEISSEGUES: AYE

DELEISSEGUES: Okay, thanks Mary Beth.

LYNN: Thank you.

DELEISSEGUES: And then we'll go to Camas School District and if Heidi wants to join, Marnie just has to stay here all night.

### **PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION**, continued

- 2. CPZ2011-00004 Camas School District CFP** The Camas School District is required by law to update its capital facilities plan (CFP) every two years. The plan projects revenues and numbers of students for a six year period. The School District has updated its CFP. It will be presented to the Planning Commission and the Board of County Commissioners for approval. The CFP is adopted by reference as part of the Clark County Comprehensive Plan.

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VARTANIAN: To equate you must suffer.

DELEISSEGUES: Yeah.

ALLEN: It's not.

ROSENBERG: Yeah, we'd rather just stay up here.

DELEISSEGUES: Maybe just for the record you could let us know who you are.

ROSENBERG: Yes, I'm Heidi Rosenberg and I'm the capital facilities director at Camas School District.

ALLEN: Do you want me to say my name for the record on this one too? Marnie Allen --

DELEISSEGUES: Oh, sure.

ALLEN: -- 2500 NE 65th Avenue.

DELEISSEGUES: So is there anything different that you would like to tell us about the Camas School District that --

ALLEN: The primary reason Camas School District's fees are dropping is because there are fewer students living in new homes and apartments. Camas is the fortunate school district here in the county in that they've had projects funded and so they have actual construction costs and buildings they're working on. And so there weren't a lot of changes in construction costs in the plan, it was more fewer students living in housing.

DELEISSEGUES: You've got the least drop in the -- any questions? Did you want to add anything, Heidi?

ROSENBERG: Not unless you have particular questions.

DELEISSEGUES: No questions? Do we have a motion?

BARCA: I make a **MOTION** to approve staff recommendation on the Camas School District new impact fees.

ALLEN: **Second.**

VARTANIAN: Second.

DELEISSEGUES: Moved and seconded. Discussion on the motion? Roll call.

**ROLL CALL VOTE**

ALLEN: AYE  
VARTANIAN: AYE  
USKOSKI: AYE  
BARCA: AYE  
DELEISSEGUES: AYE

DELEISSEGUES: Okay, thank you. We'll move on, then, to Evergreen School District.

- 3. CPZ2011-00005 Evergreen School District CFP** The Evergreen School District is required by law to update its capital facilities plan (CFP) every two years. The plan projects revenues and numbers of students for a six year period. The School District has updated its CFP. It will be presented to the Planning Commission and the Board of County Commissioners for approval. The CFP is adopted by reference as part of the Clark County Comprehensive Plan.

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STEINBRENNER: Hi. For the record I am Susan Steinbrenner, director of facilities for Evergreen Public Schools.

DELEISSEGUES: Thank you.

ALLEN: And Marnie Allen, I'm representing the district. For the Evergreen School District there's a pretty minimal drop in their fees as well and that is because there was a slight drop in the construction costs that were forecast in the improvements that were planned in Evergreen. They also received and are going to receive a little bit more in State match. So if there's more in State match, that affects the amount of the fee too.

But this is the only district where the percentage of eligibility and the construction cost, the amount that the State pays for Evergreen they are getting a little bit more. Any questions on their fee or their plan?

DELEISSEGUES: I was going to ask Sue if she wanted to add anything to that?

STEINBRENNER: The only thing I had to add the biggest difference between our last plan and this plan other than the rates in construction costs is the we're ready to go out to bid on our new health and bioscience academy over at the high school which will start off with 500 students and eventually get up to 600. So that's exciting to get that part of our plan underway.

ALLEN: So is that why it only dropped 3 percent versus a larger percentage like the other school districts would or is there some other reason for it dropping only 3 percent versus some of them dropping up to 63 percent?

ALLEN: That is why, because the facility improvements that they're planning on making are the same as what was in the plan last year, but now we have actual and -- well, I shouldn't say actual. We don't have bids yet on the health and bioscience academy, but we have better construction cost data and the construction costs are a little bit lower.

DELEISSEGUES: Questions? I've got a note here that says public testimony, if any. I'm going by the sign-up sheets and nobody signed up, but does anybody in the audience wish to testify on any of these? Okay.

If you do, when the school districts come up if anybody wants to testify if you'd raise your hand we'll immediately ask you to come forward. But I don't have any names on the sign-up sheet, that's why we've been kind of hustling along here. But, correct, I should offer that opportunity.

If there's no questions do we have a motion on Evergreen School District? No one in the audience wishes to testify.

BARCA: Make a **MOTION** to approve staff recommendation for Evergreen School District new impact fees.

ALLEN: **Second.**

DELEISSEGUES: Moved and second. Any discussion? Roll call, please.

### **ROLL CALL VOTE**

USKOSKI: AYE  
BARCA: AYE  
ALLEN AYE  
VARTANIAN: AYE  
DELEISSEGUES: AYE

DELEISSEGUES: Thank you, Sue.

STEINBRENNER: Thank you.

- 4. CPZ2011-00006 Ridgefield School District CFP** The Ridgefield School District is required by law to update its capital facilities plan (CFP) every two years. The plan projects revenues and numbers of students for a six year period. The School District has updated its CFP. It will be presented to the Planning Commission and the Board of County Commissioners for approval. The CFP is adopted by reference as part of the Clark County Comprehensive Plan.

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DELEISSEGUES: We'll move on to Ridgefield then. The only person I have for Ridgefield is Marnie.

ALLEN: Is me, I'm here, and that's because the superintendent Art Edgerly is out of town and so he apologizes that he couldn't make it tonight, but I told him I would do my best to represent the district here.

And as I previously mentioned the primary change that's happened with the Ridgefield School District capital facility plan is they have shifted from a plan that calls for construction of a high school and a fee calculation based on the cost for that high school to

a plan that calls for adding brick and mortar facilities and improving and building some core facilities at their existing schools.

So the fee calculations now are based on only that portion of cost to add classroom space and increase the core facilities at their existing schools. It was a lower construction cost than the cost to build the comprehensive new high school and that has caused the fees to drop.

DELEISSEGUES: Questions?

VARTANIAN: I have one.

DELEISSEGUES: Concerning Ridgefield? Go ahead.

VARTANIAN: I have just a quickie. You use the term "comprehensive high school," tell me what that means.

ALLEN: I guess what that means to me is a high school that serves 9 through 12 Grade students, not as compared to something like school of arts and academics or the health and bioscience academy high school that's more of a magnet, specialized, may be smaller high school.

VARTANIAN: Thank you.

ALLEN: Good question.

VARTANIAN: Thank you. Every so of ten.

ALLEN: Yes, what do I mean by that.

DELEISSEGUES: Don't tell him that, he'll think of some more.

BARCA: It just encourages him.

DELEISSEGUES: Yeah. Anyone in the audience wish to testify on Ridgefield? Seeing none, any questions of Marnie on Ridgefield? Motion.

BARCA: **MOTION** to approve staff recommendation on the Ridgefield new impact fees.

ALLEN: **Second.**

DELEISSEGUES: Moved and seconded. Discussion? Roll call.

**ROLL CALL VOTE**

VARTANIAN: AYE  
ALLEN: AYE  
BARCA: AYE  
USKOSKI: AYE  
DELEISSEGUES: AYE

- 5. CPZ2011-00007 Vancouver School District CFP** The Vancouver School District is required by law to update its capital facilities plan (CFP) every two years. The plan projects revenues and numbers of students for a six year period. The School District has updated its CFP. It will be presented to the Planning Commission and the Board of County Commissioners for approval. The CFP is adopted by reference as part of the Clark County Comprehensive Plan.

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DELEISSEGUES: Then we'll move on to 00007, Vancouver School District. So Jenny wants to come forward.

Marnie gets some help this time.

ALLEN: Yeah, it's lonely up here.

HALLECK: Just some company. My name is Jennifer Halleck, I'm with Vancouver Public Schools in the Planning department.

ALLEN: For the Vancouver School District the plan facility improvement is for an elementary school, that's the cost that was used to calculate the fees. But as I mentioned earlier two things are driving their fees to drop. One is anticipated lower construction cost for that elementary school than what was forecast two years ago and then a significant drop in the student factor especially at the multi-family level.

DELEISSEGUES: What kind of a drop in construction costs are you looking at?

ALLEN: In 2009 it was forecast that it would cost approximately \$42,000 per student to build the elementary school, now the district is thinking it can do it for about \$32,000, so \$10,000 per student if current conditions hold steady. What you may well see is that the school won't be built between now and two years from now when we come back and we'll update this plan and we'll use costs at that time and if the costs go back up, the fee is going to go back up.

DELEISSEGUES: Any other questions? Did you have something to add, Jenny?

HALLECK: No, Marnie's done a great job of explaining. Generation rate has gone down and construction costs have also gone down.

DELEISSEGUES: Any questions? Okay. Motion.

VARTANIAN: Take it.

BARCA: Okay, let me do it.

DELEISSEGUES: Ron's getting good at it.

BARCA: I'd like to make a **MOTION** to approve staff recommendation on the Vancouver School District's new impact fees.

ALLEN: **Second.**

DELEISSEGUES: And just for the record the staff recommendation is for approval.

ALVAREZ: Correct.

BARCA: Oh, now you do that. Now that we're five into it.

VARTANIAN: Yeah, this was the first one.

DELEISSEGUES: Just thought I ought to add that. Okay, no more discussion on the motion?

Roll call, please.

**ROLL CALL VOTE**

USKOSKI: AYE

BARCA: AYE

ALLEN: AYE

VARTANIAN: AYE

DELEISSEGUES: AYE

DELEISSEGUES: Okay, thanks, Jenny. We'll move, then, to Washougal School District, CPZ2011-00008.

- 6. CPZ2011-00008 Washougal School District CFP** The Washougal School District is required by law to update its capital facilities plan (CFP) every two years. The plan projects revenues and numbers of students for a six year period. The School District has updated its CFP. It will be presented to the Planning Commission and the Board of County Commissioners for approval. The CFP is adopted by reference as part of the Clark County Comprehensive Plan.

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BRIGHT: Good evening. Doug Bright, director of HR, facilities, operations and anything else the superintendent decides I need to be doing so here I am.

BARCA: Boy, are we glad to see you.

ALLEN: And Marnie Allen just for the record I'm here to support the Washougal School District capital facility plan. What I would note for the Washougal School District is maybe it's not exactly the same as what's kind of happened in Ridgefield, but there's a shift in their plan in terms of what they were planning on doing for to serve increased growth.

When we prepared their plan back in 2009, they were looking at building a 1,000 student K-8 facility on the current Jemtegaard site where there's a middle school. So they would build a new 1,000 K-8 facility to replace the existing 6 through 8th Grade middle school that was there. A measure was put before the voters, the voters did not agree with or support building that size of school on that location in the district and so the district has revised its plan.

Jemtegaard is an older school that does need to be remodeled and improved, but now the plan calls for just adding some classroom and capacity at that middle school when it's upgraded and looking at building a new elementary school on property the district currently owns next to the district office. So instead of building a new large K-8 on the Jemtegaard site, they'll add middle school capacity at Jemtegaard and build a new elementary on a different site.

Jemtegaard is in the Gorge and so the cost to build a 1,000 student K-8 facility on that site were, well, substantial. Part of the reason their fee amount has dropped is because those construction costs, construction costs in general, have dropped, but also the cost associated with building on that site in the Gorge it's a little bit less expensive to just add some capacity there.

DELEISSEGUES: Doug, do you have anything to add?

BRIGHT: Yeah. I would like to say that we've experienced an anomaly here in the last two weeks that maybe other districts have and that is with the cuts to the home link schools in our areas, we've seen a significant number of students enrolling in our district and then that of course remains to be seen what kind of impact that's going to have on us over the long run, but at this point in time I think the plan is very solid.

One thing I would like to add that we're feeling very good about is our energy initiative that we entered into last summer and we retro-commissioned our high school and are doing another school Cape and Canyon this summer and at this juncture we have through April my latest figures saved about 71,000 in energy costs and we're projected to 127,000 for the entire district. So we're going to continue on that program every year. We're going to take another school and continue to work that process.

DELEISSEGUES: Okay, thank you. Any questions?

ALLEN: Now that the process is more flexible, quote, unquote, and it's a little bit more

timely as far as reflecting the status of the population growth as well as using a different methodology, if there's a drastic change because of that other school system being slightly modified, then you can come back next year, right --

ALLEN: Right.

ALLEN: -- because that would reflect what's happening this year?

ALLEN: Right.

ALLEN: Okay, great. Thank you.

ALLEN: The County code does allow that. You can't wait longer than four years, but if there are changes that justify coming back in a year, we could make that request.

ALLEN: Thank you.

DELEISSEGUES: Any other questions? Motion.

BARCA: Make a motion to approve, or sorry, I got the whole thing messed up now. Make a motion to accept staff recommendation for approval of the Washougal School District's new impact fees.

ALLEN: Second.

DELEISSEGUES: Any discussion on the motion? Roll call.

**ROLL CALL VOTE**

BARCA: AYE

ALLEN: AYE

USKOSKI: AYE

VARTANIAN: AYE

DELEISSEGUES: AYE

DELEISSEGUES: Thanks, Marnie, and thanks everybody from the school districts, appreciate your testimony.

ALLEN: Thank you.

DELEISSEGUES: And that would move us to Columbia Christian School, CPZ2011-00001. Can we have a staff report?

- 7. CPZ2011-00001 Columbia Christian School** The property owner is seeking to change the Comprehensive Plan and zoning designation for parcel 156004-010 (9.12 acres) from Urban Low Density Residential with R1-6 zoning to Community Commercial with C-3 zoning. Located at the northwest corner of the intersection of NE 94<sup>th</sup> Ave and Padden Parkway, Vancouver, WA.  
**Contact: Jose Alvarez (360) 397-2280, Ext. 4898**  
**E-mail: Jose.Alvarez@clark.wa.gov**

ALVAREZ: Yes. The property owner is requesting a change to the comprehensive plan and zoning designation from urban low density R1-6 to community commercial C-3 for parcel number 156004-010. The site is currently vacant, a conditional use permit and preliminary site permit for a school were approved in 2000. The site plan and conditional use have expired.

I was just going to give you an overview. The parcel is here at 94th Avenue and Padden Parkway. Let's see. The zoning is R1-6 like I mentioned before. And the aerial photo of the site. So staff recognizes that there are some major policy implications that are beyond the scope of this review and they could be interpreted differently.

So staff's not making a recommendation to the Planning Commission, but we will highlight the two sort of major issues that have given us concern, the first being the lack of appropriately designated alternative sites. In the applicant's submittal the market analysis didn't demonstrate a need for more commercial retail land than already exists and relied heavily on the need for office employment.

The analysis of the office demand raised some questions for staff regarding the use of the vacant lands model and wasn't clear what other assumptions were used. We did meet with the applicant and the consultants Monday afternoon to clarify those issues and we expect them to address those for the Planning Commission this evening.

The other issue is transportation. The request has the potential for a significant increase in p.m. peak hour trips as a single-family residential from 66 to 555. The intersection of Padden and NE 94th Avenue is projected to be at a level-of-service F in 2013-2014 for both concurrency and volume capacity ratio. There is currently no funded project in the six-year transportation improvement plan to address the projected deficiencies. The applicant has made the argument that they will be able to mitigate their transportation impacts at the time of development, but that's a policy call again beyond our scope.

DELEISSEGUES: Any questions of Mr. Alvarez?

VARTANIAN: Yeah, if I might. You mentioned that bus service doesn't go through here right now. Has anybody gotten ahold of them to find out what their plans are for this area?

ALVAREZ: I looked at their 20-year capital facilities plan and didn't see one there. I looked at their 20-year capital facilities plan for C-TRAN and I didn't see one proposed there.

VARTANIAN: Okay, thank you.

PRINTZ: Thanks. Randy Printz, 805 Broadway.

DELEISSEGUES: Well, wait just a minute. I think I've got a question. Mr. Schulte, can you enlighten us on the traffic problem if there is a problem, the situation I guess I should say. Excuse me, Randy.

PRINTZ: No, that's all right. I was going to call him anyway.

DELEISSEGUES: I just saved you the trouble.

SCHULTE: Good evening, Planning Commissioners. Steve Schulte with County Public Works. Yeah, I would like to provide some perspective on that. There's simply nothing wrong with the staff report. In 2013 that particular intersection is at a level-of-service F under the way we do our modeling.

A couple of factors though. First of all that's not the standard we use to test concurrency. We have a corridor travel speed standard, we do not use the old letter grade system. We actually measure travel speeds on that corridor which extends from SR-503 which is 117th Avenue over to 205 and the actual speed on the road today is 34 miles an hour.

The speed where we're testing concurrency which means we put all the approved developments in and all the traffic from already approved developments in, the travel speed there is 23 miles an hour. So that's a p.m. peak hour average east/west travel speed in the late afternoon peak hour, the standard is 17. So if you compare the 23 with the 17, we're 6 miles an hour above the standard.

VARTANIAN: And that includes this particular development?

SCHULTE: That does not include this development, that includes all other already approved development. So using a conventional long-term planning standard which would be a level-of-service F, you could look at it that way which is what the staff report did. Using the actual County's concurrency standard it is not in failure. We test concurrency three years out and we're six miles an hour above failure.

The other thing I need to mention is that there are opportunities to mitigate small piecemeal improvements. We actually have a project there next summer it is going to replace existing controllers. They're 1985, 1990 vintage and those will be replaced. And also I think they're going to put a progression system on the corridor so all of the signals will be linked and that will allow better progression east and west on the corridor.

We have other opportunities for piecemeal improvements. We can put pedestrian islands on all four quadrants. I think you've seen intersections where there's kind of a slip lane and the pedestrians can move out and what that does is shorten pedestrian crossing times and you can cycle the systems faster because the walk times don't govern that and so you don't have green showing and no one in the queue to move simply to serve the pedestrian

walk times.

So there are piecemeal improvements we can make that short of a grade separated interchange that would allow us to offset any traffic from this proposed rezone development.

DELEISSEGUES: So in the Conclusion here it says "the applicants' proposal has raised serious concerns regarding transportation infrastructure. However, if the applicant is willing to agree to sufficiently mitigate" and would that be the extent of the mitigation that you just described that we would be looking for?

SCHULTE: Well, what we would do at the time of site plan approval for the development, we would look at the specifics of their traffic and where it was coming from and going to and then we'd work with them. There may be turn lane additions, there may be a --

Well, right now for example southbound the right-turn lane is limited in length, we might want an extension of that southbound right-turn lane. Or southbound there's only a single through lane, we might want dual southbound through lanes. So we would work with the developer to get adequate capacity at that 94th/Padden intersection.

DELEISSEGUES: So the recommendation here is that we would make our recommendation to the County Commissioners contingent upon their agreeing with whatever mitigation that you have come up or the County comes up with?

At least that's what it says here for recommendations and conclusions. I just wonder is that like signing a blank check if they don't know what the requirement's going to be before it gets to the County Commissioners?

SCHULTE: Well, I --

PRINTZ: I don't think that's quite what Steve is suggesting.

SCHULTE: Yeah. I think from staff's perspective this particular development retail commercial they're going to want to have good accessibility for their patrons and they're going to want good access in and out and the retail commercial I've been associated with in the past really installs the needed capacity to move their local traffic and my sense is they will ensure there's adequate capacity at 94th and Padden.

The reality of the equation is if 94th and Padden is having concurrency and congestion problems, what we would penalize is the north/south movements which would penalize this particular rezone area. We have to move Padden traffic first, the east/west traffic first. In the hierarchy of roads it's a higher piece of road, we penalize the north/south. We don't want to do that so we would expect this developer to build adequate infrastructure on the north and south leg to make those added trips to work.

ALLEN: And what would that entail to make it adequate for the north/south?

SCHULTE: Well, it could be adequate lanage at 94th and Padden, don't know exactly. Again it could be an extension of the southbound right-turn lane, it could be a second southbound through lane. I think there's also a need for a westbound right-turn lane.

There's adequate right-of-way on the Padden road, when we built that road, we bought extra land so we would expect a developer to make improvements at Padden and 94th. The intersection to north 94th Avenue and 86th Street that's going to be a key intersection this developer would have to upgrade to make it work for their commercial site.

DELEISSEGUES: Just another question for Jose, I guess. Are there any other factors beside transportation that we ought to be aware of in this proposal?

ALVAREZ: Again, just like I said the market analysis are the questions we had about the office demand.

DELEISSEGUES: I'm asking all these questions and Randy's listening to them and then he can answer them, see, and I won't have to say them twice.

ALVAREZ: I just wanted to mention one other thing. We had two public comments that I think I had submitted or were submitted today from the church across the street on 94th and then the Chinook Tribe.

DELEISSEGUES: Any other questions of staff? Okay, thank you. Do you have a question?

VARTANIAN: What am I, chopped liver.

DELEISSEGUES: Well, I don't know. You have to speak up, I can't see out of both sides of my face.

VARTANIAN: That's true. You're saying that the current and the existing developments were they to occur would lower the expected through speed at 23 miles an hour?

SCHULTE: Right. We're currently driving the corridor at 34.

VARTANIAN: Right. But if everything develops as we think it might, it would come down to 23?

SCHULTE: It would be about a 30 to 40 percent increase in traffic volumes so that's what's in process. You put all that in process that's already been approved on the road, you get down to 23.

VARTANIAN: I understand. Do we know what the impact on (inaudible) speed would be with this development?

SCHULTE: No, we have not modeled that.

VARTANIAN: Do we have a feel for these minor mitigations that you were pointing out earlier what those impacts would be?

SCHULTE: I think the sense is is we could offset the impacts of this development with those minor modifications. And again I'm not sure I would call them "minor." Certainly putting ped islands on all four quadrants is not a minor expense.

VARTANIAN: No, but I'm trying to refer to what I think you said. Okay. And last but not least, if the developer is willing to, obviously he has to be willing if he's going to do it, to do mitigations that may be required, as far as I understand it they probably would not, but would that qualify for traffic impact fee credits?

SCHULTE: The County in our 20-year capital facilities plan we have a project widening 94th Avenue so TIF credits, Traffic Impact Fee credits, may be eligible going back to the developer for doing that work. We also have some accounts in our capital facilities plan for unassigned miscellaneous intersection improvements, they may be eligible for some of those TIF credits too.

What we do there is we look at the regional benefit of the improvement they're providing. If it has clear regional benefit, we could provide TIF credits. If it just has kind of a local one street benefit, that probably wouldn't be regional and we would not provide TIF credits.

VARTANIAN: Okay. And thank you. And question for Mr. Alvarez, and in English, or if Mr. Dennis cares to answer he can answer when he's up, the weighted block group centroid retrieval method.

HOLLEY: What was that? I didn't hear you.

VARTANIAN: Yeah. Weighted block group centroid retrieval method. In nonmathematical but philosophical and English, what does that entail?

DENNIS: Just in plain English?

VARTANIAN: Well, yeah. I mean what does it basically measure, how do we go about it and --

DELEISSEGUES: Well, before we get to the applicant let's get done with the staff report here.

VARTANIAN: Well, no. If Mr. Dennis is going to do it, that's fine.

PRINTZ: I'll have an answer on --

ALVAREZ: I think Paul was on the group that came up with that.

PRINTZ: He was.

VARTANIAN: I'll wait for an answer. It's okay, yeah.

PRINTZ: (Inaudible).

VARTANIAN: All right. Well, I had nothing further for staff.

DELEISSEGUES: Any other questions of staff? Okay. You're on applicants. Printz.

PRINTZ: Thanks. Randy Printz, 805 Broadway.

DELEISSEGUES: For the record can you give your name and address for both of you.

### **PUBLIC TESTIMONY**

PRINTZ: Randy Printz, 805 Broadway and with me I have Paul Dennis who's an economist. Your address.

DENNIS: Cascade Planning Group, P.O. Box 372, Camas, Washington.

PRINTZ: A couple of quick items before I forget. One in terms of to help answer the question on TIF credits, if it's on the capital facilities plan and is on the TIF list wherein the County is collecting money, TIF money for those identified improvements, then there are credits. If it's not on the list whether it would warrant being there or not, you can't get credits.

VARTANIAN: No, I understood. I just didn't know what the current situation was.

PRINTZ: One other quick transportation note. So the questions were, well, can we make a developer do that in the future, the various mitigation options that we're talking about, if the developer at that time, if whoever the property owner is that is seeking to develop that property can't meet concurrency, they don't get approved, period. There is a absolute guarantee that they're toast, they don't get to go forward, they don't get to do the development unless they meet concurrency. And the only way they're going to do that is by creating a capacity that's sufficient for this improvement.

The other one was, and I think Steve would agree with me on this, and it would be highly unlikely that a development here, particularly with whatever frontage improvements and sort of incremental improvements that would almost undoubtedly be required here that you would lower the level-of-service on the Padden six miles an hour, that would be a huge amount of capacity.

It hasn't been modeled and we don't know, but I would be extremely surprised if you saw that kind of reduction. Because we have I guess a technology problem and I was expecting our usual graph or our usual overhead projector to be available and it's apparently sort of on the fritz so Sonja was good enough to make copies of what I was going to put up so I'm just going to give you there's just a set here of three exhibits that I

want to talk a little bit about.

So I mean I think the staff report is sort of a mixed bag, I think, on the planning side. You can look at this site and I think everybody would acknowledge this looks like a pretty good commercial certainly from the requirements that the commercial world usually requires, but on the planning side I think there's some questions about the economic analysis.

On the transportation side I think you had heard Steve say with or without this project there are transportation issues at 94th and Padden and at 86th, but that there are solutions to those things that are available. And obviously the big questions, then, are how do they be imposed and how are they funded.

There are a couple of factors that I would like you guys to at least think about tonight. One, the locational criteria at least in the comp plan this clearly meets sort of the size and the arterial surroundings. It also meets sort of the commercial world's locational criteria which is without question numbers of trips by the door, invisibility to those trips, and this site certainly has those things.

If you look at the first one it should be on top that it should have the little "a" in the corner of it, I know, we're back in the Dark Ages, one of the things that you'll notice just from, it's not really a criteria in the comp plan, the code for this, but it's something that the Planning Commission and certainly the Board thinks about which is what's the impact of the immediately surrounding area if we do this.

And here I think the good news is on the west side already you've got a large parking lot and a very large church. On the north side you've got 86th Street and then a huge storm facility. You've got about 100 feet between there and where you get to the backyards of the folks on the north side.

On the east side you obviously you've got 94th, a large arterial, and then a church across the street. And then to the south you've got the Padden. So there is no single-family residential that literally is going to have their backyard or their front yard sitting next to this which I think is worthwhile.

The larger area which is the zoning map that you've got which is this one, what's interesting about this I think is that there's a lot of big box retail for example at Andresen and the Padden. In fact I did a lot of that on the Padden employment center for Costco and moving Providence over there. And then over on 117th you've got Home Depot and there is one Safeway over there, there is a WinCo that's now up at 117th or 119th and 503.

But if you notice there's a pretty big hole in this area all the way down to Five Corners, and I'll talk about that in a second, where there really is very, very little, almost no commercial in that area. And there really isn't any sort of community commercial and there's virtually no office in that area. If you wanted to go buy groceries for example, you either go to Safeway at 63rd and Andresen or over to 503 at the Safeway at 76th or all the way up to WinCo.

So just from what is really around there, there isn't a lot. Five Corners is there and that's the third look you've got. The Five Corners area as you know is directly south of this at 94th, Covington. And that area there are, this is the overhead of it and there is a, and if you turn this, this is not oriented north/south, you can see the little arrow that has north, Covington is a diagonal street coming in there.

DELEISSEGUES: It's right there, uh-huh.

PRINTZ: Yeah. Right now there's a huge wrecking yard there sort of in the southeast quadrant, there's a paint shop, there's a rental equipment yard. The problem with this area from a redevelopment standpoint is before the Padden was built and before SR-500 became what it is today through another freeway, this area in the old days had commercial potential.

Today it really doesn't because it lacks those critical criteria that commercial wants which again is trips by the door and visibility. What you see there is likely what you're going to get long-term and that's in fact why you've got some of those uses that are there.

Another I think that makes this site a strong candidate for commercial is as you guys know the County has bought all of the Leichner Landfill and their plans are to put 94th all the way through to the north so 94th will end up having more traffic. And you can argue, well, that maybe makes it worse from a traffic standpoint, but it also makes it better from a commercial demand standpoint.

I'm going to let Paul talk about the economics here and market study and then I'm going to talk some about transportation.

DENNIS: Thank you, Randy. I'm not going to go page-by-page in the market study, it's pretty standard what we supplied over the last ten years before the Planning Commission and Board of Commissioners. I think I want to concentrate more on some of the key elements of that market study.

To get back to George's earlier question the centroid analysis, the averaging of that, what that gets to is there's a technique where you look at geographic like census blocks and information collected about how many housing is in there, how many people, and when you start drawing centroids we start drawing circles and some of those blocks will fall outside of that circle.

And so the algorithms that are usually used to look at the geographic area is 50 percent within that centroid, is it 25 percent and apply that percentage number into that block to figure out how many people might be a part of that whole centroid. So that's kind of the method. All the major data houses whether it's Claritas, ESRI, you name it, they all use that same method so there's no magic.

VARTANIAN: Basically it's a head count kind of a thing?

DENNIS: Basically, correct. And so when the criterion was used what they wanted to try to do is make sure something standard was utilized recognizing that most of the national data houses that you go to pull information whether it's the Census Bureau or a third party they're all using those same types of methods.

VARTANIAN: Thank you.

DENNIS: So when we went through our analysis, we looked at commercial demand in a couple of different ways. Typically we look at retail versus non-retail. And when we're looking at retail, we're looking at the number of residents that are there, we look at their incomes, the purchasing power, based on the demographics there what might be the types of goods and services that they're purchasing and the quantity.

In our analysis we noted that because of the two major regional commercial centers down by Vancouver Mall and over at Andresen and the Padden, this area really does in our sense take care of the existing population. So our analysis, really, from the retail standpoint looked at future growth and what those future residents might demand in terms of commercial services, commercial goods and how does that translate into land demand.

And so when we did that we looked at a five-year period of time and then we also looked at the longer term over the whole planning horizon and what we noted was if you look at the next five years maybe 10 acres of retail demand would be needed and then if you looked at the full planning horizon maybe 28 acres. So when Jose was saying that there is no retail demand, it's really negligible in terms of our analysis, 28 acres compared to what we think is the full demand for this area is pretty marginal.

So when we looked at looking at what's the non-retail side, we start by looking at what's gone into the comp plan, what are the number of jobs that have been estimated that are needed by the comp plan. We also look at some of the planning assumptions such as infrastructure, employment densities.

And also look at the vacant buildable lands model, where does the vacant buildable lands model, where is it locating industrial employment, where is it locating commercial employment or commercial lands, industrial lands, residential lands. And through that we in particular look at this two-mile market area and estimated that there's probably if you look at the longer term period of time a demand for about 400 acres.

So we know the local population, we're assuming the local population based on our income and population growth estimates will take the demand of about 28 acres which leaves about 372 acres of non-retail or what we're loosely calling office commercial demand.

Our next step is really to go through the land supply and look a little bit more intensely at the vacant buildable lands model, but we also try to match that up with the tax lot database just to kind of see what's on the ground, what's actually been built, what areas might be designated as "commercial" but maybe have a different type of zoning to try to see what's actually on the ground. When we use that method we noted that we saw vacant parcels

that have a commercial zone today there was about 354.5 acres.

So in the end what we're suggesting that over the long period of time that there's a land supply of about 354, 355 acres of land, a need for roughly 400 acres which gives us the net difference of about 45 acres. And that's pretty much a summary of our analysis from the market side.

DELEISSEGUES: Questions? Go ahead, George.

VARTANIAN: Randy's heard this before and I know it's what the ordinances call for as far as the calculation is concerned, but I still have a hard time agreeing with the philosophy that there's X number of dollars of income in an area and there's Y dollars worth of sales in the area that would be buying stuff in that area and the assumption is made that the difference is going someplace else.

DENNIS: In this analysis we're not assuming any leakage. For this two-mile market area we're not assuming because we're not calculating any demand for current residents in the future need.

VARTANIAN: I may have misread something then.

DENNIS: You may have confused that with when we looked at it from a countywide perspective.

VARTANIAN: Okay.

DENNIS: But for the two-mile market area we're not assuming that. We're assuming that all the current residents their needs are being met because of the two major regional centers.

VARTANIAN: That being said, and I remember some of the justifications for those regional centers, now we're going to be taking some demand off of those regional centers because they were justified for future demand also.

And I'm not saying it's an unreasonable position, but it just strikes me that maybe we want to be very careful about what we're opening up when we've already justified other developments where the demand is now going to be going someplace else possibly. And you indicated there would be growth in the area, I'm assuming you're talking about residential growth?

DENNIS: Yes. Well, residential and employment growth.

VARTANIAN: But residential, the people, the residential growth, is probably what's going to service the commercial area. Well, not necessarily but some.

DENNIS: It will service mostly the retail.

VARTANIAN: Right. If we had to picture farther up in the sky for this, how much of that area would be residential that would service this that's open and developable at this point?

PRINTZ: If you look at the zoning map that's a much bigger area and it would actually show you what is, you know, almost all of that. Well, obviously the big blue in the middle of that is the Leichner Landfill --

VARTANIAN: Yeah, that's gone away.

PRINTZ: -- and then everything else around it is all residential, there is no commercial there. There actually are a lot of new subdivisions kind of on the north side of the landfill south of 119th, some of which I did, that are wholly unbuilt.

VARTANIAN: Oh, okay. That's my question, how much --

PRINTZ: They were approved. In fact they're worrying about them expiring these days because they're getting close just because obviously the market. So there really is undeveloped area up there.

And I think the other thing, too, is that at least in this market area there simply is not a lot of community commercial there, I mean even existing. I mean there's the big box stuff at the Padden and 205 or the Padden and Andresen and 205 and Home Depot and Costco and Providence, and you go to 503 and you've got some big boxes there. There's a Safeway on Andresen at 63rd, there's a Safeway at 503 and 76th, there's a WinCo way up at 119th.

There really isn't much. And there's no other zoning in here other than Five Corners that would potentially accommodate that. At least Paul's analysis, too, does show a shortage. It's not a huge shortage, 45 acres is a shortage, but at least based on those numbers and using the -- you and I have had this discussion --

VARTANIAN: Yeah, we have.

PRINTZ: -- over the years many times and in the old days every economist, every market analyst that we would come here with had used a different methodology and the County would use a different one, and for you guys or for the Board which method, you know, it's like whose results are right. We don't even know which methodology is the best one. So the County said we need to standardize this and this is ultimately what sort of got invented before you guys as well as the Board and that's what they --

VARTANIAN: Yeah. Well, again, I'm not taking issue with what we're doing, I'm backing up the steps to worry about how we arrived at the policy somewhere.

PRINTZ: Yeah. On the leakage side what Paul did was took a conservative approach and said zero leakage in here so we're not trying to create demand from what might be going across the river.

VARTANIAN: And my final question if I might is, yes, the demands that are there now are being served assumably by someplace not so close, is that capacity for demand exhausted at this point? In other words is Costco at maximum customer turnover, are the Safeways, they can't handle any more customers?

PRINTZ: Well, no retail establishment would tell you that they don't --

VARTANIAN: Well, that's why I'm asking.

PRINTZ: -- we don't want any more.

VARTANIAN: Well, obviously they're not going to say that, but I mean I don't even know if that's a reasonable question. It just seems like --

DENNIS: Well, no. I mean the reason the Costco there exists is really to pull demand off of the Airport Way Costco.

VARTANIAN: Right.

DENNIS: Anybody within Costco, I certainly talked with them in my other capacities, that's the primary reason that's there. The reason they built one over on 192nd is again to try to take demand off of the Airport Way so this store is certainly doing better than the 192nd store.

Home Depot's the same way, once they reach a certain sales and certain volumes that are coming out of their stores, they realize they need to build other stores in those market areas to kind of basically distress those facilities. And so that's why a lot of these Home Depots, Costcos and other big box retailers exist here is to try to offload the demand that's across the river.

VARTANIAN: Yeah. Well, the only point of my question is it's like manufacturing, you don't want to build more capacity if you're not already using what's available to you these days and I'm hearing that it's borderline, but there's going to be a whole bunch of new population.

DENNIS: Right. And we're certainly not suggesting there's going to be a need for 100, 200, 400 acres of commercial property.

VARTANIAN: Not at this particular time anyway. Those things usually go 40 acres at a time.

PRINTZ: I mean it's interesting to me that you've got two Home Depots that are relatively close to, yeah, or Home Depots and a Lowe's that are relatively close to one another but the market seems to support that.

DELEISSEGUES: Any other questions of the applicant?

VARTANIAN: No. Thank you.

PRINTZ: I'm going to finish up. I'm going to talk about transportation.

DELEISSEGUES: Okay.

PRINTZ: Which I mean that to me is a legitimate issue, needs to be addressed, and I guess a couple of things about that. One, the deficiencies that are projected to occur at 94th and the Padden and at 86th will happen with or without this zone change. They're doing the modeling there 2013-2014, and you can go throughout the county and find transportation facilities that are nearing failure.

And even though we do the comp plan and we do it every ten years or whatever our increments are and we do our capital facilities planning, that doesn't mean that those things don't fail or we run out of capacity. We rarely have the money to build all of that capacity.

And in this case one of the things that will happen here is I ran the TIF calculations, the impact fee calculations, for the differences in numbers. If this gets built out at its current zoning, the TIFs in the north Orchards area, which actually are the highest in the county I think, gives you about 450,000, \$449,000 worth of TIF money. It sounds like a lot.

Based on the traffic analysis that's in the record which is based on the reasonable worst case scenario which is sort of what the County wants you to do, and reasonably so, the impact fee is almost 4 and a half million. It's like 4.4 something million. I can actually give you the -- it's 4,460,070 bucks. I mean a huge Delta, \$4 million that this project would pay if the land gets changed and if it got developed with something that generated that number of trips.

Another interesting thing in the county is that, and different jurisdictions do it different ways, but it's meaningful, particularly here, is that virtually all of our transportation dollars go to fix problems that happen for an hour and a half to two hours a day. That's all of our money goes into creating capacity for the p.m. peak, yet the County's TIF program is based on ADT, on Average Daily Trips.

Some jurisdictions are p.m. peak and the commercial world thinks that this is a really bad way to do things because they really get tagged. But what you end up doing here is you're taking transportation impact fees for 4,000 average daily trips, which is what this would generate at approximately, but you're taking the impact fees on that 4 million and you're actually only creating 490 p.m. peak hour trips, but you're paying for 4,000 trips so you're basically paying ten times over what your p.m. peak impact is.

And you can argue from a policy standpoint that's a good thing or a bad thing, that's just what happened. So when you're looking for ways to help fund transportation infrastructure, this certainly is a beneficial way to do it. I did the Waterfront project, the zoning got changed, a user comes down, we now have \$8 million of private investment just in transportation and leveraged that into another \$32 million for transportation funding

that wouldn't have existed without the comp plan change. Evergreen Airport similar, nowhere near those sorts of numbers.

One that you guys are very familiar with is Costco and the Padden Employment Center, everything that we did that is east of or west of Andresen on both sides of 88th just north of the Padden, and I was here in front of this body two or three times as we changed the comp plan through that and this, and the Planning Commission supported that, as did the Board.

What happened there was that once that got done Costco is now there, Providence Medical Center we know have an approved project for 200,000-square feet of medical, we are building the transportation infrastructure there right now, several million dollars worth, the transportation impact fees that will get paid from that are over 20 million. And I'm giving you a ball, I'm guessing, but it's got to be well over \$20 million.

The infrastructure that's being constructed today not only creates capacity for all that commercial use, but creates excess capacity for the system around it. We've extended the life of Andresen and Padden several years. We looked at that, I mean that was the fix that everybody thought was going to have to happen which was a grade separated interchange there and we now have a break in the Padden just west of Costco that's almost finished being constructed.

So those are really good examples of turning something into commercial which generates the most amount of TIF dollars and funding transportation infrastructure that creates jobs and overmitigates for the impacts that it actually creates. So here as Steve has said there are opportunities.

There's right-of-way, we haven't maxed out the incremental fixes that we ultimately did on 134th where we had every left-turn lane, every right-hand turn pocket that could get funded and that the geometry would allow you to do. And we finally ran out of that capacity and so you see the Salmon Creek interchange project. That's ultimately what happened and it happens with every corridor.

Here, though, the Padden there's lots of things that can be done that don't cost \$60 million. If this project gets approved and comes in, it will be conditioned upon some of those incremental improvements that will create capacity not only for it but it will create some excess capacity as well and the TIFs will go into the program and will fund lots of other things. So that's the transportation side.

I guess one other thing, and we talked about it a lot with the Padden when we did that, is the localized impacts versus the systemwide impacts for commercial. The same number of gallons of milk are going to get purchased in this market area whether you've got three stores or one store. So the impact to the system for commercial, the same number of trips are still in the system.

The only thing that really increases new trips are new jobs that come in from outside and residential, but you do localize those impacts and there will be impacts that we've created

at the access points here that wouldn't be created without that, but those are the things that are much more easily mitigated.

I think I'll answer any questions that you guys have. This obviously isn't the greatest place to have single-family residential with noise, glare, lots of traffic.

DELEISSEGUES: I just thought you were going to say that having a local store would eliminate longer trips to the other stores.

PRINTZ: It will.

DELEISSEGUES: See, I've said in four words what you were trying to say in a half an hour.

PRINTZ: If I would have known that those four words were going to work --

VARTANIAN: Yeah, but he gets paid for time.

DELEISSEGUES: Oh, I see, billing hours. I forgot. Well, the other thing is you ought to be happy that we're using average daily traffic instead of peak hourly traffic because that would mitigate the improvements that you would have to make.

PRINTZ: Well, the commercial guys don't like that at all. It cost them 4 million to --

DELEISSEGUES: I should think they would. I'm surprised they don't like it.

PRINTZ: Well, because they had to pay 4 million, \$4 and a half million. The p.m. peak trips that this produces is like 490, the average daily trips that it produces is over 4,000, the TIFs are based on the average daily trips so they're paying \$4 million instead of a million dollars.

DELEISSEGUES: Well, then they're counting traffic two different ways because the average would always be less than the peak.

PRINTZ: No, the average daily trip --

DELEISSEGUES: Oh, yeah, it would.

PRINTZ: Well, no, not in the transportation world. A single-family residence for example has one p.m. peak trip, has ten average daily trips. Those are numbers right out -- I mean every transportation engineer in the country uses those numbers. So your p.m. peak, your peak hour trips are always per use, are always way less than the average daily trips.

VARTANIAN: Which would mean that if you want to just allocate it to the p.m. peak hour trips the fee --

PRINTZ: Some jurisdictions do.

VARTANIAN: -- the fee per trip is going to be one hell of a lot higher. It's going to be ten times as much as what we're charging today.

DELEISSEGUES: Well, sure it would be.

PRINTZ: Right. But your numbers of trips are lower for a single-family.

VARTANIAN: Oh, yeah. But I mean if it's going to take X number of dollars to build capacity on roads whether you do that over a 24-hour period transportation usage or one hour, the dollars are the dollars.

PRINTZ: Right, the dollars are the same.

VARTANIAN: Yeah, it's just the rate per trip is going to be different.

PRINTZ: Correct. Exactly.

DELEISSEGUES: Well, we would have to disagree with that. If I put a traffic counter out, I would get a heck of a lot more traffic counted during rush hour for example than I would at 10:00 in the morning when average traffic is traveling around the county. Do you agree or not?

PRINTZ: We're talking apples and oranges.

DELEISSEGUES: Yeah, we are. We are.

PRINTZ: The way that the County, the way that every jurisdiction, every traffic engineer in the country counts trips are the numbers of trips that that use creates over a 24-hour period is called your average daily trips. The number of trips that that use creates during the peak hour is the peak hour trips. The peak hour is part of the average daily so it has to be less.

DELEISSEGUES: Well, I'll defer to Mr. Schulte's --

PRINTZ: I'm not cooking the books. I mean this is black letter stuff.

SCHULTE: Yes. Commissioners, each land use type has a different trip distribution profile throughout the day. A school trip distribution peaks at about 8:00 in the morning, 7:00, 8:00 in the morning and 3:00 in the afternoon. Restaurants peak in the noon and the late afternoon --

DELEISSEGUES: That makes sense.

SCHULTE: -- and each land use has a different profile across the day. A lot of residences peak early in the morning and then late in the afternoon when people are coming home and then going out for the evening. So it depends on the land use and that's what Randy

is talking about.

PRINTZ: But the number of peak hour trips is always less than the average daily trips --

DENNIS: For a particular use.

PRINTZ: -- for a particular use.

ALLEN: But then of course --

SCHULTE: It has to be.

PRINTZ: Yes, I know.

SCHULTE: It has to be.

ALLEN: Then of course we don't really know what exactly is going to be proposed here. I mean it could be an office --

PRINTZ: Absolutely.

ALLEN: -- it could be multi-family dwelling units.

PRINTZ: No, it can't be multi-family.

ALLEN: So I worry about which peak hour we're talking about is really irrelevant.

HOLLEY: One at a time.

PRINTZ: Type, type, type. We don't know what the use is here. The County, though, will impose, we will, the County will measure our traffic impact and measure concurrency. That means measure whether we pass the test about whether we get to develop or not, they won't do it by their p.m. peak.

So I mean in fact what the County and every other local jurisdiction and transportation engineers and urban planners try to do is figure out ways to get you out of the peak, out of the p.m. peak. So if you have a use that you can shift your trips and not have everybody walk out the door at 5:00 but you can have them walk out of the door at 3:00 that's your peak, but that's what we want because there's lots more capacity at that time of day.

But you're right, we don't know what type of commercial use would go here, but we do know that it's going to pay its TIFs based on its average daily trips and not its p.m. peak trips which from the County standpoint is a good thing because they're going to get a lot more money.

DELEISSEGUES: Go ahead.

VARTANIAN: Going back to leakage, on Page 7 of your analysis it talks about leakage in this two-mile market area and I'm obviously missing something. Are we talking about leakage from this area or is that an extrapolation from the county in general?

DENNIS: Page 7.

PRINTZ: Paul will have to answer this one.

VARTANIAN: Well, yeah, I know. I know I read it someplace.

DENNIS: On Page 7 we're really just talking about leakage in a general sense, we're not suggesting that this area today has any leakage, nor do we try to estimate --

VARTANIAN: Okay.

DENNIS: That's why if you look at like Figure 10 it just provides this what we're looking at for demand. On Page 7, Figure 10, it just provides demand and gross sales and you'll notice the gross sales exceed the demand because of the two regional centers that are on the peripheral of this market area because they're drawing from a much wider area than just this so we're not assuming there's any leakage.

VARTANIAN: Okay.

DELEISSEGUES: Any other questions? Milada.

ALLEN: I do have a question. When the preliminary plans for the school site I guess, is that what it was, school?

PRINTZ: We had the church and the school. I did that project and they were done together in a phased project with the vacant portion being a private church school.

ALLEN: Since you're familiar with that CUP, why couldn't they comply with the original approval conditions? What were they?

PRINTZ: They could comply with them and they actually got approval. The problem is that the church simply ultimately decided that they I think, one, couldn't afford to, and, two, just were not going to be able to build a school so they wouldn't -- their approvals were good and their approvals expired was the --

ALLEN: Was their approval contingent on transportation improvements --

PRINTZ: They did --

ALLEN: -- and mitigation?

PRINTZ: No. They satisfied all of their mitigation conditions which then were the construction of 86th and I think they did some frontage improvements out front. And they

needed to do those for the church in order to get open. We started that project in the late '90s so there wasn't enough -- we weren't really worried too much about capacity in those. There wasn't a really big capacity problem.

The bigger issue here, I mean, we had some storm issues. The FEMA maps showed this as a floodplain, and which it obviously isn't but, and the hydrology changed when they built the Padden, but it was still we had to go through the letter of map revision process with FEMA. And if you've never done that, that's really a fun exercise. But transportation really wasn't an issue for this project.

ALLEN: But the storm issues are those still there, stormwater issues?

PRINTZ: No. That huge storm facility that you see it's built on the north side of 86th we constructed, so storm would not be an issue here.

ALLEN: Was there an archeological study done at that time?

PRINTZ: Yes, there was. And there was a wetland study done. And actually if you look at GIS, it shows wetland and habitat area on this site. I have a letter from the County from when we went through this process that when they went out and they looked at it, they said there aren't any wetlands here.

It's a relatively clean site. I think it's a very clean site. And most of the infrastructure obviously they would do frontage improvements probably along 94th, but mostly everything else is done.

ALLEN: Was there also like an issue of it being sited so close to that particular intersection at 94th and Padden?

PRINTZ: No, because the -- or do you mean the intersection for -- you mean the construction of 86th or do you mean just the location of this?

ALLEN: The access and --

PRINTZ: No, actually the red lines in fact we were required to build. The church would have liked to have not built that because if you notice the residential to the north it does not access 86th, it accesses the street to the north. We had a condition of approval to build that.

ALLEN: Oh, okay. Thank you.

BARCA: Mr. Chair --

DELEISSEGUES: Anything else?

BARCA: -- I need to get onto the record the idea that I have a conflict and I'm going to have to leave prior to the vote, so if I could just say how I feel about this and then wrap up.

DELEISSEGUES: Yeah, go ahead.

BARCA: I appreciate all of the additional information that came from the applicant. It helps clarify a lot of the initial staff confusion about whether they were capable of rendering an approval or a denial. It seems to me that we should have been able to get out of staff either an acceptance of the criteria or not.

But looking at what we have in front of us, the way that it looks to me as far as changing the land use for this particular parcel at this particular time without a specific project in front of us doesn't really generate much benefit to the public, if any.

I think the Leichner property and this particular parcel should be taken into account together and we should be looking at the area and the transportation requirements to develop all of that in some fashion that makes sense where we can genuinely then pull in jobs or proposed projects and make them worthwhile.

What I see right now is we have an overabundance in inventory of underutilized or empty storefronts within close proximity and putting another parcel into commercial inventory I don't think helps the process. I think that hinders it actually. And if I were to stay here for the vote which unfortunately I'm unable to do, I would vote no on the process. So thank you for the time. I got to go.

DELEISSEGUES: Okay, thanks, Ron.

PRINTZ: Thanks, Ron.

DELEISSEGUES: Valerie, did you have any comments?

USKOSKI: Well, I guess my thoughts I think that traffic has a potential to be mitigated when it comes in for a site plan approval. Looking at what's there in the surrounding area with the residential, I do see where the applicant is stating that there's not any commercial right in that local vicinity.

And when you look at some of the public health issues that have been raised over time as far as like livable, walkable, sustainable communities, I think commercial in this area does support that with all the residential around there.

ALLEN: Are we going to have public input first? Is there anybody here to testify on this?

DELEISSEGUES: What's that?

ALLEN: Is there anybody here to testify on this?

(Commissioner Barca left the hearing.)

DELEISSEGUES: Well, yeah, when we get finished talking to the applicant, we'll find out.

Any other questions of the applicant? I guess not. Thanks.

PRINTZ: Thank you.

DELEISSEGUES: Yeah, thank you.

PRINTZ: We'll be here if you have any.

DELEISSEGUES: Good. Anybody in the audience wish to testify on this matter? Apparently not.

PRINTZ: Then we'll stay.

### **RETURN TO PLANNING COMMISSION**

DELEISSEGUES: Yeah. We'll return it to the Planning Commission, then, for deliberation. Do you want to start, Milada, and we'll just work our way to the south.

ALLEN: I guess I'm a little bit concerned that there are no neighbors here to testify to let us know what exactly their feelings are about the zone change, but that's up to them. But I am concerned that maybe there are some uses coming down the road that may impact them and the spacing criteria itself has not been really met in my mind.

And the market analysis was great, but I just don't see how it would support your argument here that we need some new commercial areas. I did have a question if the City of Vancouver had an input in this particular proposal?

ALVAREZ: We sent them the proposal, we didn't receive any comment.

ALLEN: That's interesting. And then when I'm looking at the land use analysis, again in my mind it does not demonstrate that there's a need for existing commercial land to be increased or that the commercial land supply is inadequate.

And I do see a lot of substantial trip increase from the prior use that was proposed for this particular site where it goes from 660 trips to 6,000, almost 6,500. That's a huge increase and a potential traffic impact. And then of course the peak hours we're going to go from 66 to about 550. That again is a substantial increase from a previously approved use to the proposed use generated by the more intensive commercial use of the site.

And again I do have a problem with doing a zone change prior to having a proposal that would be specifically for this particular site so we would have better data as to what's going to happen there on that particular site as well as the impacts level.

So to me it's a little bit premature to change the zone and especially in view of the fact that there's other things that are going on and based on transportation circulation that there might be some small improvements, phased improvements that might alleviate this.

And of course we're all speculating whether or not it's going to fix whatever is being proposed because like I said before it could be an office complex or it could be multi-family residential type of a development where you have way much, much more dense population base as well as more dwelling units than the 66 that could have been proposed for that particular site before, now we could have a lot more impact.

And one of the other things that I was a little bit concerned was the proximity of that particular area to an LOS F prior, and that's LOS F prior to considering whatever is going to go on that particular site.

And again it's difficult to go through a zone change without knowing, without putting the contingency and/or in conjunction with such and such a use and then having some specific data to support and to measure the impact and also decide as to what is the best use for that particular site pursuant to lack of a specific proposal in conjunction with the zone change.

DELEISSEGUES: Okay. George.

VARTANIAN: You betcha. On the matter of the Chinook's response about an archeological study, what did you --

PRINTZ: I haven't seen the letter, but we would have to do -- even though there's already been one, the County requires you to do an archeological analysis on any development that we do.

VARTANIAN: Yeah, I just wondered, whatever. On the matter of the concurrency versus traffic, staff said that it's going to be an LOS F and Mr. Schulte said that it's not the way we calculate concurrency anymore. I'm not sure, what significance is that?

I mean if there's an LOS F that means an intersection is failing, right; however, it may be okay for concurrency purpose because you measure along the corridor. And am I understanding that the LOS F may be at that intersection, but still from one end of the corridor to the other end it's still going to be the desired standard speed-wise average?

SCHULTE: Well, what I said from a planning perspective LOS F is a very commonly used threshold of identifying excessive congestion. What that doesn't take into account are these small piecemeal improvements that could be made. You could add progression on the corridor, you could add more detection that moves. So it doesn't capture that.

So from a planning perspective it's level-of-service F. From the County's concurrency ordinance perspective we don't look at it that way, we look at corridor travel speeds.

VARTANIAN: Right.

PRINTZ: We fix failing intersections with almost every project we do.

VARTANIAN: Yeah. No, I understand. I just didn't quite grasp that the LOS F was a result of (inaudible) --

PRINTZ: The key is whether there are --

VARTANIAN: -- many fixes.

PRINTZ: -- whether there are fixes available. I mean that's what happened in Salmon Creek. That's why we ended up where we did is because there were no fixes available anymore, here there are lots.

DELEISSEGUES: Valerie.

USKOSKI: I guess I would just add that residential in this corner definitely doesn't make that much sense to me when you're bounded on three sides by a road and then a large parking lot on the other, whereas a commercial use I think would be better.

Looking at the commercial to the south of Five Corners I don't see that as long-term viable and I don't think that even if we do this as a commercial zoning, when they go to develop if there's traffic safety problems that they're causing, they cannot develop if they are causing a safety issue, that they would have to mitigate for that or whatnot before they could develop.

So I think that kind of takes care of the making an unsafe condition for the development regardless of what it is.

PRINTZ: You either fix it or we get denied.

USKOSKI: Yes.

DELEISSEGUES: Any other discussion? Do we have a motion?

USKOSKI: I'll make a **MOTION** to approve the rezone.

VARTANIAN: Not staff recommendation? I'll **second** that.

DELEISSEGUES: Well, I think the staff recommendation was that --

VARTANIAN: There's no recommendation.

DELEISSEGUES: -- it be contingent upon correcting the transportation problems is what you wrote here.

ALVAREZ: If that was your desire.

DELEISSEGUES: Oliver, I suppose you want to add to our discussion.

ORJIAKO: No. You asked if there was staff recommendation and I think this is one that we looked at the land use and looked at the transportation issues and agree that there is no proposal. This is what you get when you have a non-project specific proposal and that if there is a specific proposal, we can look at the impacts, there is none.

However, we believe that if during site plan review for a specific proposal, I think the transportation impact we raise can be mitigated. And if the applicant is willing to mitigate that, then the PC can recommend approval of this project and that's really what we are coming down on in terms of our recommendation. It came to you as if there is no recommendation, but that's our position if that helps.

VARTANIAN: I mean it's just a matter of how the County does its planning. I mean Commissioner Barca and Commissioner -- what's your name again?

ALLEN: Allen.

VARTANIAN: Thank you. It's my old age. You know, is that that's how we look at it. I mean there are levels of strategic planning that some of us would prefer, but that's just not the way we operate.

PRINTZ: 99.9999 percent of the projects that are done in this and every other jurisdiction are not done in conjunction with a comp plan change.

VARTANIAN: I understand.

DELEISSEGUES: Well, just a point of order. We've returned it to the Planning Commission --

PRINTZ: My fault.

DELEISSEGUES: -- and we'd like to keep it that way.

VARTANIAN: Yeah. Again it's a matter of as long as there's a Fail-Safe somewhere in the system that says, okay, you can put a commercial zone there, but you still got to go through site plan approvals to come up with just exactly what is going to be the impact on traffic, so that's why I don't have a problem.

DELEISSEGUES: So are you telling us that or Oliver or --

VARTANIAN: I'm editorializing like I usually do.

DELEISSEGUES: Okay. Anything else, Oliver?

ORJIAKO: No, sir.

DELEISSEGUES: Now we have a motion as I recall.

VARTANIAN: And a second.

DELEISSEGUES: And a second. Is there any more discussion on it?

ALLEN: Could you repeat the motion, please.

USKOSKI: I made a **MOTION FOR APPROVAL** of the rezone to commercial.

ALLEN: There are no contingencies with that?

USKOSKI: No.

VARTANIAN: Do you want me to restate my second?

ALLEN: It's up to you.

VARTANIAN: I **second** it.

DELEISSEGUES: Moved and seconded. No more further discussion? Roll call.

### **ROLL CALL VOTE**

VARTANIAN: AYE

USKOSKI: AYE

ALLEN: NO

DELEISSEGUES: AYE with the contingent upon the staff recommendation or at least the conclusion here that the applicant is willing to sufficiently mitigate for the transportation impacts, yes.

VARTANIAN: Counsel has something.

ALLEN: I think you have to either --

PRINTZ: I told you you weren't going to get out of here this evening.

COOK: You did. You were right. Chris Cook, Prosecuting Attorney, Deputy Prosecuting Attorney, whoa, that was a promotion.

PRINTZ: Congratulations.

COOK: Thank you. Yeah, it was an easy election.

VARTANIAN: But does the other guy know that yet?

COOK: No. We don't need to let him know.

With due respect, Mr. Chair, you can state a preference for that contingency, but the motion does not include the contingency so I think that a vote that would include the contingency would be out of order.

DELEISSEGUES: Well, it may be out of order but I did want to explain my concern.

COOK: That is absolutely in order.

DELEISSEGUES: Okay, thank you.

ALLEN: And the reason why I voted "no" was because there was no contingency in the original motion.

DELEISSEGUES: That should conclude this issue.

PRINTZ: Thank you very much.

DELEISSEGUES: Yeah, thank you, Randy. We'll take at least a ten-minute break before we get to Mr. Bazala and his code amendments.

(Pause in proceedings.)

**PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION**, continued

<b>BI-ANNUAL CODE CHANGE ITEMS – SPRING 2011</b>			
<b>No.</b>		<b>Title/Chapter/Section</b>	<b>Description</b>
<b>Scrivener's Errors</b>			
1		40.230.020. E	Correct a formatting error in the Mixed Use Standards
2		40.230.020.E.1.b	Correct a wrong reference to the Mixed Use Design Standards
3		40.230.030.D.6.	Eliminate a duplicate condition within this section
4		Figure 40.340.010-1	Correct a parking space diagram showing curb lengths of angled parking spaces
5		40.350.030.A.7.	Add the "North Clark County Scenic Route" (approved by a prior ordinance) to the list of scenic routes in Title 40
6		40.370.010.C.3	Correct typo in sewer waiver section; also clarify that covenants apply to future property owners as well as the current property owner
7		40.510.030.I.1	Correct an RCW reference regarding Type III appeals

8		40.520.040.C.1.b	Correct typo regarding what types of structures can be placed on a lot created through a binding site plan in order to be consistent with the state WAC
9		40.550.010.B.2.b	Correct typo in Technical Road Modification section
10		Appendix F Highway 99 Overlay, Section 1.2	Correct the reference to 40.520.040, site plan review, in the Highway 99 code
11		Appendix F Highway 99 Overlay, Section 3.2	Remove the "Fenced Yard" frontage type (there are no corresponding standards) from the Frontage Type table on page 41
<b>Clarifications</b>			
12		40.200.060	Clarify exemptions to height limits
13		40.200.090.E.2	Clarify that departures for setbacks under the Sustainable Communities Pilot Program are not limited only to the multifamily zoning district
14		Tables 40.210.010-1, 40.210.020-1, 40.210.030-1, and 40.210.040-1	Clarify in the use tables that "guest houses" and "buildings accessory to single family dwellings" are an allowed use in all rural zones
15		Table 40.220.010-1	Add a footnote to note that not all plats allow manufactured or mobile homes and that 40.260.130 must be consulted for additional possible conditions
16		40.260.010.D	Clarify that certain height limits for accessory buildings apply only to detached accessory buildings, and note that ag structures taller than 35 feet require a 50 foot setback
17		40.260.145	Rename, renumber, and clarify the special use section entitled "Building Permits for Model Homes"
18		Table 40.340.010-4	Clarify parking use table by replacing "mini day care" (not a defined use), with "family day care"
19		40.500.010A.3	Clarify that the Business Park and Office Campus zones are treated the same as the Industrial zone for the purposes of

			determining whether an unlisted use is allowed in another zone in the "Authorization for Similar Uses" section
20		Appendix F Highway 99 Overlay, Section 8.4.5	Consolidate additional references to prohibited signs from other portions of the Highway 99 code into the main list of prohibited signs
<b>Reference Updates</b>			
21		9.12.050 and 9.12.055	Update the references to the most recent NRA manual used for reviewing shooting ranges
22		13.26A, 13.30A.110, 24.12, 24.16.050 and 32.04.010	Update old "public works" references to "Environmental Services" and update old "Planning Department" references to "Community Development" though various non-Title 40 codes to reflect the creation of the Environmental Services Department
23		Table 40.220.010-3	Add a footnote to urban zones setback tables regarding additional urban livestock setbacks
24		40.220.010.C.5.b.(6)	Eliminate old reference to the repealed Infill provisions in the density transfer section of the single family residential district
25		40.510.030.E.3.d(4) and 40.630.070	Delete old references to the repealed Board of County Commissioners' appeals process
26		Title 40 Appendix C	Formally remove the repealed Commercial Design Guidelines (Appendix C) from Title 40
<b>Code Interpretations</b>			
27		Table 40.220.010-1	Remove mobile home parks as a conditional use in the R1-5 zoning district
28		Table 40.230.080-1	Add trucking, propane terminals, and rotational molding of plastics as permitted uses in the IR zone
29		Appendix F Highway 99 Overlay, Sections 8.4.3 (1) & (2)	Clarify ambiguous sign standards in order to be consistent with other sign codes in Section 40.310
<b>Minor Policy Changes</b>			

30		40.100.070 Definition of Winery	Allow Winery tasting rooms and events in Urban Holding districts in addition to all rural zones
31		40.200.070	Allow open decks and stairways 30" or less within 18" of property lines; allow garden sheds up to 200 square feet to encroach within side or rear setbacks
32		40.210.010.C.3 and 40.210.020.C.2	Allow an additional cluster lot to be created from a remainder lot that has an existing residence in the Resource and Rural zones
33		Table 40.210.050-1	Amend Rural Center Commercial use table to allow screened open air storage of vehicles with permitted and conditional uses
34		Table 40.220.020-1	Allow mobile homes as allowed uses subject to Review and Approval in all urban zones where single family homes are permitted in order to be consistent with state law
35		40.260.080.D.2	Codify that fees for a Type I review are required for a Single-Family Dwelling Moratoria Waiver, as is consistent with current policy
36		40.260.130	Amend the list of applicable zones where mobile home standards may apply; also reformat section to be consistent with other code sections
37		40.260.250.G.3.b(1)(d)	Specify that mailing lists used for neighborhood meeting notifications for cell tower and mixed use development must use assessor's office records that are current within 30 days of the notice of the meeting
38		40.500.010	<i>Extend preliminary approval period of land divisions and other land use entitlements to 7 years</i>

DELEISSEGUES: We'll resume deliberations. The next item on the agenda is the biannual code amendments. Jan, do you want to give us a staff report.

BAZALA: All right. For the record my name is Jan Bazala, Community Development. Usually once or twice a year staff presents updates to the County code to correct, clarify

and update standards to the code. Tonight we have actually 37 biannual code change items fall under the categories of scrivener's errors, clarifications, reference updates, code interpretations and minor policy changes.

Development and Engineering Advisory Board has reviewed these changes and recommends approval without any changes. Basically, unless you folks would like me to I will not go through the scrivener's errors because they're relatively straightforward and move on, start out with Clarifications which starts with item number 12 on Page 9 of Attachment A attached to the staff report.

This first section is a section of code which lists exemptions to the regular height requirements that show up in other parts of the code. The existing code section is one long sentence and the second part of that sentence which starts on line item number 9 is an incomplete sentence and has no understandable reference, so we've broken the content of that one paragraph into two sections and hopefully it makes more sense that way. Any questions on that? Okay.

Number 13, clarify that departures for setbacks under the Sustainable Communities Pilot Program are not limited only to the multi-family zoning district. A relatively new section of code called the Sustainable Communities Pilot Program is intended to allow sustainable features in development and some of these features don't necessarily fit with the existing code provisions including setbacks.

So the existing code states that the multi-family zone setbacks can be altered but it doesn't reference any other zones and in reality these types of projects can be built in almost any zones. So basically we're going to change the reference from the "multi-family zone setbacks" to the "applicable zoning district in which the project is located" so it shouldn't be a big deal.

I guess I'll just move on unless I hear somebody raising their hand or saying ooh ooh. Number 14, this is amending the rural and the urban reserve tables to clarify that a guest house and buildings accessory to single-family dwellings are an allowed use in all those zones.

Guest zones are called out as an individual use in the resource zone table but not individually listed as an allowed use in the rural commercial or urban reserve zones. Instead they make the reader go to the Accessory Building section. In there you find out that I can have a guest house, but listing it as an individual line item is more straightforward and takes the guesswork out of the code so we're recommending we do that.

Item Number 15, add a footnote in the R1 zones that not all plats allow mobile homes and that the section 40.260.130 which deals with mobile homes on individual lots must be consulted for additional possible conditions. Mobile homes are allowed under review and approval for new subdivisions, but in some cases you don't need a review at all for an existing lot and in other cases mobile homes are just outright prohibited.

So just stating R/A in the use table provides an incomplete picture and the footnote helps alert the reader that 40.260.130 really needs to be consulted.

DELEISSEGUES: There's no change to that, that's just a clarification?

BAZALA: No. Nope, it's just a heads-up. It's just a heads-up that don't get people's hopes up by reading the use table because, well, it also may discourage them, they need to go to that section and find out what they really can do.

ALLEN: You're talking about Item 15, Table 40.220.010-1?

BAZALA: Yes.

ALLEN: And then when I'm looking at the table uses, it has "manufactured" or "mobile home" and then when you get to the footnote it says "some plats prohibit mobile homes," it does not say anything about manufactured.

BAZALA: True. That would be a good idea to change that. Basically the County code treats manufactured homes and mobile homes exactly the same way.

ALLEN: Right.

BAZALA: So that would make sense to keep that consistency so I will add that in there. If there are no other questions on that, we'll move on to 16.

This is to clarify that certain height limits for accessory structures will apply only to detached accessory structures and note that ag structures taller than 35 feet require a 50-foot setback to property lines.

The existing language in this section is unclear whether height limits of 18 feet apply to detached garages and all other accessory buildings detached or attached or whether all attached buildings are not subject to the 18-foot height limit. So we've moved the location of where "detached" shows up to make it clear that all detached accessory buildings including garages, greenhouses, guest houses and similar structures have to be 18 feet in height. If they are attached then they can be as high as the original structure.

We've also added a cross-reference to an existing code reference that says that ag buildings that are over 35 feet in height have to maintain 50-foot setback from all property lines and that's already in the codes, it's just an additional heads-up cross-reference.

Number 17, rename, renumber and clarify the special use section that's currently entitled Building Permits For Model Homes. Right now these changes will clarify that this section applies not only to classic model homes, but also to other residential building permits that are taking place on the site of a preliminary plat that's not completed now all the way down to final plat. And then it also clarifies that no model homes are allowed unless there are a minimum of 20 lots on the plat. And these aren't changes, these are just clarifications as to what the existing code was intended to do.

There was an incident where an applicant was doing a residential remodel on a house, it wasn't a model home, and he was stating that he wasn't subject to this section because the code section says it's for model homes and he was saying I don't have a mobile or a model home. So he was saying that he was exempt from those requirements but that was not the case, so we thought we better clean it up and make it a little more bulletproof.

DELEISSEGUES: I think you could just go down through them and if we have questions, we'll stop you, but pretty much just the narrative on the table.

BAZALA: Okay. Number 18, clarify the parking use table, will replace "mini day-care" with "family day-care."

Number 19, we have pulled that. That was the very confusing one that was hard to explain and apparently Community Planning is working on those sections of code and that section will probably be blessedly able to go away, so Number 19 is going to be gone.

Number 20, consolidate additional references to prohibited signs from other portions of the Highway 99 code into the main list of prohibited signs. Number 21, update the references to a more recent National Rifle Association manual used for reviewing shooting ranges.

Number 22, update various sections of public works, public health and enforcement code to update the fact that we now have an environmental service department and also get rid of old planning department references and update that to community development.

Moving on to Page 19, add a footnote to the urban zones setback tables regarding additional urban livestock setbacks. Number 24, eliminate the old references to the repeal in-fill provisions in the density transfer section of the single-family residential district. Number 25, delete an old reference to the repealed Board of County Commissioners appeal process. Number 26, remove the already repealed commercial design guidelines which is Appendix C from Title 40. We'll instead make that a reserve section in case we need it again.

Now we're on to code interpretations. Number 27, remove mobile home parks as a conditional use in the R1-5 zoning district.

ALLEN: Does that also apply to the manufactured homes as well?

BAZALA: Yes.

ALLEN: So where does that say that?

BAZALA: It doesn't. Maybe I should have never opened up that can of worms because I suppose every time the code mentions "mobile home parks" if we go to "manufactured and mobile homes," we'll end up with a lot more text. Maybe I will look at that and see how many changes there will be because it would be nice to make them all consistent.

ALLEN: Consistent, right, so you don't have to do it again.

BAZALA: Right. Let's see, Number 28 on Page 22, add propane terminals and rotational molding of plastics as permitted uses in the railroad industrial zones.

DELEISSEGUES: So when you say "add" is that an interpretation?

BAZALA: When the ordinance that worked that developed the IR zone the section of code that they used was from an outdated section of code and those two items were not in the table at the time so they were bypassed. There was no recommendation for whether they should be permitted or not because they just weren't in the tables.

So the code had already changed by the time that happened, but unfortunately used an old version of code that didn't have those new two uses and so the railroad advisory group never got to see them and make a recommendation.

ALLEN: So this would make it more consistent?

BAZALA: Though this updates the tables to have all the uses shown and it would appear that the two uses that were missing would be appropriate to be included in the IR zone because of --

DELEISSEGUES: Yeah, I just wonder if it's a code interpretation or kind of a policy change?

BAZALA: I guess you could make that point. So we had to fill in the blank somehow. We wanted to fill in the blank because it was a missing link and --

DELEISSEGUES: The reason I'm asking is I'd like to stop at 29 and have a motion for those and then I think we ought to address the minor policy changes a little more thoroughly probably. So I'd like to really break this into two if that's okay with everybody.

ALLEN: And before we make a motion maybe I could ask a couple of questions about a couple of the others.

DELEISSEGUES: Sure. Oh, yeah, but we got one more to go and then we'll -- Number 29.

BAZALA: Okay. Move on to 29, amend Appendix F which is the Highway 99 overlay regarding sign sections to clarify ambiguous sign standards in order to be consistent with other sign codes. Any questions on that one?

ALLEN: When you're talking about permitted number of signs, one sign is permitted for frontage per and it used to be "property" and now it's "premises."

BAZALA: That's correct.

ALLEN: Now "premises" could be individual different businesses that are on that one property so there could be more than two or three businesses let's say on that one property that are represented by three separate signs?

BAZALA: Well, let's see. We've added the definition of "premises" from another section of the County code so "premises" means, and I'm on Page 24 right now, on the bottom of Page 24, "premises" means one of the following: A legal lot or a combination of legal lots under one ownership or a group of legal lots with common access, parking and signage.

ALLEN: Well, that's where there might be a problem with potential future signs because when you have a combination of contiguous legal lots, technically they're entitled to having separate entities located per each legal lot so they should be entitled to having a separate sign for each legal lot so that's why I have a problem with the premises verbiage.

BAZALA: Well, it appears that, and going back to the definition again, it says "it can be a legal lot or a combination of legal lots." So I'm not a sign permitting expert but it appears that an applicant can claim that I want a sign for this legal lot and I want a sign for that legal lot or I can have one big conglomeration of sites and call that my premises.

So it appears there's flexibility in how we interpret and how the applicant can ask for how they want their premises to be treated. Because if it just says "property," then we don't know what "property" is supposed to mean.

So there's an existing definition of "premise" that's used for permitting signs tried and true for better or for worse and so it made sense that we used "premises" in substituting "premises" for "property" instead.

DELEISSEGUES: So Number 29 is not changing anything, it's clarifying the existing code language?

BAZALA: I would say yes.

ALLEN: But the definition of "premises" might be changing the policy as to how we treat those properties.

DELEISSEGUES: That's what I'm asking.

BAZALA: Well, I mean I don't know what "property" means. Nobody knows what "property" means.

ALLEN: Exactly. But a legal lot is quite self-explanatory, but when you say "premises" and then you say, oh, it could be one legal lot or it could be four or five legal lots under the same ownership or it could be a group of legal lots with common access, then you start changing the policy as to how many signs and how does it impact and that one word of "premises" could potentially change.

BAZALA: Well, that existing definition of "premises" is already in the County code so that's

how we, that's how other -- anyplace else when you apply for a sign we look at a premises and use that existing definition. We've just added the definition of "premises" into the Highway 99 code to be consistent so it's not an orphan as for how we interpret other sign requirements in the rest of the code.

ALLEN: Maybe there needs to be a little bit better narrative written on Pages 24 and 25 where it talks about premises because when I'm looking at that from the perspective of let's say a stakeholder, I have a problem interpreting what exactly do you mean.

I could see where you're going with this, but if I was a stakeholder out there on the street that's not familiar with some of the verbiage and/or narratives, then I would have some problem with interpretation and that could potentially maybe result in a policy change really.

DELEISSEGUES: So, Chris, do you want to help us?

COOK: No. I would just add that this is language that is elsewhere in the code with respect to signs so it's just making the Highway 99 sign code the same as in this respect the general sign code.

ALLEN: So it's exactly the same verbiage somewhere else as well?

BAZALA: Yes. Yeah, the definition of "premises" is already in existing County Code in other sections of the County code. We already use this definition when we are giving permits for signs in other parts of the county.

ALLEN: So maybe that should be revisited sometime in the future to make it clear all the way throughout the code?

BAZALA: Yeah. I haven't ever seen a good sign code, they're often problematic, and there's probably room for improvement in the sign code as there are in most sign codes.

DELEISSEGUES: So for the first part of this what I would like to do is stop there and we'll have any testimony from anyone in the audience who wants to talk about any of these that we've talked about so far and then we'll deliberate on these, have a motion and then we'll address the minor policy changes in the second part. Is that okay with everybody?

VARTANIAN: Perfect.

DELEISSEGUES: Because I think these are fairly --

VARTANIAN: Straightforward.

DELEISSEGUES: -- fairly understandable.

So does anybody in the audience wish to testify on any of these items that we've covered so far? Okay, seeing none, we'll return it to the Planning Commission. Any other

questions or motion?

ALLEN: I did have a question on Page 9, Item 12, 40.200.060. Under B it says no advertising under A it does not state that, so just because it's not included under item A does that mean that it can't have advertising on the water towers and tanks, but they should not exceed 35 feet but could include advertising?

BAZALA: There is a section in the sign code oddly that prohibits signs higher than 35 feet so by another section of the code would prohibit that. We could add in that there to make it clear.

ALLEN: That would be I think a little bit --

DELEISSEGUES: I think you probably should because it says "shall not exceed 35 feet" so the tower would be below the prohibition of the sign code.

ALLEN: Right. And then I was looking at Item 13 on Page 10 in the table and of course it has sections listed for the septic systems, rural cluster development and then the minimum setbacks it does not list any sections. And there's probably more sections than just one, but just to make it consistent maybe those sections could be included there as part of the citation in that particular table.

BAZALA: So add all the zoning districts?

ALLEN: Applicable zoning district setback, yes, table so that way people would know where to look for it. If they just looked at this particular table because like the other three items have those sections but this one doesn't so they would say, oh, okay, I guess nothing else is applicable.

BAZALA: We could do that. I mean there is a number of different zones --

ALLEN: Right.

BAZALA: -- I mean basically any zone --

ALLEN: Exactly.

BAZALA: -- in the county.

ALLEN: Exactly.

BAZALA: So it will be a relatively lengthy list, but that can be done.

ALLEN: Or maybe even have a footnote so it's not a huge item in a table, but at least people would know that, yes, there are some sections applicable to it that they have to look it up.

And then under the 14, Table 40.210.010-1 and 020-1 when looking at the guest house as item b it has the C;  
i.e., conditional use permit I would assume or conditions attached to it?

BAZALA: Correct. Conditional use.

ALLEN: So if those conditions are in the rural zones, why don't we have conditions in the residential zones under the table just below that?

BAZALA: I believe it is a GMA related item that if you're going to, in the rural zones, in the forest and ag zones that the placement of the guest house is supposed to minimize resource, you know, minimize the --

ALLEN: Impact.

BAZALA: -- ability to not utilize the resource, so that's why it's a conditional use in the FR and AG zones. We don't have such a GMA requirement to my understanding in the rural, the more, the residential zones.

ALLEN: The residential.

COOK: Right. The top set, those are resource zones, they're not just rural, they're resource zones, and there are a couple or three different GMA requirements as to placement of non-resource uses in the resource zones that don't exist in the rural residential zones.

ALLEN: Just kind of when I'm looking at the guest house definition itself, and I know this has to do with some other definition, but just for my own clarification guest house is more temporary than the second dwelling or accessory dwelling?

BAZALA: Yes, it's not intended as a full-time residence and a guest house cannot have full kitchen facilities. So it's not intended to be a second full-time dwelling unit, it is intended as a guest house.

I mean at one point we attempted to nail down how temporary is "temporary" and what constitutes "kitchen facilities" and it kind of went haywire so we withdrew that. But it has been a bit of an issue for a number of years.

ALLEN: And I can see that being an issue in the future when more people double up and you have the in-laws and outlaws coming in and living on your site and I know that other jurisdictions make a distinction between the permanent second dwelling and/or granny flat as some call it and the guest house and I think that that is something that probably should be addressed in the future.

BAZALA: Yeah.

DELEISSEGUES: Okay. George.

VARTANIAN: Nothing.

DELEISSEGUES: Valerie.

USKOSKI: Nothing.

DELEISSEGUES: Motion.

VARTANIAN: I move we accept Items 1 through 29.

DELEISSEGUES: Just a question. Did we pull 19?

ALLEN: Yes.

DELEISSEGUES: So it would be 1 through 18, 20 to 29.

BAZALA: Yeah. Which is 19? That's the --

ALLEN: 19 was pulled.

VARTANIAN: 19 was already pulled.

BAZALA: Yep, 19 was pulled.

DELEISSEGUES: Sorry. Go ahead.

ALLEN: Except for maybe 19.

VARTANIAN: Okay. Except for Item 19 I move we accept the changes offered in Items 1 through 29 with the additional commentary where necessary to add manufactured homes where mobile homes are so noted. And I think that's my motion.

USKOSKI: I'll second that.

DELEISSEGUES: Moved and seconded. Any discussion on the motion? Roll call.

**ROLL CALL VOTE**

USKOSKI: AYE

ALLEN: AYE

VARTANIAN: AYE

DELEISSEGUES: AYE

DELEISSEGUES: Then we'll move on to minor policy changes.

BAZALA: Okay. Number 30, amending the definition of "winery" to allow tasting rooms in

not only the rural zones but also in the urban holding zone district.

This definition came from the recent winery ordinances and it limited tasting rooms and events to rural areas since such activities might not be suitable in more dense urban settings; however, the idea is that many urban holding properties are on larger properties, are larger parcels, and could be suitable for expanded winery activities.

DELEISSEGUES: So these would be in the urban growth boundary but outside the city limits?

BAZALA: Correct. In an urban holding overlay. Basically it's urban holding can't be more density developed until certain facilities are in place so that's what urban holding is.

DELEISSEGUES: Okay.

BAZALA: Move on to 31?

DELEISSEGUES: Yep.

BAZALA: 31 has been amended and I handed out the addendum to Exhibit A, it's a small change, but the addendum -- well, basically the basic idea is that to allow open decks and stairways 30 inches or less to within 18 inches of property lines and allow garden sheds that are up to 200-square feet to encroach within side or rear setbacks.

There was recent discussion that the reason for the addendum is that such structures in mobile home parks and in multi-family properties are considered commercial-type building uses and they have their own set of building and fire codes that wouldn't apply in a regular residential setting.

So it was suggested that we add this little caveat under A subject to applicable building and fire codes basically to have a placeholder that says although you might be able to put your deck that's less than 30 inches or within 18 inches of the property line, you might also have to do certain fire resistant construction in order to do it.

So in the past the development community has been on board with such footnotes and in fact the DEAB suggested such a footnote in the last retooling our code batch. And the building code and the fire codes are what they are so it's not really going to impact zoning by adding this additional caveat in this addendum.

ALLEN: Now when I'm looking at this I see a little bit of a oxymoron going on between the a and a c because you have the porches and decks in that one as well and it says "not more than 6 feet" and then here under b, under c, excuse me, you're allowing them within 16 inches or 18 inches. So I see a little bit of a --

VARTANIAN: Inconsistency.

ALLEN: -- inconsistency there, thank you, and maybe an opposite effect.

BAZALA: Yeah, there's no limit on the height of those features under Section a, so fire escapes, porches, balconies, and there's no minimum --

ALLEN: Right. Exactly.

BAZALA: -- height.

ALLEN: And that's where you may have some inconsistency in interpretation of that between the a and the b.

BAZALA: Maybe we could add under, a, fire escapes, porches, balconies, decks, landing places or outside stairways higher than 30 inches.

ALLEN: That would make it more user friendly.

BAZALA: Good catch.

DELEISSEGUES: I got a question. How far can this garden shed encroach into the setback? Can it go all the way to the property line?

BAZALA: It has to be two feet from the property line. And currently there's a limit of 120-square feet for those garden sheds that can be within two feet of the property line. That was consistent with the building code which required a permit anything over 120-square feet.

Now the building code has changed to exempt structures 200-square feet or less from getting a building permit and so the idea with this whole section is to maintain sort of proportional consistency between buildings or structures that don't require a building permit and how close we let them get to property lines. So that's Number 31 as amended.

Shall I move on? Number 32, allow an additional cluster lot to be created from a remainder lot that has an existing residence in the resource and rural zones. Currently you cannot further subdivide a remainder lot that was created under an ag cluster provision or the rural cluster provisions.

And this request came to us from the Board's office. There is a circumstance where a remainder lot has a residence on it that was allowed that is trying to get a farm loan, but having great difficulty obtaining the farm loan because their house is on the remainder lot.

The home mortgage is for the entire lot and so to get a farm loan through another agency there would be a problem with the new farm loan mortgage lender in being in the second position. So the idea is to take those existing circumstances where you've already got an existing residence on a remainder lot and be able to carve out another residential lot.

You won't end up with any more homes because the provisions include a restriction on any more development of the remainder lot and the idea is to make the new lot as small as

possible so you're not reducing the remainder any more than is necessary. So that is the intent of that item.

ALLEN: I thought that we had a question about this one and you were going to clarify it for us, something about that it has to be more than one acre on Page 27.b?

BAZALA: Let's see. 27.b. So currently it says that you cannot reduce the remainder by more than one acre. So what we're proposing is to exempt that to be able to create a lot from a remainder lot.

And we don't have a specific minimum lot size that this new lot with the existing house has to be, we have language that says it should be as small as possible so you're not reducing the remainder lot more than necessary, but recognizing that the new lot has to meet certain size to be able to have a septic system on it, and also may have to have a certain size to maintain a sufficient setback between itself and the farming activities or forestry activities that could occur on the remainder lot.

ALLEN: Now did you say something about that the right-of-way may be used to calculate and --

BAZALA: Yes.

ALLEN: -- and allow for a variance if there is a problem with meeting that size criteria?

BAZALA: Well, on Page 28, Line Item 15, there's existing language or there's language there that says "right-of-way may be used to meet the minimum lot size as permitted," although actually that's from existing code language.

ALLEN: Right. And I think that that may be a little bit inconsistent. No?

BAZALA: Well, since we don't really have a minimum lot size requirement it might be appropriate to get rid of that because I don't see how that could occur.

COOK: The section that's referred to there is the definition of the "legal lot" and how you can count some right-of-way space and just to measure whether you have a legal lot or not. It has nothing to do with setbacks or septic.

BAZALA: So it makes sense to just delete that section, that reference to it in this case?

ALLEN: Well, it talks about a lot size and then just above that it talks about "a remainder lot with an existing residence may be short platted further to contain the residence on its own lot subject to the following" and then it talks about the lot size.

And then of course you have the right-of-way issue where you can use the right-of-way to meet the minimum lot size so that's --

BAZALA: And you're correct in that we don't have a minimum lot size. The way we

phrase this we're not saying it has to be seven-tenths of an acre or one acre, we're not saying that. We're saying make it as small as you can but still be able to be permitted for a septic system.

ALLEN: But that's not what it says here in this particular paragraph and that's why I was concerned that there may be interpretation problem in the future.

BAZALA: So I would say that we just strike the language "right-of-way may be used to meet the minimum lot size as permitted by Section 40.200.040" because it's really not relevant because we don't have a minimum lot size we're trying to meet.

ALLEN: Right. Thank you.

BAZALA: Thank you.

VARTANIAN: I have a question on this. How would it come to pass that there was a residential structure on a remainder lot?

BAZALA: That's currently allowed under the rural cluster provisions and it was allowed under the Ag cluster provisions.

VARTANIAN: In other words if I own -- go ahead.

BAZALA: You can do it either way. You get so much density because if you have 50 acres or let's say 100 acres and you have a 20-acre minimum, you can get five homes. So you could create five residential lots plus a remainder with no development or you could create four residential lots with an additional house on the remainder lot.

VARTANIAN: So you don't have to count the remainder lot as part of the cluster when you come up with a cluster request? In other words you could say I want the cluster to be over there but my house is over here?

BAZALA: Yeah, you could have four cluster lots, small residential cluster lots, and an additional house on the remainder.

VARTANIAN: And they don't have to be together, they don't have to be attached or anything like that, contiguous or whatever? Okay.

BAZALA: I think not.

VARTANIAN: I guess there's logic in it, but I don't get it. Thank you.

DELEISSEGUES: I guess so.

VARTANIAN: Thank you.

ALLEN: What if it's a nonconforming remainder lot that already has a structure on it, but

for some reason they didn't address it back then but now it's a nonconforming use or a nonconforming remainder lot?

BAZALA: Well, it shouldn't have become nonconforming through any legal process. So if somebody illegally boundary line adjusted it to below 70 percent of its area, then we could have an issue.

COOK: Well, actually since we no longer have a procedure for cluster development in resource zones all cluster developments in resource zones are nonconforming so this would --

BAZALA: You're going to pick this apart.

COOK: -- this would absolutely apply to nonconforming situations.

ALLEN: So this is like if they're all in the cluster nonconforming in those particular cluster --

COOK: "Nonconforming" means it was conforming, means it was legal when it occurred.

ALLEN: I understand that, right. But if now they're nonconforming because something had changed or a policy had changed or a zoning had changed or whatever else and that's why they're nonconforming, they're legal but nonconforming, then can they expand those structures and can they have a second dwelling on nonconforming remainder lots?

COOK: They're nonconforming because we don't do cluster development or divisions on resource land, period. That's why they're nonconforming.

DELEISSEGUES: We used to.

ALLEN: Yeah, we used to though.

COOK: Right. And that was when they were lawful and when the code changes something that was previously lawful and that is not now lawful is a legal nonconforming use, so these are nonconforming uses.

This does not allow a second dwelling on a remainder lot; however, it does allow a division of a remainder lot which is noted on a plat as being indivisible and which will result in a lot that does not meet the minimum lot size standards of the zone in which it is located.

BAZALA: However -- well, no.

DELEISSEGUES: Is there anything else?

BAZALA: However, if it's in code that it says you can now do this doesn't that make it legal? Because if the --

COOK: Is it in the ag zone?

BAZALA: -- if the code is approved? Yes.

COOK: If it's in the ag zone, we have a 20-acre minimum lot size.

DELEISSEGUES: Yeah, there wouldn't be any.

VARTANIAN: I can't tell you what a (inaudible) conversation this has been.

ALLEN: Well, the legal nonconforming sometimes does create a lot of legal issues not only from the planning standpoint but also from the (inaudible) standpoint as well as sale points and that's what I was concerned about, that this wasn't quite clear to me as to whether or not this particular situation would create more problems than solve.

BAZALA: So what do you want to do with it? So basically --

ALLEN: What's the timeline for this particular item? Can it be studied a little bit more to address those issues or is there a pressing timeline for somebody that's waiting for this particular change?

BAZALA: I think it was relatively timely; however, yeah, I don't know. I don't know for sure.

DELEISSEGUES: Well, if somebody's having a hard time getting a farm loan, I'm sure there's a time issue.

ALLEN: Yeah.

DELEISSEGUES: Either way what you've got is okay, isn't it?

COOK: One of the questions that the Prosecutor's Office is asking of Community Development is whether the one property owner for who this is apparently a problem can have her problem solved in another way without changing code and we don't know that answer yet.

ALLEN: And that's why I was concerned that in our effort to help one individual may create more problems for other individuals coming right behind that.

COOK: Well, to be fair I haven't heard anybody come up and say that this would create a problem for them.

ALLEN: And then of course they don't really know that this is happening today.

DELEISSEGUES: They might not need it but it wouldn't hurt them, would it, the other people I mean? They might not need the code change, but on the other hand there's no harm.

USKOSKI: Yeah. I mean there might be those farmers out there who did their cluster subdivision and have no intent of farming their remainder, therefore this isn't a problem. Should somebody else come along and buy that and want to farm, now they've got a problem.

ALLEN: Exactly.

USKOSKI: So if we pass this they no longer have that problem because they can divide off their residence and have their bare agricultural land for their farm loan so this would fix future problems coming down the pipeline.

DELEISSEGUES: So it's good.

USKOSKI: Yes, I would think so.

ALLEN: But it sounds like there was still a question about the agricultural so in my mind I had a question about whether or not this was addressing or preventing potential problems in the future by just trying to put a Band-Aid on this particular section to allow an additional cluster lot to be created from the remainder lot that has an existing residence, but what if it is a legal nonconforming.

And then also some of the other issues that I had was what I discussed. To me it was not addressed in this particular narrative so maybe if you guys can work a little bit more on the narrative to make it more clear, to tighten up some of the loose ends.

BAZALA: Well, let's see. So are you saying to bring it back at a different time or what?

ALLEN: Or if you can work on it. Because when I raised the question you also had a question in your mind as well, so maybe if you can address it from that perspective and see if there might be a little bit of a clarification --

BAZALA: So I guess --

ALLEN: -- to prevent future problems.

BAZALA: Well, I guess to me the one thing I haven't considered and don't know the legal ramifications to is if we do have existing minimum -- well, we do have an existing minimum lot size for ag parcels and this would be inconsistent with that.

However, it's a legal question I guess. If we're creating code and we're not creating more density, I don't know if we can't do it. I'm not arguing that we can, but I just don't know the answer to that. Maybe you do.

ALLEN: And that's why it would be good to address maybe when you're looking at this and just make it contingent on doing that.

COOK: I do have some thoughts on that if the Commission would like to hear them?

ALLEN: I would like to hear that.

COOK: In general the subdividing of land is governed by RCW Chapter 58 and in order to legally subdivide land one needs to comply with zoning. Mr. Bazala is absolutely correct that this wouldn't create additional density in terms of additional residences assuming that along down the road somebody doesn't do the same thing again. Well, we've got this remainder, there isn't a house, it would be a great place for a house.

But assuming that that doesn't happen there isn't going to be additional density in terms of buildings, but there will be one more lot than is allowed in that overall area for the zone. The way the clusters work now you can have as many lots in general as there are lots allowed in the zone so the potential here is that you could run afoul of that. Now there's also a potential that by lot line adjusting, boundary line adjustments and so forth, you could create lots that would be compliant.

DELEISSEGUES: Well, there's one thing --

COOK: It is relatively complex and the PA's office is talking to Community Development about it and can continue to do that between this hearing and when it goes forward to the Board. If you recommend one way or the other, we will continue working on it.

BAZALA: One thing that comes to my mind is that we currently do allow rural clusters where the zoning says it's supposed to be five acres but we allow one acre as long as we're not exceeding the zoning and this is really no different than that in my mind.

DELEISSEGUES: So I think it's a suggestion. I think if Commissioner Allen wants to add that to a motion that we might make later, but at least two of us don't see the need for it, but it is a suggestion for you to think about. And I'm glad we had the discussion, I think it clarifies it in my mind, but I'm not sure Milada's completely happy with it.

VARTANIAN: Not in my mind either.

ALLEN: I was going to say maybe we can vote on 32 separately from the other ones.

DELEISSEGUES: Well, we could carve it out and vote on that separately.

VARTANIAN: Since we haven't beaten that horse quite enough, how can you add a lot or a residence and not add density?

BAZALA: The residence is already existing.

VARTANIAN: I understand. But if you make another lot and you won't be able to develop on it or maybe you will develop on it, you're still adding density.

DELEISSEGUES: No, the house --

BAZALA: Density is a measure of dwelling units per acre and if you're not creating any more residences --

VARTANIAN: No, density is the number of buildable lots per acre.

BAZALA: Actually I think we have a definition. Or at least we used to.

VARTANIAN: All right. There are better minds than mine obviously have to work on it because I'm not smart enough.

BAZALA: Yeah. Assuming you've got five cluster lots in this ag cluster lot already and a remainder and you've got five homes on the five cluster lots and you've got an existing home on the remainder, you've got six dwelling units out of 100 acres or whatever the whole site is and when this happens you end up with another lot line drawn around the residence.

It's on some lot, but there are no more dwelling units that will result from this occurring and there are provisions in here to keep that from happening.

VARTANIAN: So literally you may have all the lots you want but you can't build on them? One wonders why one wants to have more lots.

BAZALA: You would have only one more lot and that lot would already have a house on it.

VARTANIAN: No, you could subdivide that remainder lot if there's -- okay. Enough. Enough. Enough.

BAZALA: Well, you know, there are provisions that says you can't do that unless the code changes again.

VARTANIAN: Okay. Enough. Enough.

DELEISSEGUES: Nice try. Well, let's --

VARTANIAN: I don't want to talk about it anymore.

DELEISSEGUES: Let's move to one of the others and then we'll decide later if we want to give this one special attention.

BAZALA: Okay. So I'll move on to Number 33 then?

DELEISSEGUES: Yeah.

VARTANIAN: Please do.

BAZALA: Amend the rural center commercial use table to allow screened open air storage

of vehicles with permitted and conditional uses.

Basically right now the code does not allow open air storage of company vehicles in the CR-1 and CR-2 zones; however, as demonstrated by the report there are a number of uses that are allowed that would certainly be able to use company vehicles so why should we have that many uses that need company vehicles and then make them park their vehicles indoors.

So it's proposed that we allow outdoor storage of company vehicles; however, they will need to be located behind buildings or to the rear of the site. Landscaping standards in excess of site plan review standards may be required in order to properly screen adjoining residential lands and that's that. Number 34.

ALLEN: I do have a quick question on that "open air storage of company vehicles, such as cars and light duty trucks, in conjunction with a permitted use." That implies that these are, quote, unquote, cars that are being used because they're in good running condition versus a salvage yard so maybe that should state that someplace in that particular table that it's not --

VARTANIAN: Under active use.

ALLEN: Yes, for vehicles that are what, operable.

BAZALA: Operable company vehicles?

ALLEN: Right. Because otherwise we can have some storage yards out there next to residential.

VARTANIAN: Not just operable but active use.

BAZALA: But then would we start regulating how often they use them is the question?

ALLEN: No, that's the whole thing. But "operable" I think would take care of that because --

VARTANIAN: Well, you can have an operable vehicle sitting there six months.

ALLEN: Well --

VARTANIAN: Not that you would but --

ALLEN: No, because sooner you'd have to sort of keep it running to keep it in good maintenance. But I think that Jan is right that if we start saying "in use," then we just kind of get into --

VARTANIAN: Oh, okay.

ALLEN: -- a micromanagement there.

VARTANIAN: Okay.

ALLEN: But I'm trying to prevent storage of broken down salvage vehicles that are being used for parts.

BAZALA: Okay. Ready to move on to 34? Allow mobile homes as allowed uses subject to review and approval in all urban zones where single-family zones are permitted in order to be consistent with Federal law and add a footnote as we did in a different item to alert the reader to the limitations.

Basically we have some multi-family zones where we do allow single-family detached homes; however, we currently prohibit mobile homes in those same zones.

ALLEN: And manufactured?

BAZALA: And manufactured. And there's State law and there's Federal law that says that you have to regulate manufactured homes no differently than single-family stick built homes.

ALLEN: Maybe add that in the footnote. That would be good.

BAZALA: The manufactured?

ALLEN: Yes, thank you.

BAZALA: Number 35, codify that fees for a Type I review are required for a single-family dwelling moratoria waiver which is already consistent with current practice.

Back in 1998 the State required the counties to adopt ordinances that would review and administer forest practices in areas of the county which are likely to convert to land use practices which would not support the growth of forest.

So in the original ordinance since it was unfunded there was not a fee charged for single-family dwelling waivers which is basically its ability to build a single-family home that's essentially not consistent with forest practices and so we didn't charge a fee. Then the code was updated and a fee was included but the code was never changed.

So basically we've been charging a Type I review fee for single-family dwelling moratoria waiver for a long time. This is just a code cleanup to make it consistent with what we've been doing.

VARTANIAN: Are we exposing ourselves to a suit to return all those fees since we've been charging them without a code?

BAZALA: Not if you don't bring it up.

VARTANIAN: Are you listening out there? No.

BAZALA: Okay. Good. That's that I want to hear.

Number 36, amend the use of applicable zones where mobile home standards may apply. This is consistent with item Number 34. Basically there's a section of code that lists where you can put mobile homes on individual lots in addition to the use table, so this just adds those additional zones where we are going to allow mobile or manufactured homes, and we're going to reformat the section to be consistent with other code writing.

Number 37, specify that mailing lists used for neighborhood meeting notifications for cell tower and mixed use developments must use assessor's office records that are current within 30 days of when notice of the meeting is sent out.

Under the Type II A process that was recently created we had a provision in there that said you have to use Assessor's Office data that's no older than 30 days from the time you mail it out and so we're adding that provision to the cell tower and mixed use sections which also require neighborhood meetings.

And what happened with this is we had a cell tower neighborhood meeting that was required that the lists were old, people had moved, people didn't get notified and there was some bad feelings regarding that.

Number 38, extend preliminary approval of land divisions and other land use entitlements to seven years. This kind of piggybacked along with the recent State extension of preliminary approval to seven years; however, the Board requested that we could extend it to beyond just land divisions and go for other land use entitlements, conditional use permits, site plan approvals, things of that nature, and there's no sunset provision in this as there is in the State law that allows preliminary approval plats for seven years.

ALLEN: So that means that all the ones that had been vested for five years previously are now vested for seven years?

BAZALA: That would just --

ALLEN: Or is it just the --

BAZALA: It would just be once this is approved.

ALLEN: So the new development, the new subdivisions?

BAZALA: Yeah. New stuff that comes in the door after this is approved would be good for seven years. There's nothing in here that is retroactive. There are other Board approved extensions for plats that will likely cover that, but that's not what this does.

DELEISSEGUES: I'm sure that has to do with the slowdown in the economy to give them

a little more time to develop the land.

BAZALA: Yes.

VARTANIAN: Where did you say that there was no sunset provision for some of this?

BAZALA: This language does not have a window of opportunity for this, it's open-ended.

VARTANIAN: I mean it doesn't extend it seven years, it just doesn't say when we're going to come off seven years?

BAZALA: Correct.

ALLEN: But it would be at least until 2014; right?

BAZALA: Yeah, there's no ending date for this. Unless we put a sunset date on it or change the code in the future to go back to the five years, it will stay at seven years if this is approved.

ALLEN: Thank you.

DELEISSEGUES: Thanks, Jan, for walking us through it. Does anybody in the audience wish to testify on any of these? Okay, come forward and --

VARTANIAN: Well, it's about time.

DELEISSEGUES: -- please state your name and address for the record and we'll hear.

### **PUBLIC TESTIMONY**

KNIGHT: My name is Larry Knight. I live at 15131 NE Caples Road, Brush Prairie. The open air storage of vehicles the footnote P5 "vehicle storage areas shall be located behind buildings or to the rear of site" I would like to see that removed.

The reason being is a lot of buildings are already preexisting and depending on the structure of your land, if it's pie-shaped or however you'd like to call it with setback lines and a whole lot of stuff that I didn't understand tonight, that makes it impossible because it's preexisting, you can't just change stuff without creating a whole lot more headaches.

So I would like to see that kind of like disappear. This has obviously been an issue I have been going over with for the last year and a half and this is the final part that should have been approved several months ago that got left out of the language.

As far as the open air storage of the vehicles and questioning what's a salvage yard and what's not, absolutely right, a simple ordinance is don't they have to be licensed, don't they have to go through emissions, therefore if they're not street legal, then do however.

But company vehicles, fleet vehicles, usually are used on a day-to-day basis. So that's my main concern is I would like to see something be changed about parking in the rear.

Screening, I'm still trying to figure out the County's definition of "screening." I'm still trying to figure out their definition of "landscaping." It's very confusing and I can get zero answers from anybody. Screening I will assume, I don't know, chain link fence which just devalues my property, thank you very much. I don't think chain link fence is an ideal screening.

When I'm in a nice area with a bunch of businesses, why should I be the only business that has to be screened by a fence. So screening can be 30-foot trees, 15-foot shrubs, I don't know. I mean I think there needs to be some clarification on what we're calling "screening" here.

DELEISSEGUES: I think anything that prevents visibility from one side to the other is probably screening.

KNIGHT: I would agree with that.

COOK: Well, there are landscaping code provisions and this says landscaping standards may be required.

KNIGHT: In excess, meaning I may have to provide more. If I interpret the law "in excess" means more than?

COOK: Right.

KNIGHT: Yes. Okay. My question being from what I have researched and gotten zero answers on in the millions of e-mails that I have sent to the County, I've been working on this for a year and a half, I can't get any definition. I mean we just got it where we would even be allowed to be in certain zones.

This came as a shock to find out that, yeah, everybody's worked their backsides off to get us approved, which I really appreciate, but the whole thing that started the whole thing is what I'm here tonight on.

COOK: Are you adjacent to residential lands?

KNIGHT: I have on the backside of my property I am surrounded by SR-5, well, Caples Road, I don't know who owns it anymore. The County says they own it, the State says they own it, so good luck on that one. And then 151st and I'm assuming the County still owns that road.

DELEISSEGUES: Yeah. Caples Road is supposed to be a business route for --

KNIGHT: Yes, sir, it is.

DELEISSEGUES: -- 503.

KNIGHT: Yeah. When I bought that property it was highway commercial and it was rezoned, and coincidentally that's why we're here, but that's way back then. We can have a feed store there, we can have horse trailer sales, we can sell tractors, instruments, all that stuff.

I did that for ten years, I didn't have to have a fence up around it. I don't have to have a fence up around it today if I had that. Andersen Dairy just moved in across the street and I had to laugh earlier because I see some changing in this to benefit them. That's awesome. I don't see fences going up but I see over 45 semi-trailers, that's cool.

All the businesses next to me, the heating/air conditioning, the fire pipe people, the used car lot up the road, nobody has to have fences. I have professional looking vehicles, all marked. I've had them there for 11 years I've been in business here, now I have to block my area.

The place that I've landscaped, made it look really, really nice, made it look attractive, and now I've got to screen it, park my stuff at the back where I can't possibly park it because I have other buildings there, so I mean it needs to maybe have a little difference in.

Brand-new, sure. If I was building-brand new, I'm not, it's preexisting, I guess that's what I'm saying. My area's already paved, I pay my taxes, I pay my water bill taxes, my goodness, we do everything, but now all of a sudden I'm going to have to put up trees and hide everything.

I have a dispatch center, my dispatchers when we're up there we look right out and we can see half of Brush Prairie on the main street. Crime was not a problem, we were there 24/7, we have a Sheriff's department that's 800 feet from us, 800 yards, and yet good luck.

Everybody comes to us or the problems are there, we're there, we're able to assist, we're able to get the right people in the right areas because they come to us. I'm not saying I like that, but that's it happens.

I don't want shrubs up in my place where I can't see the road, where I can't see the activity that's going on. We have a bar/grill adjacent from us, people come down the road, they walk, they get hit. Well, depending on where they're hit you may not see them, we see it. Been there, done that, I've responded to it.

So, yeah, I mean I just want to be able to go back in business. I don't think we need to have it. Landscaping's awesome, I don't have a problem with that. Chain link fence, it devalues my property. I'm not a salvage yard or scrap yard, a junk yard, whatever, those, yeah, I can see being hidden because they are disgusting.

So that's kind of where I'm at with the screening and the parking behind buildings. My lights are up front, I pay the County PUD for my lights and their poles, they charge a good arm and a leg for that. I don't have PUD poles in the back of my property, that's where my

yard's at.

ALLEN: And I see a point that with the existing buildings, it would be difficult to rearrange the plat after the building has been already positioned to where it may prohibit you to park behind the building or to provide screening because of also the visibility aspect as well for the road.

KNIIGHT: And that's all I had to say. I just didn't like the ideas.

USKOSKI: I actually have a question for you.

KNIGHT: Yes, ma'am.

USKOSKI: With the residential properties on your back property line are you screened at all from them or landscaped?

KNIGHT: I have a huge building, an agricultural building that was built back in our feed store days when we had horses there and stuff, and then I'm not sure how much land that's pasture, if you will, for city people terms it's a pasture, for me it's a lot, and then their house is on the other side with a bunch of trees. I haven't --

USKOSKI: So your primary concern isn't necessarily screening from your residential neighbors --

KNIGHT: Absolutely not.

USKOSKI: -- it's screening that you would be required to do along the right-of-way and your visibility?

KNIGHT: Along Caples Road which is a major business route, it's actually considered a business loop, and being a business owner --

USKOSKI: You don't want to block your visibility.

KNIGHT: -- people drive by it, I want them to see my billboards, I have my patrol cars.

I don't have the big neon signs, I'm not interested in those. I don't have people coming to my place of business, we go to them. Because of the nature of our work we go to them, we don't want clients coming to us. So that's just in a nutshell for me is it doesn't make sense.

ALLEN: Yeah. And then of course as Commissioner Uskoski was trying to point out that it says "adjoining residential lands," screening from them.

KNIGHT: But I'm reading the fine print too and it says they want you to park to the rear or side of the property. Like I say I'm reading the fine print only now --

ALLEN: That is a problem. Yes, that is. That may be a problem.

KNIGHT: -- because I'm here because there was no fine print of the open air vehicles and, boom, here we are.

ALLEN: And of course they didn't allow it back then either.

DELEISSEGUES: Well, Jan's going to take care of that.

VARTANIAN: Thanks, Jan.

BAZALA: So are you thinking that this footnote Number 5 is in existing code already and this is not something that we've actually been involved in proposing to change now.

KNIGHT: You say it is in existing code?

BAZALA: It is. It's in the code right now.

KNIGHT: But if it's in existing code --

BAZALA: I don't know when it got there.

KNIGHT: -- if it's in existing code and yet we're dealing with the open storage of vehicles, open air storage, it's obviously not in the code because we're applying open air storage of company vehicles and this footnote P5 as being applied to it.

BAZALA: Well, right now this code says that you can have open air storage or company vehicles in only the --

KNIGHT: Enclosed building.

BAZALA: -- in one of those zones. It's in one of those commercial zones. Yeah, it's prohibited in the CR-1, CR-2, C2, C3, CL and permitted in the general commercial.

KNIGHT: Okay. But we're talking CR-2 and it's prohibited, so therefore it cannot exist.

COOK: That's existing code. However, in the zone where it is allowed that footnote applies, it's there, that is what he was telling you.

BAZALA: So what we're proposing is to allow it in the CR-1 and the CR-2 zones but still make it subject to that footnote that is applicable to the CG zone.

KNIGHT: And I'm asking that that footnote not be in there because we're dealing with existing buildings, existing properties, everything's existing. So basically I would have wasted a year and a half of my time because of a simple footnote.

BAZALA: Well, I mean --

KNIGHT: See, that's --

BAZALA: So are you in for site plan review now or just considering it?

KNIGHT: I have right now about 90 employees and I'm fixing to hire 10 more. We were kicked out of here because they changed the zoning.

When they changed my highway commercial zoning to CR-2 all of a sudden it comes up, oh, you can't have vehicles. But when I had my feed store and stuff they're, oh, I can have a million horse trailers, I could have all the John Deere tractors in the world and all this and I was perfectly legal, but I can't have a fleet of vehicles.

I have ten vehicles at that location, fine, we move. Now we've been approved to come back, they've allowed security patrol services in all zones with the exception of CR-1. That was great, everybody's ready to rock and roll.

I'm ready to come down and get permits and do all this stuff so we can come back into compliance and move back into Clark County and Tom (inaudible), the gentleman that used to work for the County that I've hired to help me on this, finds out that the open air storage vehicles never got put into any of this so we're back to the same problem.

I've got security patrol services allowed but I can't have my cars on my property. Well, I pay a half a million dollar property tax on a business, I supply a lot of people a lot of money in paychecks and now I'm being told I'm back to the same problem, I can't have my vehicles on this property. Now we're trying to get it on here, which is a great idea, but the problem is it does nothing for me because I'm not parking my vehicles in the back of my barn. I have no room. I can't do it.

Now I can take my front door, not a problem, I have a back door to my office, I'll make that the main entrance and I'll tell you guys, sorry, you call it the front, I call it the back, I don't know what to tell you, I can look between the lines and do that.

BAZALA: Well, when you have an existing situation there are ways to work with the code and if you cannot do something to the rear site, we're not going to say you just plain ole can't do it when I would think maybe this is appropriate that we talk with the planning director as to what we can do.

KNIGHT: Well, I'm reading black and white and the one thing I've learned about Clark County if it's in black and white, it's in black and white. So I'm wanting to make sure that before I make an investment of a lot of money to get back up here that I'm not going to run into another situation where, oh, your vehicles have to be parked in the back.

ALLEN: And then of course it says "shall" and that one word's right there.

COOK: Yeah, and that's what's been in code. The County has changed the code to allow Mr. Knight to bring his business back lawfully to the county --

KNIGHT: Right.

COOK: -- and that has been viewed by everybody as a good thing. And I think people have been very cooperative and very happy to do that because people wanted Mr. Knight back here. Nobody's, I think, been trying to give you a hard time with the black and white.

KNIGHT: Definitely not. I'm just concerned with what I'm reading. I want to make sure that we're not going to have any issues because it cost me \$70,000 to move out of here and it's probably going to cost me double that to get back up here.

COOK: Yeah. One thing that I know is not part of this proposal at this point but that might be considered would be adding an amendment to Footnote 5 something along the lines of to the extent practicable or something like that. And as I say that's not part of this proposal, but maybe that could be an amendment that you might consider.

DELEISSEGUES: I was going to suggest exactly the same thing. I think that's a good suggestion.

ALLEN: And maybe we can also make it a separate item too.

DELEISSEGUES: No, I think we can just amend that.

VARTANIAN: We can cover it all in one form. And at the risk of quoting one of our County Commissioners there's precious little in black and white law that can't be just sort of maneuvered around which I'm getting into why Mr. Bazala said you really want to sit down with someone who can make those decisions, the planning director or somebody, because there's just got to be ways to work around it, that's silly.

BAZALA: It doesn't seem to be a big deal. I think if you want to make that amendment recommendation to the Board --

VARTANIAN: That would cover it.

BAZALA: -- I think that it shouldn't be a huge issue.

DELEISSEGUES: I could almost guarantee that the Board would go along with it.

VARTANIAN: Well, of course they will.

DELEISSEGUES: The wisdom of the Planning Commission's recommendation would be immediately apparent.

BAZALA: Absolutely.

KNIGHT: Excellent.

DELEISSEGUES: For a change.

VARTANIAN: Gee, I wasn't expecting snow tonight again.

KNIGHT: Thank you very much.

DELEISSEGUES: Yeah, thanks for bringing that up. I think you made a good point. Excellent.

Anybody else wish to testify on any of this? Seeing nobody, we will return it to the Planning Commission. We could just go through these minor policy changes and where there's an amendment that we want to make, for example to 32 or 34 to go ahead and make that and just have one motion or we could cut those out and treat them separately. Whatever you would like to do. 32 and 33 were the two we wanted to --

ALLEN: Yeah, 32 and 33 maybe should be taken separately.

USKOSKI: Well, I think we can wrap 33 in with the change as practicable and then keep it part of the batch because I think we're doing something similar to 31, making the --

DELEISSEGUES: No, it was 32, wasn't it?

ALLEN: Oh, wait a minute, was it 31?

DELEISSEGUES: Cluster lots.

USKOSKI: Well, on 31 I thought there was a question in A.1.a for above 30 inches on the fire escape, porches and balconies not more than six feet.

BAZALA: Oh, yes. Right.

ALLEN: That was to add 18 inches or more than 18 inches on Page 26.

COOK: If it's more than 30 inches.

DELEISSEGUES: Well, why doesn't somebody make a motion on the ones that somebody might feel that we can all agree on and then if those aren't included, we'll deal with them separately if the motion passes.

USKOSKI: I'll make a motion that we accept minor policy changes 30, 31 as amended with the above 30 inches, 34 through 38 and also 33 with the "as practicable" added to the footnote for approval.

DELEISSEGUES: Is there a second?

VARTANIAN: Procedurally can one make a second and then offer a friendly amendment? Second.

DELEISSEGUES: Well, what you could do is offer a friendly amendment and then second it.

VARTANIAN: Well, I think the second has to come first, doesn't it?

USKOSKI: Sure, George.

DELEISSEGUES: However you feel it's appropriate.

VARTANIAN: Okay, I'll second that motion and then I would offer a friendly amendment. The friendly amendment, we're all friends, is that I would like to see Number 38 include a revisit, not a sunset clause but a revisitation in seven years, require the code to be reconsidered again in seven years as opposed to whenever we feel like it, if ever.

USKOSKI: I'm going to have to say no on that one, George.

VARTANIAN: All right.

DELEISSEGUES: Good.

VARTANIAN: Well, okay. It's your -- okay, fine. We're not friends anymore, that's all.

DELEISSEGUES: We got a motion and a second. Is there any more discussion on the motion or the second? Do you want to withdraw your second?

VARTANIAN: No.

DELEISSEGUES: I was just checking.

VARTANIAN: It was a friendly amendment. It wasn't a required one.

DELEISSEGUES: I see. I just want to make sure.

VARTANIAN: But thank you.

ALLEN: As a clarification on 31 on Page 26 because c says "not more than 30 inches in height above finished grade are allowed to within 18 inches," so on a 18 inches would be if they're more than 30 inches in height, but then if you allow them to go to 6 feet would that create a problem?

BAZALA: Well, currently that provision states that if you've got an existing 20-foot required front setback, then allows you to move 6 feet closer than 20 feet. It allows you to get 6 feet closer than whatever that front setback may be. It doesn't get you within 18 inches, it just gives you a 6-foot intrusion into whatever setback you may have in the front.

ALLEN: All right, thank you.

DELEISSEGUES: Is the motion clear to everyone? May we have roll call, please.

**ROLL CALL VOTE**

USKOSKI: AYE  
ALLEN: AYE  
VARTANIAN: AYE  
DELEISSEGUES: AYE

DELEISSEGUES: Okay. Then we'll deal with 32.

BAZALA: Now can I make one clarification?

DELEISSEGUES: Oh, no.

BAZALA: Were we using the addendum on Number 31 --

USKOSKI: Yes.

BAZALA: -- was also including -- it was using the addendum. So we're including this language and amending it as you stated, okay. Excellent. Thank you.

DELEISSEGUES: Did you say "yes"?

USKOSKI: Yes, that was my motion.

ALLEN: And that's what I thought I was voting on.

DELEISSEGUES: Somebody want to make a motion on 32 to allow an additional cluster lot to be created from a remainder lot that had an existing residence in the resource and rural zones?

USKOSKI: I will make a **MOTION** to approve it as is.

DELEISSEGUES: Second?

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

DELEISSEGUES: George seconds it.

VARTANIAN: You owe me.

DELEISSEGUES: Any discussion? Roll call.

**ROLL CALL VOTE**

USKOSKI: AYE

ALLEN: NO

VARTANIAN: AYE

DELEISSEGUES: AYE

DELEISSEGUES: Someone want to make a motion --

ALLEN: And the reason why I voted "no" is because it does need a little bit of work and I think that it has to be a little bit more clear as to what exactly is being proposed so that we don't create more problems than we're trying to fix. And this is a complex issue and it may require some lot line adjustments as well so that should be disclosed.

DELEISSEGUES: Number 33. Someone want to make a motion on 33?

USKOSKI: 33 was included in my first motion.

DELEISSEGUES: Oh.

VARTANIAN: He's just testing.

DELEISSEGUES: Were there any others?

VARTANIAN: No, that's it. We're done.

ALLEN: Well, I thought that 33 --

DELEISSEGUES: See.

ALLEN: -- had an amendment to Footnote 5.

USKOSKI: Yeah, to add "as practicable."

ALLEN: So that was covered in that --

USKOSKI: Yes.

ALLEN: -- first -- okay. I just want to make sure.

VARTANIAN: Can we have the clerk read that passage back, no.

ALLEN: Because I thought the only one that was included for an amendment of the language was 31?

USKOSKI: 31, yes, and then I went back after we addressed the rest of them and then came to 33 and added that to my motion to have it as amended for the footnote to add "as

practicable" for the parking.

DELEISSEGUES: Do we think we're all clear on that? If so, that should conclude the biannual code change items for the Spring of 2011.

VARTANIAN: And don't come back.

BAZALA: Thank you.

VARTANIAN: No offense.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

None.

### **COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION**

None.

### **ADJOURNMENT**

The hearing adjourned at 9:45 p.m.

All proceedings of tonite's hearing can be viewed on the Clark County Web Page at:

**[http:// www.clark.wa.gov/longrangeplan/commission/06-meetings.html](http://www.clark.wa.gov/longrangeplan/commission/06-meetings.html)**

Proceedings can be also be viewed on CVTV on the following web page link:

**<http://www.cityofvancouver.us/cvtv/>**

\_\_\_\_\_  
**Chair**

\_\_\_\_\_  
**Date**

*Minutes Transcribed by:*

*Cindy Holley, Court Reporter*

*Sonja Wisner, Administrative Assistant*