

**CLARK COUNTY PLANNING COMMISSION  
MINUTES OF PUBLIC HEARING  
THURSDAY, SEPTEMBER 15, 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: Welcome everybody. We'll start the public hearing for September the 15th, the Clark County Planning Commission. Can we have roll call, please.

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

Staff: Oliver Orjiako, Community Planning Director; Chris Cook, Prosecuting Attorney; Gordy Euler, Planner; Jose Alvarez, Planner; & Sonja Wisler, Administrative Assistant.

Other: Cindy Holley, Court Reporter.

**GENERAL & NEW BUSINESS**

**A. Approval of Agenda for September 15, 2011**

DELEISSEGUES: Can we have approval for tonight's agenda. Any changes to the agenda?

VARTANIAN: Move we accept the minutes as submitted. Or the agenda as submitted.

ALLEN: The agenda, second.

DELEISSEGUES: Moved and seconded. All in favor.

EVERYBODY: AYE

**B. Approval of Minutes for August 18, 2011**

DELEISSEGUES: Now how about approval for the minutes for August 18th. Any changes

or corrections to that? If not, motion.

VARTANIAN: So moved.

ALLEN: Second.

BARCA: Second.

DELEISSEGUES: All in favor.

EVERYBODY: AYE

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

DELEISSEGUES: Are there any communications from the public on any issue that's not on the agenda for tonight that you'd like to bring forward?

CONKLIN: I'm not sure if this is on the agenda but I would like to speak in regards to the shoreline.

BARCA: Oh, shorelines, shorelines we're going to cover and it is on the agenda.

DELEISSEGUES: Yeah. Did you sign up?

CONKLIN: Yes.

DELEISSEGUES: Okay. We'll get to that in just a minute here.

CONKLIN: Great.

DELEISSEGUES: If no one wants to bring anything else before the Commission tonight that's not on the agenda, we'll move to the public hearing items. First is Clark County Shoreline Master Program and Gordy probably has a staff report for us.

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

### **A. CLARK COUNTY SHORELINE MASTER PROGRAM**

Shoreline Master Programs (SMPs) are required by the Shoreline Management Act of 1971 (RCW 90.58). Clark County's current SMP was adopted in 1974 and has never been updated. Clark County has been participating in a partnership with cities in the county to update its shoreline master program (SMP). Using the 2003 guidelines and a grant from the Department of Ecology, the partnership developed goals, policies, and regulations for use of shorelines with the goal of being consistent across all jurisdictions. Each jurisdiction has to adopt its own SMP, and

this hearing is the beginning of the adoption process for the Clark County SMP. The SMP is available on the web at <http://www.cityofvancouver.us/shoreline> under 'Documents'.

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BARCA: A brief one I'm sure.

DELEISSEGUES: Yeah, a brief staff report.

EULER: Thank you, Mr. Chair. Good evening, Commissioners. Gordy Euler, Clark County Community Planning. There's a staff report that you have dated September 15th, 2011, the Clark County Shoreline Master Program public hearing. I had a PowerPoint presentation but it looks like we'll be skipping that. So basically going to run through that, you'll have to visualize the visuals, but I'll be following the format in the staff report.

The Shoreline Management Act, RCW 90.58, was enacted by the Legislature in 1971, it's celebrating 40 years this year, and the idea was to prevent uncoordinated and piecemeal development of Washington shorelines. Three main goals of the Act: Foster reasonable and appropriate use of shorelines, protect shoreline ecological functions, we'll talk more about those, and provide for public access.

Clark County adopted its first shoreline master program or SMP as required by the Act in 1974 and the County Shoreline Master Program has not been updated since that time. 2003 the Department of Ecology issued new guidelines in the form of WAC guidance for preparation in updating of shoreline master programs. The goals of the Act have not changed, nor has the way shoreline jurisdiction is determined, and I'll talk more about that.

The major change is that guidelines is a requirement that shorelines of the state as they are known as be managed so that there is no net loss of shoreline ecological function over time. The Act was amended to include a schedule for counties and cities to update their shoreline master programs using the new guidelines and Clark County and its cities are listed as completing updates this year. That's what brings us to tonight.

Surface waters behave and function irrespective of political boundaries, we all know that, and with this in mind a coalition was formed that included the county and all of the cities in the county including the town of Yacolt. The intent is meant to respond to the Ecology guidelines by preparing a set of shoreline goals and policies that are consistent across Clark County and that meet Ecology's guidelines.

So the cities and the counties pooled their grant resources, hired a single consultant, formed a project team and prepared an interlocal agreement under which to operate and the City of Vancouver has been managing the Ecology grant on behalf of the coalition.

So we've had a shoreline stakeholders advisory group and a technical advisory group that were formed to help in the drafting of the shoreline master program. We've also had a

panel of five independent scientists who have been looking at the science and the conclusions and the policies drawn from the science during the process.

The first step in the update process has been to determine how Clark County shorelines are functioning and for this purpose the county shorelines, streams and lakes have been broken down into reaches and information about each reach has been included in a document called Inventory and Characterization Report.

Basically this report documents baseline shoreline conditions, that is how are they functioning today. We have some that are highly functioning and we have some that are well used or paved over, they're not so highly functioning. The idea is to distinguish between these and get those mapped.

The next step was determination of where shoreline jurisdiction applies. The WAC criteria set a minimum shoreline jurisdiction is 200 feet from ordinary high watermark on streams that average greater than 20-cubic feet per second of annualized flow and on lakes 200 feet also from ordinary high water on lakes greater than 20 acres.

The County's current program and what we're proposing adds to this the extent of floodplains because in the absence of shoreline we would manage floodplains under GMA, the Growth Management Act. Shoreline jurisdiction is not proposed to be changed in the updated shoreline master program, although there's a process that's going on. You may have heard about that FEMA is involved with in terms of updating where floodplains are in the county and there will be some effect, we may have to amend the program at some point if FEMA ever finishes that process.

Next in the process came shoreline designations. These function as essentially overlays and they're based on the Ecology guidelines and the science and the information in the inventory and characterization report. So the zoning doesn't change, but these are our, again, function as overlays. Each stream is given one or more designations based on how it functions, land use, historic land use, and zoning and current use. The proposed shoreline designations are shown on maps in Appendix A of the draft SMP which you have copies of.

After all that was done the next step was to develop shoreline goals, policies and regulations, and the result, cutting to the chase, is the document that is the June 2011 Clark County Draft Shoreline Master Program. It's organized into eight chapters.

Chapter 1 is an introductory section; Chapter 2 describes what's shoreline jurisdiction as we just spoke about moments ago; Chapter 3 talks about shorelines of statewide significance and lays out general policies that come from the Shoreline Management Act; Chapter 4 talks about the shoreline designations, what they mean, where they are; Chapter 5 contains general shoreline use and development regulations, the kinds of things you would do if you were going through a site plan like archeology and your building footprint and the layout of roads and that sort of thing.

Chapter 6 contains specific shoreline use and development regulations that relate more to uses and modifications rather than general site considerations; Chapter 7 is the administration and enforcement of the program. We plan no change in how the program is administered, the County has a shoreline management review committee that makes decisions on substantial development permit applications and they're approved here and sent to Ecology, Ecology approves conditional uses and variances in shorelines.

And Chapter 8 in the program is simply definitions, definitions of terms used. Appendix A in the program contains proposed maps of proposed shoreline designations, and Appendix B contains maps that show current and proposed shoreline designations.

So as I said earlier one of the key factors that we have to make a finding of is that the program results in no net loss of shoreline ecological function over time. And that is indeed a mouthful. We've talked an awful lot about what shoreline ecological function is, whether it's a habitat function, a wetland function, a water quality function, a flood control function, those are the kinds of things we mean when we use that term.

In order to determine if Clark County's programs, goals, policies, regulations will achieve no net loss, the consultant performed what's called a cumulative impacts assessment, affectionately known in our circle as a CIA. Basically we did a vacant and buildable lands run for rural parcels to see given if given how much more development we would have would our regulations that are in place and proposed get us to that no net loss of function over time.

ESA's finding, ESA being the consultant, is that the County's draft shoreline master program if implemented as proposed will result in a no net loss of the shoreline ecological function over time. So we think that's big. I mean that's the finding we were looking for.

One additional requirement is the preparation of a restoration plan and what this document does is outlines ways for where shoreline function can be restored. It's based on information that's generated in the inventory and characterization. Restoration is voluntary, whereas mitigation is required. The goal is to look for ways to achieve a net gain in shoreline ecological function rather than always being concerned about a net loss.

In terms of public involvement, again this information is fairly well summarized in the staff report, we had a stakeholder advisory committee as I mentioned, we had a group of technical folks, agency people, County, State, Federal. We had four rounds of open houses, the last of which were last month. We had five shoreline jurisdiction-wide mailings about the process, what we were doing, so every person who lives in shoreline jurisdiction got a mailing five different times explaining what it is that we were doing and announcing meetings and letting people know where they could go to get questions answered.

We've made presentations to DEAB, the Three Creeks Advisory Council, the BIA, Clark County Realtors, the Responsible Growth Forum, a number of organizations, the focus of the shoreline master program, the focus of the Clark County Fair booth in the last three years has been the shoreline master program. We've had three joint Board and Planning

Commission workshops. We've had a 20-member internal County staff group that's been meeting to talk about issues, and as I mentioned earlier we had the independent science review.

So our consultant has prepared three drafts of the shoreline master program. The first was one that we reviewed internally, given to the project management team, that is the group in the coalition. The second draft was released in March of 2011 and this was a draft that essentially was common to all jurisdictions, had as much of the common language in it as we were going to get.

We looked at over 500 comments on this document and when the June 2011 draft was released there was a version of that released for each jurisdiction, so the Clark County version, the Battle Ground version, Ridgefield, La Center, Camas, Washougal and Vancouver. We issued a SEPA checklist and a Determination of Nonsignificance for the program on August 3rd.

We got two sets of comments, not about the SEPA but about the program, which you've seen, they were handed out last time, WSDOT and WDFW, Fish and Wildlife. The proposed action is adoption of a draft SMP and we do not need to adopt formally the inventory and characterization report, the restoration plan, the cumulative impacts assessment, those things, but they would be adopted as supporting documentation for the County's shoreline master program.

After you make a recommendation to the Board, the Board will hold a hearing, hopefully they'll adopt a version, we'll send it to Ecology, they'll have a chance to review it more formally, they have to approve it ultimately. It's likely they will send us comments back to say we like your program except for these things, so there may be some things that we come back to you with after the first of the year where we've said we need to make these changes in order to gain Ecology approval and they may also hold a public hearing as well.

That's pretty much it in terms of the process where we've been. I started working on this, Gary and myself, about three years ago. We started the process formally on July 1st of 2009 and here we are two years and a couple of months later and I think that concludes my staff report, Mr. Chair.

DELEISSEGUES: Okay, thanks, Gordy. Any questions of staff? Okay, if none, we'll go to the sign-up sheet. This would be for the shoreline master program. The first on the sign-up sheet is Kate Blystone.

### **PUBLIC COMMENTS**

BLYSTONE: That's okay.

DELEISSEGUES: How about Don Hardy, do you want to speak? If you'd come forward and just state your name and address for the record. Thank you.

HARDY: Good evening, Commissioners. My name is Don Hardy. I'm with BergerABAM, we're an engineering firm locally. Our address --

BARCA: A little bit closer perhaps.

HARDY: Okay, I'm sorry. Good evening, Commissioners. Can you hear me now?

BARCA: Better.

HARDY: I'm Don Hardy with BergerABAM. We're here in support of the shoreline program adoption and we're representing a number of clients that --

BARCA: That's good now.

HARDY: Can you hear now?

BARCA: Oh, yeah.

HARDY: Okay. We're here on behalf of WC Vancouver and Fazio Sand & Gravel Company, we're here to support the program. I just wanted to echo a few things that Gordy was mentioning.

We've been tracking the program for about two years and in that process we believe the County's done a good job of coordinating the process of looking at the shoreline guidelines. This is a fairly complicated piece of adoption for the shoreline program dealing with a number of things that are being balanced. I think the County's done a good job balancing public access, looking at environmental issues and also development issues. We support staff's recommendation to adopt this, moving this forward to the Board of Commissioners.

There's a few items that we just wanted to highlight in terms of this adoption process. We believe as Gordy had mentioned that I think the key issue here is that the shoreline program really the functional basis of it is really the preservation of shoreline functions and values. It's a delicate balance to bring everything together, but we think the County's done a good job of doing that and doing a good job of outreach and also addressing a number of issues for balancing development with public access and preservation.

We do have one item that we would like to bring up. We do think there's a possible challengeable issue in Table 6-1 that might end up causing some issues for the County, not only for the County Public Works but also from a development side of things.

It's under "transportation uses." This addresses issues where I think the critical factor here is trying to limit roads that go down to the shoreline area. The challenge is there probably are many roads in Clark County that actually have roads that are parallel to a shoreline jurisdictional area and what we're simply trying to do is to make sure that where there's a

condition or where you have a road that's parallel along a shoreline that you're able to actually build a road down to that road that's a public road.

I think that the challenge here is creating text here that where you're not allowing a new road that would go down to the shoreline where there's no public access to that, but if there's a public access road available, say Salmon Creek Avenue, you'd be allowed to connect to that roadway perpendicular to the road.

It's in Table 6-1 and the specific text is dealing with roads perpendicular to the ordinary high waterline and it basically talks about it's limited to the setback for the use the road is serving, we're just trying to seek clarification on that issue. I think we understand the intent here, but essentially that's the one item that we would like to have looked at it further so that basically you can access public roadways.

And then with that --

DELEISSEGUES: Any questions of Don?

BARCA: Yeah. I'd like a little bit more clarification, then, because it seems like the wording is fairly clear as far as the intent. So could you explain a little bit further what your concern is?

HARDY: I think that the critical factor is just having a little more text that would identify that if you have a road that's parallel to a creek, for example a public road, and you want to come down and connect to that roadway and you're within the setback area, let's say the setback's 100 feet from the ordinary high watermark, you have a roadway that's already that's in the shoreline jurisdiction already, you would not be physically able to connect to that existing roadway if you have a 100-foot setback with a perpendicular connection to parallel road.

BARCA: So I'm going to try to paraphrase it so I see if I'm understanding what you're saying. If the parallel road is already within the setback --

HARDY: Yes.

BARCA: -- then there's no language allowing a perpendicular intersection?

HARDY: Yes, that is correct.

BARCA: Okay.

HARDY: And again I think that staff's trying to work through that issue. I understand the intent here is to I think it really is challenging from the sense if you have a road already existing and you're coming down to connect to that, that's a little different than if there's no public access road down there and you're simply trying to put a road all the way down to the creek. Those are different and I understand that.

BARCA: Right. And we already have the issue of private property within there and their ability to be vested and build inside that envelope already, right. So I'm sure that there's something that could be put together that already looks like issues that we have with our other kinds of critical area ordinances in which we have setbacks that we must work within.

EULER: Yeah. Just by way of response, I guess we shouldn't name the particular place we're talking about, there's a road already that parallels ordinary high water and in this case there's a connection to it that's away from ordinary high water, I don't know what problem that would be.

The intent of the way this was worded it is a little odd where it says "roads perpendicular to ordinary high water," that means headed towards the water. The idea here is how close you can get the language you put in that says you're limited to the setback of the use that you're trying to serve.

So, for example, if you have a road to a residence and the residential setback is 100 feet, then the end of the road setback is 100 feet. That's what that means. So it's limited to the purpose that the road is there for, that's first of all what the language says.

But in this particular case I don't see an issue because they've got a road that's already closer to the ordinary high watermark and the connecting road that would be parallel is going away from the water so if I'm understanding the Salmon Creek access WSU Vancouver issue.

HARDY: And that's specific to that site, but I think it speaks to other issues. You may very well have that same condition throughout the county. There's a lot of roads that are older that the County has that's developed and typically those older roads followed creeks and rivers and so just essentially it's a clarification I think more than anything that we're seeking that there's not the intent to prohibit where you have a parallel road and a perpendicular a secondary access road or driveway coming into that. That there's not a prohibition for that.

EULER: That's certainly the intent of what this is is that how close you can get with the perpendicular road to ordinary high water depends on the use you're serving and if that use happens to be another road, I don't see that as an issue.

DELEISSEGUES: It seems like a more common approach to access is not to take a road down to the river but to have a parking area up off the main road and a trail down to the river.

EULER: We're trying to make sure by this that for example accessory parking for example to a recreation use is preferred to be outside of the shoreline jurisdiction, then run your trail down --

DELEISSEGUES: Right.

EULER: -- that's covered in here. This is a different case, I think, that Don's referring to. But, yes, you're right, that's what's in here.

BARCA: And I think in just a general basis Don brings up a point even though it isn't specific to his particular example, we can find ourselves with already existing development opportunities inside what we're talking about now as the setback area. So we've dealt with this in other critical area ordinances and I just think that bringing it forward is appropriate and we'll have to probably put some language in to accommodate.

EULER: We agree.

HARDY: And that was it. Thank you.

DELEISSEGUES: Any other questions of Don? Okay, thank you, Don --

HARDY: Appreciate it.

DELEISSEGUES: -- for your testimony. Martha Conklin.

CONKLIN: Martha Conklin. I currently live in Camas but I'm here regarding property in Clark County on 50th Avenue. The property is ten acres that have been in my family since the 1930s. We've recently gone through a pretty big ordeal with the Fish and Wildlife people and I just want to use this as an example for you, there were so many permits or what we need to is put a new bridge across our Mill Creek.

We currently have a culvert, we have a renter who lives on the other side of the creek, we have a long driveway, Mill Creek and the rental house. The culvert is being clogged up and it has to be replaced pretty quickly. The bridge is going to cost 80 --

COOK: Could you speak louder.

CONKLIN: Oh, the bridge is going to cost \$80,000. This is a creek that we used to just walk across on a log. I know that the Fish and Wildlife isn't you, but I feel like they have so regulated the private landowner that we can't -- there's even certain brush along our driveway that we're not allowed to cut without a permit.

And so what we have to do to pay for the bridge is my brother has to take out a home equity loan and then we have to take the logs off the property in order to pay for the bridge.

So we feel like the private landowner is carrying the burden of all the guidelines and restrictions that you're putting on the waterways. We feel that some of the housing developments that are in and around have caused more damage to the waterways than we have. We're a family of fisher people and hikers and hunters, we appreciate the environment and we take care of it, the housing developments are what's reducing and polluting Mill Creek. And I'm sure that's true for other waterways.

So my question is have you considered or will you consider before you finalize your plan how all of society can pay for this and not just the private landowner? I'm not sure if I've been clear, but I guess that's my question. Have you considered or how have you considered the impact that housing developments have on our waterways?

DELEISSEGUES: Any questions of Martha? Does the road that needs the bridge only access your property?

CONKLIN: Yes.

DELEISSEGUES: It does. Is it a long way from the house?

CONKLIN: No. The property is two five-acre pieces, it's kind of a long rectangle, a long driveway, Mill Creek, house, so the renter has to be able to cross the creek in order to get to the house.

DELEISSEGUES: They have to be able to cross the creek?

CONKLIN: Yes.

DELEISSEGUES: That's the problem.

CONKLIN: So I know you are not in charge of all of that.

DELEISSEGUES: No.

CONKLIN: I believe we worked on that for about six months and the final ending is that we pay \$80,000 for a bridge, but we still felt really strongly that the water has been negatively impacted by the housing developments. Our area has grown, we all know that.

DELEISSEGUES: Yeah, it's been a --

CONKLIN: You know, is that considered in your --

DELEISSEGUES: It's a difficult situation when it's a private road and accesses one house. It's kind of --

BARCA: I think trying to get --

DELEISSEGUES: -- hard to deal with.

BARCA: -- to your question, there are a lot of programs that the County pays part or all for that go towards environmental restoration.

CONKLIN: Well, those didn't work. First we had someone come out two summers ago,

she said we didn't qualify. Then it turns out we did but then we were out of money. They were out of money.

BARCA: So your question was housing developments and what do they pay for and there's a difference between the specifics of making your house and your road comply in comparison to the degradation of development within the community, and I think everybody will agree the denser the development, the more degrading it is to the environment and all of that happens through our programs today that are funded through property taxes.

When it comes to the thought process of trying to help fund upgrades to individual properties to make them comply with regulations like we're seeing before us now, there really isn't a mechanism that's out there to forgive or pay for subsidize partially because it's looked at in the idea of an ever increasing use or upgrade.

So if that culvert that you had there, if it had lasted another hundred years without any change required to it, there would be nobody coming to you and asking you to do anything, right, it was because you found that the culvert had degraded on its own and it had to have work done?

CONKLIN: Right.

BARCA: Right.

USKOSKI: I have a question of staff. Is there some provision within this that would allow maintenance activities on existing crossings such as like a culvert if they needed to go in and do some repair work on them or would they still go through --

EULER: There are what are referred to as statutory exemptions and normal maintenance and repair of facilities is included in that. Now it sounds to me like this was, I don't know your situation, a culvert replacement and I think it's interesting that Fish and Wildlife said you have to put a bridge in.

CONKLIN: Right. Because they want the coho salmon which is an endangered fish to be able to replenish in that creek so the culvert wasn't a possibility. But if it was if we did it on our own, it would have been also close to \$70,000, not because of the cost of the culvert but because of the permits and the engineers and all the things they had to do to get it in there.

EULER: Did I answer your question?

USKOSKI: Yes. Looking through this, from what I'm seeing on the list of exemptions it looks like it's a lot of the exemptions are geared towards like agricultural use, but I think Number 2 is what would --

EULER: Normal maintenance and repair covers a wide variety of activities.

USKOSKI: Yeah. So that was more of a Fish and Wildlife decision --

CONKLIN: Yes, it was.

USKOSKI: -- rather than (inaudible) --

CONKLIN: I just kind of wanted to use that as an example that we felt like the land is not really ours anymore, we're being told every little thing that we have to do with it.

EULER: Yeah, this is a good news bad news because as Commissioner Deleissegues pointed out this is a single property owner with a driveway, and that's probably good from a density perspective in terms of water quality, the more people you get, the more impact but the more people there are to pay for the improvement. So the idea is hopefully to find a balance in there someplace in terms of cost to a property owner.

CONKLIN: And that's what I would like you to consider when you're finalizing the proposal is to consider not just the private property owner.

EULER: I think the Board will be interested in your testimony as well in terms of cost of permitting.

CONKLIN: Thank you.

DELEISSEGUES: Okay, thank you, Martha. That concludes the names on the sign-up sheet. Does anyone else want to testify on the shoreline management program? Seeing none, we'll return it, then, to the Commission for deliberation.

### **RETURN TO PLANNING COMMISSION**

BARCA: Well, since we've seen this like four times perhaps in different iterations but always improving along the way, I think we have a pretty thorough understanding of what the proposal is. I haven't seen anything in the latest iteration that surprises anybody.

I do like the quote about the no net loss of shoreline ecological function over time, so I guess we're anticipating there will be some net loss of ecological function for a shorter period of time and then we'll regain it in the long term. And I think from a developmental standpoint that's the best you're going to hope for, right, because we have a lot of projects in the chute and we're going to start from here and go forward and try and do better.

EULER: That's correct, Commissioner. I think it's safe to say that all shorelines are not equal. The purpose of the program is not to say you can't use shorelines but to put uses on shorelines as we've said that belong there. There are some uses that have to have a shoreline location and certainly protection of how habitat and wetlands and flood areas function is always important.

One of the questions we've gotten is do I have to allow access on my property and because of this and the answer is no, status of property is not going to change. We prepared a series of case studies which I hoped to have or wanted to have available so you could take a look at them, ten case studies, and the idea of those was to say if I'm building a house today, what would be different if I was building a house two years from now.

And part of doing that was to show what's in some cases, some uses, there's very little that's changing. I can say that in terms of this document we have that we have setbacks that are in the table that are deemed to be appropriate enough, we have vegetation conservation as one of the goals, we're proposing to use our current critical areas ordinances to the extent we can to implement this as well as regulations like our grading code, the stormwater ordinance, the sign code and there's probably some others in here.

So we tried not to create anything that was not at least suggested in the rest of Title 40 regulations that you've all looked at and dealt with over the years as they've impacted other programs. The average homeowner is not going to see any difference, the average residential owner is not going to see a difference.

I've had people call and say, well, I've lived here for 25 years and didn't know you had a shoreline program and I said have you ever wanted to develop your property or do anything with it and they said no and I said then you probably wouldn't know that there was a program.

So, again, the Shoreline Management Act 40 years old, visionary and we're bringing our 1974 plan hopefully up to the level of the 2011 code that we're implementing. I can answer specific questions about specific situations, but I'll leave it for questions.

DELEISSEGUES: Anybody else?

ALLEN: I do have two questions. One of them deals with the Washington State Department of Transportation letter on the first page down at the bottom when they're talking about modification to permit construction that they're suggesting that we put into the plan, they're talking about a reconstruction of highways in the natural designation area after a proper review and I couldn't find anything very quickly when I was looking through it and then I gave up.

EULER: Well, again this goes back to the shoreline designations --

ALLEN: Right.

EULER: -- most of the county has a rural conservancy shoreline designation and we've sort of split them based on GMA zoning. There's more of an emphasis on resource use in agriculture and surface mining and forest zoned lands and more of a residential focus, although both are allowed in both places so we call that rural conservancy resource.

Washington Department of Transportation was saying we have an awful lot of roadway near where you're proposing natural areas, we didn't find that to be the case.

ALLEN: Thank you. And then number two question was on the letter from one of the stakeholders, I guess it was Pam Myhr --

EULER: Myhr I think is how it's pronounced.

ALLEN: Myhr.

EULER: Yeah.

ALLEN: Okay. And she was talking about the significant riverbank erosion due to speeding boats, and I did personally observe some of those, and then she was talking about depositing some of the logs to basically alter the impact of the on-shore waves from the speeding boats.

And I had seen those kinds of methodologies work very well elsewhere and here she's talking about that it would require a permit that would cost 13 to \$15,000, ergo, that like a development permit just to protect that particular area from further erosion, and yet those particular logs that she's talking about would create additional fish habitat as well as protect the land. And that's in her letter I guess that was written August 29th.

EULER: Correct. The concern she had as I understand it was about what can be done about erosion and whatnot that's caused by boat wake and frankly I didn't have a good answer for her. Certainly to stabilize the shoreline in some fashion as she proposed makes the most sense, but it is a shoreline modification and as such would be covered by this program.

The one preference in this program is for soft or bioengineered stabilization, soft armory, if you will, as opposed to using hard armory like concrete or riprap or large boulders, so that preference is stated in here. Now can the cost, this the regulation doesn't address the cost, it addressed the protection of shoreline function.

ALLEN: But from what I'm also reading that it's not really encouraged and that's why it has to go through all those permitting things, and yet I do know that like Corps conservation district has specific private party agreements and they help them out with that particular effort, maybe to say that if some of these may require some other assistance from some of those agencies that have expertise or BMPs of those particular areas.

EULER: It's possible. The restoration plan which I spoke of earlier again is a required deliverable and it's full of listings of agencies, the projects they're doing. I haven't looked at the most recent version, but I don't know if there's grant programs or whatnot in there. But you'd be surprised at how much restoration work is being done --

ALLEN: Correct.

EULER: -- that we're paying for of course.

ALLEN: (Inaudible.).

EULER: Yeah. And these are all the way from Federal agencies, the Corps, Fish and Wildlife --

ALLEN: CPU.

EULER: -- the Services down to State agencies down to groups like Friends of East Fork and Fish First, the Lower Columbia Fish Recovery Board. I mean it's a fairly extensive list. To me boat wake and waves has always been a problem. I mean you can't go anywhere at water level and not see that, what has been done. Now the concern is can we make it easier for somebody to deal with that, yes, we can.

ALLEN: Or prevent it.

EULER: Or prevent it, certainly you can educate boat owners, but it's generally the shore side property owner that's got to deal with the issue. The question is can we make it easier for them to mitigate because there's an issue there.

ALLEN: Because if you're going to provide more public access to those waterways, you might as well provide some sort of a tool for the owners that have to protect those same waterways --

EULER: I don't disagree.

ALLEN: -- and banks. Thank you.

USKOSKI: I have a quick question for you, Gordy. Regarding DEAB's letter for Section 2.5.2 for conforming uses, how, if at all, did staff address that with the timing to go within 12 months that they have to actively --

EULER: Basically the comment matrix will say that the 12 months, the 60 percent and the 12 months this has to do with can you replace a nonconforming use that is damaged, that's right out of County code. That's what's in the current County code.

USKOSKI: So we don't make any sort of an exemption or allotment for somebody that doesn't have their insurance money like in the example that DEAB used that --

EULER: Correct. But, again, the language that DEAB commented on and that's in the shoreline program is the same language that's in County code and for nonconforming uses so we tried to -- I mean there we went for consistency.

USKOSKI: Yeah. Okay.

EULER: And that doesn't really answer your question, but we went for consistent language I guess is why that we ended up there.

The other issue we did address that came from Steve Madsen, and I don't know if we included that e-mail, was the Legislature this last session passed a bill that allows jurisdictions if they choose to say that existing residences are conforming uses for purposes of this program as opposed to nonconforming uses most of them would be caught by the setback requirement.

We put that in and we started with the idea that you couldn't, you had to expand furthest from the water. It was pointed out that that didn't really make any sense necessarily from the architectural standpoint so we modified that section to say you can expand a house as long as you're no further waterward of the existing structure and you could also go up of course to the height limit. So that's a change that has been added since the June 2011 version came out.

DELEISSEGUES: Any other questions? You seem to have done a pretty good job of covering all the I's and dotting the I's and crossing the T's on both wakes and people wading and creating a little sedimentation here and there. I think you need to prohibit floods and volcanic eruptions, set your program way back.

EULER: Maybe we can get Ecology to do that.

DELEISSEGUES: Yeah, tell them.

ALLEN: I don't think you could do much about that one, but I think maybe you could do something about the perpendicular road connection, that would be a good one.

EULER: I should also tell you that this is a work in progress, we're getting comments all the time, they're going into a comment matrix. And I don't say that to say that the contribution that we're all making isn't great, but the next time you see this, and there will probably be a next time, it may look slightly different or be somewhat different in various places.

We're encouraging people to comment, we want them to comment, we have a draft letter from the Department of Ecology that I forgot to mention that was e-mailed to you. When was that?

VARTANIAN: Today.

ORJIAKO: Today.

EULER: Today. It's 16 pages of draft comments. You will have seen some of these before because I included some of these in the staff report that you got two weeks ago, so we will be working on addressing those comments.

I think it's safe to say that Ecology has some issues with the way we've applied our critical areas ordinances, stay tuned for more on that, but this is a work in progress and we continue to make changes. I'm keeping a record of changes although we're not doing anything more in terms of the public until you make a recommendation on the version that's in front of you.

ALLEN: Personally I think that you guys had a great public outreach and then also going over 500 plus some comments and incorporating those where necessary. So I think you guys did a wonderful job.

EULER: Thank you.

ALLEN: That's my personal opinion.

EULER: Thank you. And by the way that matrix is on the website if you need a little bit of light reading. I think we reduced it down to 86 pages. There will be another one where we respond to comments on this draft and that's again a work in progress, it's up to about 20 pages already. So thank you.

DELEISSEGUES: Any other questions? Comments? Motion?

ALLEN: I'll make a motion that we recommend that the Board of Commissioners approves this particular staff report that also includes the supporting documents.

BARCA: The Board of Commissioners, what about us?

VARTANIAN: You mean the Planning Commission?

ALLEN: Okay. I'm open to friendly amendment.

BARCA: I just needed clarification. So you're saying that we should approve staff --

ALLEN: No, that we forward the recommendation from us to the Board of Commissioners to approve this particular staff report and the supporting documents.

EULER: If I may, I'm assuming you mean the version we gave to you, the 2011 version, plus the changes we gave to you four weeks ago plus the staff report we gave to you two weeks ago?

ALLEN: Right. And of course here it talks about the findings that were presented in this report and in the supporting documents. So I recommend that we forward a recommendation of approval to the Board of Commissioners.

BARCA: Second.

DELEISSEGUES: Second, okay. It's been moved and seconded that we recommend approval for the adoption of the draft shoreline management plan and supporting documents to the Board of County Commissioners. Can I have roll call, please.

**ROLL CALL VOTE**

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

BARCA: And, Gordy, thank you for the quote of the day where you say "paved over and not so high functioning."

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

**B. ANNUAL REVIEWS & DOCKETS**

**CPZ2011 – 00014 Battle Ground UGA Expansion - Consider expanding the Battle Ground UGA by 48.3 acres.**

Pursuant to the Clark County Comprehensive Plan and Unified Development Code (UDC), the Planning Commission will consider expanding the Battle Ground UGA to the north by 48 acres and to the south by .3 acres. The northern expansion proposes rezoning properties from Rural with R-5 zoning to Employment Campus (EC) with Office Campus (OC) zoning and Urban Holding Overlay (UH-40) for the following properties:

227013-000; 226984-000; 226983-000; 226937-000; 986029-161; 226928-000; 986029-160 and

The southern expansion of the Battle Ground UGA proposes rezoning parcel number 195264-000 from Rural Center Residential with R-5 zoning to Regional Commercial with Urban Holding Overlay (UH-20).

**Staff Contact: Jose Alvarez, Planner**  
**Phone: (360) 397-2280, Ext. 4898**  
**Email: Jose.Alvarez@clark.wa.gov**

DELEISSEGUES: Okay, with that we'll move on to the next item on the agenda which is the Battle Ground UGA followed by music, CPZ2011-00014, Battle Ground UGA Expansion. Can I have a staff report, Jose.

ALVAREZ: Good evening, Commissioners. Jose Alvarez, Community Planning. I was going to present you some maps but you have those in your packet and the proposal in

front of you is an expansion of the Battle Ground urban growth area, it's a total 48.3 acres in two locations.

48 acres would be on the north side of the Battle Ground urban growth area. It's located approximately east of SR-503, approximately about NE 254th Street and if NE 249th Street was extended to the west and that's approximately 48 acres. It's currently zoned R-5.

There's also a .3 or three-tenths of an acre expansion proposed on the southern portion of the Battle Ground urban growth area and that is also zoned R-5 and it's abutting the southern part of SR-503, 122nd Avenue sort of south of that intersection of 503 and Caples Road.

In 2007 the comprehensive plan was amended and it added language that allowed for out-of-cycle UGA expansions if two conditions were met: The area could be 100 acres or less and it had to be for employment. There was no implementation language added to our code or criteria other than those two criteria and "employment" was not defined. For our purposes we considered "employment" to be employment center zoned, office campus, business park.

In addition, the Washington Administrative Code, 365-196-310(4)(e)(i) to be specific, was amended in 2010 after the comprehensive plan was adopted and that language recommends that the site-specific requests be deferred until the next comprehensive review of urban growth area.

We asked the City of Battle Ground to provide information that would show that their proposal was consistent with this new language and we had many conversations with the City as you see with the supplemental information that they had submitted a number of iterations.

What it came down to is that the amendments to the WAC in 2010, since that happened so recently there is really no case law regarding that issue, that addresses that issue directly so we suggested the City contact the Department of Commerce to get some clarification on what the intent of the new language was.

Their response was that the new language was not intended to prohibit UGA expansions, but it was in addition to health and emergency situations if a compelling argument could be made that demonstrates why the additional UGA capacity is needed that that would suffice.

In their submittal the City of Battle Ground essentially cited two primary reasons for the request. The first was to replace the loss of the Bergeron property that was brought into the urban growth area in 2007 and subsequently removed due to the appeals process and the court ruling.

And so the intent was this expansion would allow them to rebalance the plan they adopted

in 2007 by adding back some employment land that was taken away. It was also an area that's being considered by Clark College for a north county campus.

So staff in addition finds that the City met the criteria for all the map changes that are required and we recommend that the Planning Commission forward a recommendation of approval to the Board of County Commissioners to expand the UGA and modify the comp plan and zoning maps for rural residential and R-5 zoning to employment center and office campus with an urban holding 40 overlay.

For the southern portion the expansion was for three-tenths of an acre on the south side and staff's recommending the Planning Commission deny this part of the request. Primarily the request came in subsequent to the Board of County Commissioners giving us direction on what to include on the docket so the Board didn't approve that be considered.

Secondly, the designation proposed is commercial. As I said before there wasn't specific language in the comp plan defining employment, but we're looking at it as employment zone. One could make the argument it's commercial but business park, office campus, those types are the things that we were looking at.

It's not contiguous to the other 48 acres that are being brought in and the size of the parcel makes it really difficult to find that the employment requirement would meet the intent of the language in the comp plan. That concludes the staff presentation. Do you have any questions?

DELEISSEGUES: No. I was going to ask you what your recommendation was on that because on Page 9 it doesn't mention what you would recommend for that second parcel, but you cleared it up there so I appreciate that, thank you. Any other questions of staff?

BARCA: Not at this time.

DELEISSEGUES: Is there anyone from Battle Ground want to testify, the proponent?

PUBLIC: I would.

DELEISSEGUES: No, no, I mean from the City of Battle Ground and then we'll go to the sign-up sheet.

MAUL: Good evening, Commissioners. My name is Robert Maul, I'm the community development director with the City of Battle Ground, 109 SW 1st Street in Battle Ground, Suite 127. Thank you for providing this opportunity to speak this evening. I won't rehash too much of what staff has already presented, but just a quick history of Battle Ground's involvement with this particular process.

This is somewhat of an uncharted process as Mr. Alvarez had indicated because of the loss of the Bergeron property in the appeal. The Commission may recall that that had something to do with the overall ag land de-designation issue. The City since has been

trying to find a way to balance our employment lands.

This is not our first go at this particular process. We've tried other directions in the past, worked with the County staff on this, and for one reason or another they didn't work out, but this actually happened to work out pretty well because the property owner, proponent, approached the City.

This is the second time they've approached the City on this, but it was also at a time that it would not only balance what we had lost with our '07 plan, but it immediately abuts existing employment lands, it's at a signalized intersection, it has relatively minimal to no significant environmental issues to deal with or contend with, it's on a State route, and it is one of five finalist locations for our Clark County campus.

Now I do want to stress that while that's a great prospect for the City, it's not the only driving factor. Should Clark County or Clark College choose to go in another location, this still is an important employment center area that we would like to be able to market for any sort of campus development.

And it's something that we've been working with CREDC over the last year as well during the, as some of you may have seen, the regional economic development plan that was released by CREDC and prepared by TIP Strategies earlier this Summer. It's important that we have areas that can accommodate jobs producing lands so this is very important to the City and the region to that respect.

As staff has already mentioned this is no net gain but rather just a simple balance of what we had had before in '07. We've hosted several open houses up in Battle Ground for the neighbors in that area and many of them are present this evening and will be providing testimony and we certainly respect a lot of their concerns.

They're either north or a little northeast or northwest of the site and a lot of it's related to traffic but some environmental concerns and so forth, but the City has all the latest and greatest required critical areas ordinances in place, stormwater regulations, we were one of the partners with the County in preparing the shorelines management update, and we certainly thank them for the leadership and guidance on that process.

So any future development whether it be for a college campus or medical campus or something along those lines can be mitigated through our development review process and associated regulations.

Another item that I want to make sure we address is related to transportation. The City has been working closely with WSDOT over the last year and a half over the 503 corridor as a whole because they have it designated as a limited access highway, essentially they treat it just the same as you would like I-5 for instance.

And being a city that we're growing and expanding in various areas, we run into conflicts in terms of meeting full signalized intersections or even right in, right outs and so forth, and

that sometimes could not necessarily mesh with WSDOT plans. So we've actually come up with a memorandum of understanding between the two agencies to make sure we have a mutual understanding of the entire corridor so we don't take a piecemeal approach.

And when our transportation planners in-house at the City put together the original or initial transportation plan for this expansion request, we thought of recommending a connection where it would be 254th going into the highway. We have since revised that after meeting and talking with WSDOT.

We have no problem focusing the main access on 244th where you have a signalized intersection and we'd be able to as growth eventually occurs in that area have an internal grid network that would serve the site and not unduly folks that are on Dublin Road or NE 254th and so forth because certainly we don't want to send unnecessary traffic down two-lane county roads that can't sustain it. And on top of that we would require traffic studies and concurrency analysis at development review anyway which would necessitate off-site impacts if needed and improvements and so forth.

The timing is very important for the City as we see it in terms of being able to approach this process now. I don't think anybody in this room or even at the Department of Commerce can guarantee that we're going to go forward with the 2016 update even if there's going to be funding available going forward with that.

So if we as a city or even partner with CREDC or any other developer or real estate agent to try to get some meaningful employment development going, now is the time to start that process and that effort. We can't wait another four or five, six years or further out if need be. So time is of the essence we believe in that regard.

And beyond that all the other criteria that we were supposed to address in terms of capital facility planning for water, sewer, fire, police, stormwater, we believe we've met those at each level. I'd be happy to answer any questions that the Commission may have from the City, and I'd certainly be happy to come up and address any concerns that some of the public may have after the fact too if that brings up additional questions.

DELEISSEGUES: Any questions of Robert?

USKOSKI: Yeah. Do your conclusions kind of go for that third of an acre also on the south side or where does the City stand on that one?

MAUL: As much as if somebody wants to be in the city, we'd love to have them. I've met with the applicant's representative and while it makes sense for his client to have that piece included, if it's something that's going to create difficulty in this process, we don't want to muddle that either. If we need to wait for the next update so be it.

But this was the main priority, this was the original request we brought forward to the County at the beginning of the year. But again, sure, we'd love to have them, but if that creates some difficulties for staff support, then I'll defer to staff's recommendation on that.

DELEISSEGUES: Any other questions?

BARCA: Yeah. Mr. Maul, how many acres of employment land has the City developed since the comp plan was passed?

MAUL: Well, since 2007, unfortunately that was leading up to the economic downturn that we've experienced; however, I would say that we have seen some important developments in our community, one of which was in the last year over at the Commerce East complex which is industrial lands where we brought Telemark in from Northern California.

It's a high-tech firm, it brought 35 plus employees and they've been bringing more folks into the area. That site itself was only a couple of acres but it's part of a larger mixed use project. We have some commercial developments that we're teeing up for next year. They're part of a partnership between the City and the developer.

Along where Scotton Way is going to intersect with State Route 503, the City's utilizing recovery zone bonding capacity that actually the County and the City of Vancouver had forwarded on to us since they weren't able to use it at the time, we're going to build the road, we're going to put the infrastructure in, and they at the same time are going to be moving forward with their commercial development. It's not campus development but it will be some jobs producing lands.

In terms of having an overall contiguous large tract for a master plan development, we haven't seen anything like that since the '07 update and part again I think it's really been market driven, there is no market.

BARCA: Right, there isn't a market. So the point I guess I'm trying to get at is without there genuinely being a market and the amount of employment land that the City was not awarded but able to designate as employment land as a result of the comp plan as is throughout the entire county there's been very little development and the inventory that you were designated even with the loss of the Bergeron property, you haven't been able to utilize to a great extent. Would you agree with that?

MAUL: Well, yes and no. I mean I would argue that on West Main Street, and I apologize for not having a city map before you, but if you look at Battle Ground from the 30,000-foot view, you basically have it bisected by State Route 502 going east/west and then 503 going north/south and on West Main Street, that's where the majority of our commercial land is located.

Most of that is either developed at a certain degree or has been developed at certain levels, on a more commercial level, not necessarily what you would find just in employment lands because our recommendation and proposal for this particular request is that the zoning designation would be employment campus and for the City that would be very similar to what the County would have in terms of business park or whatnot. So if

there was any retail, it would only be supportive in nature and ancillary to a larger complex, like maybe a little coffee shop or something.

And on the southern portion on 503 we do have some, that's one of the big projects we do have is the Scotton Way development. And then the rest of the land we have is industrial based and it's off and that can allow for all kinds of uses.

Some of you may read the Reflector, you probably saw there was an issue with Petermann bus facility and a possible relocation in our community just a week ago. And the main issue there is that some of the neighbors who had tech firms were shocked and surprised to find out a bus facility, a parking facility, a transportation facility, could go next to their research building, right, well, the zoning allows for that.

Had it been just employment campus only, it would focus more on those types of uses. So the industrial lands could allow for storage facilities, things like that, so is that necessarily jobs producing, no. I don't know if I got to your question necessarily.

BARCA: You didn't. It's really that when the comp plan took place and the City had new vacant lands designated for employment purposes we've been in a downturn, but your inventory is quite impact from the comp plan and you are asking for additional inventory of land to be awarded for you, and as I'm looking at it all of the jurisdictions that we deal with, Vancouver, Camas, all of the municipalities, they could be coming back and asking for more utilizing the same argument that you are.

But I have to think about it in terms of the existing inventory and the property owners that are already inside the City of Battle Ground or the other urban areas where they have got themselves in, they are prepared to be able to sell their property and we're talking about introducing another parcel of land to compete with that.

So what I'm trying to understand is are we looking at this specifically because you have Clark College potentially on the hook or are you looking at it because you just feel like you need another 50 acres of employment land to be brought in at this point in time for the purposes of being able to market a large parcel, can you say that one way or the other?

MAUL: I'd argue both actually. And again this is not --

BARCA: Well, no, I don't want you to argue both though. See, the thing about it is there's two very different and distinctive tactics that we're talking about. One is you have a developer that has a need and you want to try and service that or the other is that you feel like having the additional 50 acres is necessary to round out your inventory of land because you're using up what the 20-year comprehensive plan has supplied to you.

MAUL: Yeah, and again remember this is trying to recoup what we've lost so this isn't in addition to or new from '07 in the context that we're now adding an additional 50 from what we adopted, but we're just trying to recoup what we lost so we can have that consistent supply we tried to plan for.

BARCA: But the supply is not being tapped I guess is where I'm at right now. Sure, you lost the Bergeron property, the roll of the dice, the ag land didn't hold up, but are there people knocking on the door for the property?

MAUL: Well, like I said this is one of five finalist locations for Clark College and should it not move forward, fair enough. But like I mentioned before, we also have been trying for the last three years to recoup what we had lost so we can market and get folks when the market does pick up.

BARCA: When the market does pick up.

MAUL: I mean again this is a 20-year supply as well, not necessarily just immediate. If immediate, great, we want to be able to market that immediately, but it's on the long-term horizon as well.

BARCA: Okay.

ALLEN: Since this is not in conjunction with or contingent on a specific proposal for that specific land as Commissioner Barca had just discussed in option one, I'm having a little bit of a problem justifying the statement in the staff report on Page 7 in Item E where you're talking about that the updated capital facility plans have not been provided.

However, the City of Battle Ground has submitted preliminary estimates of the costs, not knowing what they will be, to provide service, not knowing what it's going to be for, and indicated that the primary source of funding to provide service to the area would be paid for by development interests, not knowing what their development interests would be, and that's why I'm having a little bit of a problem in my own mind justifying and understanding the statement on that particular staff report page.

ALVAREZ: So the capital facilities plan is required to be amended, the City is going to amend that once they get approval that it's going to be included in their urban growth boundary. And so the process is typically when we look at expanding urban growth areas, we do all of that process sort of up front and together when we did the 2007 plan.

This is a little different. For them to go through and do that work up front not knowing whether it would be approved, they have some concerns with that and so they've addressed that. They've shown a way that they can do it, they've shown preliminarily in their submittal how they're going to address that, but they just haven't gone through the process of formally adopting an updated capital facilities plan. That's what that statement is saying.

ALLEN: And of course not being in conjunction with or contingent on a specific use.

DELEISSEGUES: Let's address our questions and comments to Mr. Maul while he's here and if we have questions of staff, we'll get to that after we have our deliberations.

ALLEN: Well, I still do have a question for the City of Battle Ground and that's why I was asking the staff. Because the staff report was prepared by them, but obviously you had to provide some estimates, what did you base those estimates on?

MAUL: There is an August 25th memorandum that we provided to the County staff addressing, and it's on Page 2, some initial costs on those capital facilities. Like the sanitary sewer, for instance, we have on our existing capital facilities plan infrastructure already identified in that corridor that would have additional capacity for this additional 48 acres. We already know what some of those numbers are. And those are 2007 dollars so we'd want to make sure we polish them up to make sure that they reflect reality in today's numbers.

And then in terms of the transportation costs our Public Works engineers put some estimates together based on our current figures on prevailing wage numbers on what it takes to build public infrastructure and we have some pretty accurate numbers on those as we've been navigating through putting together our Scotton Way project.

The same would apply to these other needed capital facilities and those are the bigger ticket items in terms of stormwater facilities. A lot of that would be on-site and what we would need to implement with each one of those capital facilities we would need to as a City provide some pro rata share participation. In a lot of cases we'd have a certain percentage of an identified capital facilities that would be subject to credits or something along those lines because we couldn't solely put the burden on the developer.

But, yes, a lot of these improvements are typically development driven. I mean we have our own prioritization in terms of when we're going to implement our facilities. Of course like the County it's when you have money available to do so. So should a development move forward with it and it's on our capital facilities plan, then we can coordinate with that developer to make sure that we both participate at a fair level.

ALLEN: So it would be pro rata share?

MAUL: Correct.

ALLEN: Thank you. And last but not least the question was that on the same page, same paragraph, it talks about that the County policy requires an urban holding 40 designation which would preclude development until the area is annexed by the City.

And of course you had mentioned that you don't want to wait until 2016, but then I'm looking at this holding 40 designation and then I'm looking at the need to annex to the city to develop, so how soon are you planning to annex?

MAUL: Well, the good news is is that the proponent for this application is a singular family who or is 100 percent of the land in question wants to be essentially. They approached the City, it made sense on a number of levels as we navigated through this process to request this of the County so an annexation shouldn't be a problem.

ALLEN: So in other words before 2016 if this is approved?

MAUL: Yeah. Yeah, I would check with the property owners if it was approved, yeah.

ALLEN: Thank you.

DELEISSEGUES: George.

VARTANIAN: Yeah, excuse me, I have one or two questions also. Clark College, does that meet the criteria of "employment lands"?

MAUL: I'm sorry, what's that?

VARTANIAN: Does Clark College meet the requirement or the definition of "employment lands"?

MAUL: From the City perspective I'd say yes. I mean --

VARTANIAN: Well, no, no, from the County's perspective. And I realize that's a question for staff, but any place people work can be classified "employment land."

ORJIAKO: Commissioners, Oliver Orjiako. If the zoning permits Clark College or a university, it will qualify as an employment land.

VARTANIAN: Yeah, but the County has definitions of "employment lands" and --

ORJIAKO: It could either be OC or BP.

VARTANIAN: Right. And I'm not aware of either one of those having schools or colleges in there.

ALVAREZ: They do.

ORJIAKO: Yes, they do.

VARTANIAN: Okay, I stand corrected. That's number one. Number two, do we have any kind of a commitment by Clark College?

MAUL: I don't have a formal commitment, but I have talked with somebody on the site selection committee who has indicated it's one of five locations. There are several in Ridgefield, one in Vancouver's northern urban growth boundary, and then this one here in Battle Ground. They are supposed to make a decision in October.

The idea is that the north county campus that's going to serve them on their 20-year horizon and understanding that you have sort of a central critical mass of the population coming through north and east county through Battle Ground, we feel like it's an

appropriate conduit for that.

VARTANIAN: And finally, I understand that the City wants to reconstitute its availability of lands having lost X number of acres in the Bergeron facility and now they want to make it up, but since the plan was instituted we've had a severe economic downturn and the plan assumed a certain amount of growth every year that has not come anywhere near or close.

So I can't believe that the City is really in need of any more employment lands to offset the loss that was there before because we had a loss of land but we also had a loss of economy, so I'm going to need to see something more than it would be nice to have. Oliver, am I in trouble again?

BARCA: No more than normal.

VARTANIAN: Thank you, that's nice to know.

ORJIAKO: No, you're not in trouble. I think you can look to the plan policies and you will see policies that says to maintain a supply of industrial employment land over the 20-year planning horizon. I think the City have made a case that they would like to balance their UGB that was adopted in '07.

I can only add that in reviewing their proposal they've met every issues that we've raised have come to the table to address that and it's up to the Planning Commission to make a recommendation one way or the other. But to our satisfaction this is new, but they've met every criteria that we have raised or issue that we have raised including exploring what the new language amendment to WAC implies by contacting the Department of Commerce for clarification.

DELEISSEGUES: Anything else?

VARTANIAN: I think I understand but I don't see the demand for the land. I know they've met all the criteria necessary and dotted all the I's and crossed all the T's I guess I'm just now saying, but in essence philosophically is there a real need at this point. I don't know.

We're going to be visiting the plan again in an hour and a half and 2016 is it, 2014, and it seems to me if there's no demand that's going on, why do we want to make this active today?

ORJIAKO: That may be the findings of the Planning Commission if that's your call. That may be the findings of the Planning Commission. I'm only presenting to you our own review and that's what I'm presenting. If the Planning Commission finds otherwise, you can make a recommendation to the Board.

VARTANIAN: Okay, thank you.

USKOSKI: I had one question for you, Mr. Maul, does the City of Battle Ground have any contiguous areas that are similar in size that are marketable to employment such as what you're looking at with Clark College or that you could market to anything large scale like that to bring in as big chunks?

MAUL: Not, good question, not currently. We have predominantly a considerable amount of regional commercial lands, what I was referring to earlier on our west main corridor and our south 503 corridor. Some have various issues, more so some than others. Those of you who are familiar with Battle Ground know it's pretty wet so there would be a considerable amount of entitlement issues associated with that as well as access and so forth and rezoning.

In addition to that we also looked at because we have looked at other avenues for that, but then it either impacts residential lands that would affect the housing balance, and most of those other zoning designations allow for a whole host of uses not specific to just employment. It could be automotive repair, it could be, you know, depending on which area we're talking about. That's why I made the reference earlier to the bus barn issue.

Certainly it could be used for some employment lands, but also it could go to other uses, so we want to make sure we have something very specific to this that is of a large enough size that could be marketable for some sort of campus development.

USKOSKI: So you just feel it provides you with a unique marketing development for future development in an employment center office campus business park setting that you guys don't currently have?

MAUL: Correct.

DELEISSEGUES: I have a couple of questions. One, is the Clark College decision to evaluate this as one of their finalists you might say is location contingent upon annexation and zone? In other words if this was not recommended would that eliminate this parcel from their consideration?

MAUL: Well, I can't speak for the college. It certainly couldn't help.

DELEISSEGUES: Right.

MAUL: It's really a question of the college. But in our mind it's kind of the analogy somebody used with me once. It was like if you want somebody to come to dinner, you got to set the table and hopefully it would work out in more of a timely fashion for the college if they're --

DELEISSEGUES: The other question is does Battle Ground have any other size parcel that would accommodate Clark College besides this one that could be made available for the same use?

MAUL: Well, that gets into some of the other rezoning issues and overall which could have ripple effects through our comp plan and the County's comp plan in terms of if it affects housing or mixed use or industrial or whatnot. There's some of the other factors that we discussed in terms of access, appropriate locations. This is again located not only on the state route but on a signalized intersection that would be better able to handle some of those impacts.

DELEISSEGUES: I would just think looking at it that Battle Ground would have a good chance to have Clark College there because Ridgefield, they've got WSU and their campus there close by, Vancouver certainly has Clark College's main college nearby. I mean if they're going to go to north county and they want a campus in north county, it would seem to me Battle Ground would be the place to go. Tell them I said so. Any more questions?

ALLEN: Yes. What's the jobs to housing ratio right now for Battle Ground?

MAUL: Well, in terms of as part of our mutual agreement with the County, we're supposed to have an average of six units per acre in our buildable lands analysis that we provide to the County staff every year, we've been on target with that.

In terms of the jobs, again since the '07 plan we haven't had a significant amount of development I think largely because of what had happened with the downturn in the economy, but at least with the development we have had it's in line with our -- like on the industrial, Telemark, we'd average 20 jobs per acre and we've been doing that.

ALLEN: So you're pretty much in balance with the employment requirement of the comprehensive plan itself as we speak?

MAUL: Well, if you were to do a balance citywide, I think it would be tough to say that it completely balances out because everything sort of stopped with the residential, right, but again it's overall we're just trying to at least balance out what we had planned for in that 20-year horizon with the loss of the Bergeron properties.

BARCA: In your negotiation with the County did you make any proposals to rezone within the existing Battle Ground city limits?

MAUL: No. In lieu of this expansion?

BARCA: Yeah.

MAUL: No. Again it would be, one, we were approached by some property owners to make this request, we did so. And in addition to that the timing was such that it made sense because we had been in discussions with Clark College on and off.

We could look at that, but we had looked at preliminarily that it does affect some of the other planning we had done on the 20-year horizon with the multi-family or medium

density, low density residential and the commercial lands and then even looking at some of the buildable lands modeling we had done for the last plan update and where some of the significant critical areas lay.

So should this project not get approved by the County, then we'll go to plan B and maybe look at something like that, but at the end of the day we just want to be made whole again and this seemed like a good process to do that.

BARCA: I've seen some encouraging things coming out of the City in the concept of the wetland banking and being able to move passed what has been a limiting factor in the past with the City and it seems like when the City chooses to get innovative, they actually inspire more ideas and get better with it.

This approach right now to me looks like just a quick and easy way to get in, but I genuinely have some concerns. We didn't see in the staff report the comprehensive plan goal to try and limit sprawl and I am concerned that we are definitely putting ourselves on the outside of that when there are so many opportunities and choices so I think it's one of the things that we have to think about from the countywide perspective.

Especially if there are other jurisdictions that already have available parcels to offer the Clark College option and that they fall within their city jurisdictions already as opposed to having to go and make a special commitment to expand Battle Ground to keep them in the running. It seems like a special service in some instances for me.

DELEISSEGUES: I think we should let you off the hot seat and we're going to take a ten-minute break. Thank you very much for your testimony.

MAUL: Thank you very much for your time.

DELEISSEGUES: You bet. We'll take a ten-minute break and get back at about 20 after.

(Pause in proceedings.)

DELEISSEGUES: We'll resume our discussion on the Battle Ground UGA and we'll go to the sign-up sheet. The first one I have is it says print clearly Larry and Chris and/or. So if you could state your name and address for the record.

### **PUBLIC TESTIMONY**

SCHEEL: Do I state my name and address or just name?

BARCA: Both, please.

SCHEEL: I'm sorry, I have a hearing deficit of some kind. I'm Christine Scheel, I'm representing the Wagner family. We're the owners of a proposed UGB expansion property. The three of us are currently sole owners of the property. We understand the

need for employment based lands for the future of the city of Battle Ground and we support the City's request for this property to be included into Battle Ground's urban growth boundary at this time.

Everything that Robert Maul has already stated with regard to the need and direction that the City of Battle Ground would like to go I think has pretty much been stated. I'm just speaking for the three of the family members and we are in agreement that this would be a good step for the City of Battle Ground with regard to businesses and jobs ultimately.

We'd like to see this property go in at this time. It's currently owned by our family. We don't know at what point this may change in the future, but right now it is open and an opportunity exists so I'd appreciate your diligent look at this matter with regard for the City of Battle Ground for future growth. Thank you.

DELEISSEGUES: Do you have any questions for Chris? Larry, do you want to add to that?

SCHEEL: No, I have nothing to add.

DELEISSEGUES: Anything else? Okay, thank you very much. Just for the record, though, your address is 12217 NE 256th?

SCHEEL: 254th.

DELEISSEGUES: 254th, Battle Ground 98604. Okay, thank you. Next I have Wooldridge, Corley or Harry, Corley or Nancy. I don't know if it's the printing or my eyesight or both.

WOOLDRIDGE: Thank you for hearing us tonight. My name is Corley Wooldridge. We live at 12000 NE Gren Fels Drive, Battle Ground. And this property, our property is immediately across 503 from the proposed property. Please excuse me tonight, I forgot my glasses so I might have a little problem.

We don't know much about these processes and we don't know much about development of land and all this stuff, we know we're homeowners and we have concerns about what's going on. And the information that we get is what gets mailed to us appears in our mailbox and we received a package from the City of Battle Ground a while back on this and we went to their meeting on it.

We received a subsequent package that they updated with some of our concerns; however, the updated package in the capital facilities analysis under the Wagner/Scheel properties transportation section still includes an intersection at 254th and 503. We know that Washington State Department of Transportation doesn't want an intersection there, we've heard that in this meeting tonight; however, it's still in the document. And so as far as we're concerned it's still proposed and it's still something that could happen.

Further down in the Transportation section at the bottom of that page it indicates that there would be a maximum of 200 daily trips, a Clark College Campus expansion is not going to provide 200 daily trips, it's going to provide many thousands of trips.

In the section of the Battle Ground documentation regarding environmental checklist we see this phrase over and over again, not applicable, this is a non-project action. Well, don't you think that Battle Ground would be thinking ahead and planning for the various contingencies that could occur with this type of land usage and would have some comments about some of these items rather than just since it's a non-project action at this time we don't worry about it now, we'll worry about mitigating it when the time comes in the future. Well, if you're going to approve a property for a particular use, it seems like you would want to do more planning than has been done for that type of use.

We have some serious concerns. They've indicated that the environmental impact is pretty much nonexistent, but we have some major concerns about that. We know that there are two properties with springwater coming directly out of that hill below that property that is used for their domestic water. We don't understand springs and how the water works under the ground, and I don't think anybody really does very well, but we know that that would be a big impact to those two property owners if that water gets disturbed. We have two springs that are feeding geothermal heating systems for homes coming out of that same area, that would be a big hit to people if suddenly there was no water for them to heat their homes with.

We have major concerns if that intersection actually did occur. We know that Battle Ground when the highway was first proposed didn't stand up and demand frontage roads, which they should have probably, and so we're starting to see a series of traffic lights through Battle Ground on Highway 503, we're seeing people avoiding Battle Ground and taking 244th west to completely avoid most of Battle Ground because of the traffic impact that's there.

So we're very concerned that Battle Ground has not done due diligence with regard to the planning for this and therefore we'd like you to really consider before you approve this whether or not it's really been well thought out.

We've expressed many concerns in the form of an e-mail letter to both the Planning Commission and to the City of Battle Ground. I don't know if you people get those letters or not because I don't understand the process, but if not we could make that available to you. Not tonight but in the future. Have you any questions for me?

DELEISSEGUES: Any questions of Corley? Okay, thank you very much.

WOOLDRIDGE: One point I forgot to mention, there are about a dozen homeowners on Gren Fels and it turns out that there are only a couple of us that are able to be here tonight and I was asked to express that these are the wishes of most of those homeowners on Gren Fels that I've talked to. All of them that I've talked to.

ALLEN: I did have one quick question. You mentioned 200 trips, was that in Battle Ground's assessment or in the County's assessment? Because when I'm looking at one of the memos from Mike Mabrey talks about 600 some trips versus what you had previously mentioned?

WOOLDRIDGE: I believe this is a Battle Ground document. It's Page 18, Capital Facilities Analysis at the bottom of the page.

ALLEN: We do not have that one, but I do have Mike Mabrey's memo that talks about 600 some peak hour trips.

WOOLDRIDGE: I'm just putting that out because I don't think Battle Ground has done due diligence in their planning and they're kind of representing it as no big deal, I think it is a big deal.

BARCA: Yeah, we have it.

ALLEN: Thank you.

DELEISSEGUES: We have it, yeah.

BARCA: And just for an understanding of where we're at on this, the development that you live in was originally a piece of property that had been asked for by Battle Ground to be employment land and it was the residential development there that precluded that parcel from happening.

WOOLDRIDGE: No, that's not true. We're slightly north of that property.

BARCA: This goes back to the comp plan.

WOOLDRIDGE: I know, but we are not part of that.

PUBLIC: This development's been there since the '60s.

WOOLDRIDGE: This is property right along the river. That property you're talking about is up on the hill.

BARCA: The original request went all the way to the river, but that's neither here nor there.

WOOLDRIDGE: Oh, I'm sorry.

BARCA: Yeah. All my point is is going north for employment land has been a long-standing history for the City of Battle Ground trying to find employment land.

WOOLDRIDGE: But that particular piece of property that we're talking about being

bordered on the north by homes along the river and being bordered on the west by the Highway 503 where it sounds to me like they won't get access as much as is really needed, that leaves the east side and the south side.

The south side is full of homes now, you're not going to get anything there. The east side is homes, it's very isolated from the rest of the commercial and the business part of Battle Ground by about two or three miles.

BARCA: It's 100 acres.

WOOLDRIDGE: 48. Thank you.

VARTANIAN: Just a second, sir. Just as a point, if this comes before the County Commissioners, I would ask that if members that are interested can't come that they send a letter to the Commissioners or to anybody or give it to you to bring because telling us that you represent a number of people is good, but I think it carries more weight if the Commissioners or whoever it being involved in fact gets a copy of a letter from some homeowners.

WOOLDRIDGE: Thank you. Anything else?

DELEISSEGUES: No. Thank you.

WOOLDRIDGE: Thank you.

DELEISSEGUES: Nancy, do you have anything to add?

WOOLDRIDGE: No.

DELEISSEGUES: No. We'll go on to Richard Wooldridge.

WOOLDRIDGE: My name is Richard Wooldridge and I reside at 25716 NE Lewisville Highway right next to the bridge by Lewisville Park on the south side of the river on the west side of the road. And I live in the old three-story house there that's been there for over 125 years. It's on the National Register of Historic Places, it's on the State register and the County Register of Historic Places. And it was my grandfather's house and Corley's as well.

I'm one of the property owners that has a spring that's been there all 125 years servicing that house and my great concern is for my house and my neighbor's house who is actually my cousin Leah Lane, both houses are serviced by separate springs and those springs have been there for the entire 125 years that I know of.

My house I installed a geothermal heat pump or water source heat pump I guess is the correct technical term so that we are able to heat the house in its entirety from the heat in the water that comes out of the side of the hill. Leah's house has a spring that serves as

domestic water supply, goes on down and provides water to a pond and then goes into the river. My spring overflows into the river as well.

The problem that I see with this proposed development, and I should say also that I think that the planners at Battle Ground are just shooting from the hip in this thing, if you look at that proposal their environmental checklist is totally bogus in my opinion. It looks like they spent all of 30 minutes filling it out. They just wrote nonaction, not required. That doesn't say anything.

They didn't look at anything when they write that there. As far as I can see they didn't do any prior planning, they just responded to somebody's request for a development and a zoning change. I don't understand the need for a zoning change in that area. It's totally bordered by residential homes except for the cliff that goes down to SR-503.

And by the way 254th Street is 75 feet or 100 feet above SR-503 so they'd have to make a tremendous cut down to get to 503. If they did that they'd be pulling onto the highway halfway up the hill that the State just spent a couple of million dollars widening the highway so that the gravel trucks wouldn't slow traffic down and impede traffic.

If they put a light there all those gravel trucks, and there's one about every six minutes, three to six minutes because they go by my house, every one of those would have to stop at that light and that wouldn't work out very well in my opinion. I don't see the State of Washington Department of Transportation ever allowing an intersection there.

The property doesn't actually have entry or egress at this present time anywhere except onto 254th Street. The plans that the City showed show a proposal to run down to 244th Street through adjacent property and enter at the light at 244th Street and that would be I think the only way that they could get on SR-503.

The problem that I have, let me get back to that, is that since they've done no real planning, they haven't looked at the problems of groundwater, stormwater drainage, and what construction there might do to the groundwater that's existing.

I suspect that my spring comes from Battle Ground Lake because it's about 230 feet up to the top of the hill from my house so the water's actually coming out of the ground about that 230 foot deep level and if they built a campus up there that is a college campus, they're going to have to have a lot of parking.

You've been to Clark College here, I'm sure every one of you has if not attended at least been by there, and you can see what tremendous problems they have with parking there. They've got huge parking lots, all that blacktop has to have drainage and if that drainage is handled locally or on-site like the gentleman said, that water's going to go off that property somewhere and the likely place it's going to go is downhill and that's where I'm at and that's why I'm concerned.

We already have problems with water on my cousin's place, on Leah's place. At times

water flows right under the bottom of her house right in one side of the foundation and out the other because of the excess water that was generated when Highway 503 was built and the State hasn't stepped up to the bat and fixed that yet.

So if the State hasn't handled that, why would Battle Ground have the ability and resources to fix the stormwater problems that this would certainly cause. You folks, probably none of you live in Battle Ground or the area there, but Battle Ground's done a really, really poor job of planning over the years.

Right now if I go to the bank, First Independent Bank, is two long blocks east of 503. If I go to the bank at 2:15 in the afternoon, it could take me 15 minutes to get from the bank back to 503 because they have no right-turn lane on 503 off of Main Street in Battle Ground, they have no right-turn lane going into Fred Meyer so the traffic backs up through two traffic lights and you're just stuck, there's nowhere to go.

If I want to get home I've got to go east down to the old Main Street in Battle Ground and out and to 244th and go across. It's ridiculous. I don't have any confidence in this proposal because the history tells me they didn't do the planning.

And I would hesitate to grant a zoning change here and annexation unless they can demonstrate the need and can show that they've done their homework. And so I guess that's all I have to say at this time unless you have some questions.

DELEISSEGUES: Any questions of Richard? Okay. Well, I think it's pretty clear. Thank you very much for your testimony.

WOOLDRIDGE: Okay, you bet.

DELEISSEGUES: Don Hardy. No Don Hardy. Leah Lane.

LANE: I think Richard and Corley were speaking for me.

DELEISSEGUES: Okay, thank you. Charles or Catherine Ross.

ROSS: Charles Ross, I live at 25810 NE 128th Avenue, it's 128th comes off of 254. First of all, I don't expect to go through life with never change in the neighborhood I live in, I understand that change does happen. I also understand that when you set up a comprehensive plan for 2007, it should have lasted eight years.

But beyond that, if this piece right here is allowed to go as EC and the people who own EC property below it don't allow access through their property, then it's only on 254. If the State doesn't allow a line to the road to Lewisville Road, then all the traffic is going to be coming down 254 off Dublin to a very nasty intersection right there by the cemetery and it looks to me like the County will one day have to upgrade the 254 at their cost to handle the traffic. That road simply can't handle anything that would support a 50-acre EC and right now that's the only access that's available. And I guess that's about it.

DELEISSEGUES: Any questions of Charles? Okay, thank you.

ROSS: Thank you.

DELEISSEGUES: Catherine, do you want to add anything to it?

ROSS: I guess so. I think he forgot something.

DELEISSEGUES: Yeah, why not.

VARTANIAN: Final word.

DELEISSEGUES: Right.

ROSS: I'm Catherine Ross and I do live with him at the same address. My concern is we drove by there tonight and I walk down that road all the time, down 254, and they're already punching a road through there, who's doing that?

SCHEEL: They're doing some logging in there. A road's not going through, it's just for access.

DELEISSEGUES: Well, we can't get that on the record unless you come up to the microphone but --

ROSS: My question is what's going on already? Something's already going on there. It's obviously somebody has a plan somewhere, we'd like to know what it is.

DELEISSEGUES: Okay, thank you. One more, Skip Urling.

URLING: Good evening. My name is Skip Urling, I'm with Urling Planning Associates, LLC, Post Office Box 1213 in Longview, and I'm representing the Stonehill, LLC portion of this which staff has summarily dismissed I guess is how I would characterize it by not including any recommendation at the end of the report, although he referenced it at the beginning. I don't know if it's included in the package that you have, I've only heard what I've heard tonight and have read the staff report.

But Stonehill, LLC also owns an acre and 85/100ths inside the city limits immediately north of the three-tenths of an acre that he would like to have included in the urban growth boundary with the ultimate goal of annexing to the city and we think that this is a map correction because the three-tenths is zoned for R-5 and I cannot for the life of me figure out what rational reason there would be when the comprehensive plan was adopted and the urban growth boundary was established for excluding an abutting piece of property that's that small with that zoning district.

The three-tenths would bring the total contiguous ownership into a single jurisdictional

area for the city of Battle Ground for a total of two acres and 15 or 16/100ths I think which would make a little more attractive and a little easier to develop for commercial activities. And there hasn't been any real discussion that I've heard, at least not tonight, about the regional commercial zoning designation within the city.

The commercial designation would be a temporary thing within the county prior to annexation that wouldn't be considered employment lands, commercial properties create jobs.

I've got some suggested findings for you. I've got a map that shows the totality of the Stonehill, LLC holdings. I don't know if you have the June 10 memo from Mr. Maul and Mr. Alvarez in your package --

DELEISSEGUES: I don't think so.

URLING: -- that talks about the ability to provide services to this additional territory.

And I've also cut and pasted from the City's website the list of permitted uses in the RC district within the city limits and there are a total of 71. Not all of those uses are permitted in the RC district, but there are a substantial number of those uses that are and a substantial number of them that generate pretty good paying jobs.

And so I think that staff kind of missed the boat in just sort of excising this portion of the application by the City partially on the pretense that it came in a little bit late. The initial information that the City submitted was included in that same June 10 memo and we would ask that you reconsider and include this in the package that you send to the Board as an amendment to the urban growth area.

ALLEN: I thought that staff had addressed some of those issues by saying that this was very difficult to consider because the two parcels are so far apart so there's a large spacial disconnect, if you might say --

URLING: Well, it's still --

ALLEN: -- included as part of the same proposal.

URLING: Sure. It still has to be considered as a cumulative impact as I understand the law that it couldn't come in as an individual application, and as the staff report acknowledges there is no prohibition against properties that are not in the same vicinity.

ALLEN: And then it continues on saying that ".3 acres would make it difficult to meet the employment requirement of the comprehensive plan policy, prima facie."

URLING: And I agree with that if the three-tenths of an acre stood alone by itself. Remember, this is three-tenths of an acre that has the same owner as an acre and 85/100ths inside the city limits that it abuts.

BARCA: And, Commissioner Allen, I think that's new information that I didn't see in our packets before us that there was contiguous land by the same owner.

ALLEN: That is correct, and that was not noticed in the notification itself, in the public notice.

BARCA: So I think at this point in time I can say that we see mapping errors all the time.

URLING: They happen.

BARCA: Yeah.

ALVAREZ: This was not a mapping error.

BARCA: That was not a mapping error?

ALVAREZ: No.

BARCA: Unequivocally?

ALVAREZ: Yes. This property was owned by a separate property owner and was subsequently purchased the northern portion and that was brought into the urban growth boundary at, I can't remember if it was 2004, and I know it's been through our staff, that we've looked at this prior and concluded that it wasn't a mapping error.

URLING: Why would you leave three-tenths of an acre zoned R-5 if it already abuts the city limits and the urban growth boundary? That doesn't make sense to me.

ALVAREZ: Because it wasn't a contiguous property owned by the same owner at the time --

BARCA: At the time.

ALVAREZ: -- that's the rationale. The one property owner didn't ask for it to be included and so it was subsequently purchased by the person who was in the urban growth boundary and subsequently wants it to be included.

USKOSKI: I think also with that being said, even though it may have been under a different ownership at one point looking at the areas and the parcels around there and the zoning that's on outside the urban growth boundary and the size of that parcel, it doesn't make sense that it would have that R-5 zoning.

It seems that had we looked at a closer level that perhaps that really should have been included based on the parcel size that --

ALLEN: But then of course we also have a question of is it part of the same legal lot as is

in or is this a new portion that was purchased and it was never really a lot line adjusted so therefore ergo it is a separate legal lot.

ALVAREZ: I know that it was under different ownership and it was one of the site-specific requests at the time. Joe Lear might have been the property owner. But I know that was an issue at the time and it was separate ownership and just the line was drawn where it was.

ALLEN: And that makes sense.

URLING: Well, I can tell you now, though, that the property is not developable because utilities cannot be extended to it and it's certainly not large enough to accommodate water and septic system on-site. The cure for that whenever decisions were made would be to join it with the neighboring property and that owner and my client were able to cut the deal.

ALLEN: But that would be of course a separate process, wouldn't it?

ALVAREZ: Correct, that was the rationale. If this was to be brought in separately using the same criteria, the conclusions that were in the staff report would still hold.

ALLEN: Thank you.

VARTANIAN: Just as a matter of clarification, I know it's hard to see, this is the property in question, this little red strip?

ALVAREZ: Correct.

VARTANIAN: What land does the other owner own?

ALVAREZ: Due north.

VARTANIAN: To the north is --

URLING: That territory immediately to the north between Caples and 503.

VARTANIAN: Thank you.

DELEISSEGUES: Any other questions of Mr. Urling?

URLING: Please, that was my father.

DELEISSEGUES: Pardon me?

URLING: Mr. Urling was my father. Oh, I'm just kidding.

DELEISSEGUES: Okay.

VARTANIAN: Well, shucks.

DELEISSEGUES: Any other questions? Thank you very much for your testimony.

URLING: Thank you.

DELEISSEGUES: Anyone else in the audience wish to testify on this matter? Do you want to rebut?

BARCA: Before we move on could I ask that Larry come forward and for the record explain the road activity that's going on on the property?

DELEISSEGUES: He doesn't have to.

BARCA: No, he doesn't have to, but I would request that he does that for the record just so we have an understanding.

BARCA: It's a choice you have, you don't have to do that, but for the record I'd like to put it into the record.

SCHEEL: Well, she was asking about what she felt was a road being put through and that she probably thought because of all the letters and the signs that are around that the City was putting in a new road, but actually the property owners are doing some logging there and so they had to put an easement road in there to access the trees.

BARCA: Okay.

DELEISSEGUES: Thank you.

BARCA: Yeah, thank you.

DELEISSEGUES: Mr. Maul, do you want to come back and make closing argument.

MAUL: Thank you. I'd like to offer at least some explanation to some of the folks that came up and spoke this evening as well as try to address some of the concerns raised by the Commission a little bit earlier.

And first I wanted to reiterate that this whole process wasn't in an effort to try to do some sort of a land grab, but rather balance what we had lost and we don't view it as a city as being sprawl because it's not small lot residential or high density residential type development, it's urban based for jobs, and we believe there's a difference.

And what I tried to say earlier, and obviously not too eloquently though, is that there are some inherent issues with doing a rezone effort for a campus development like this within the city limits as it is right now, and our urban growth boundary for that matter, because

we've already gone through the very lengthy planning process with the community on establishing zoning designations and land uses as well as our capital facilities to support those.

So whether it's Clark College or PeaceHealth or OHSU or whoever wants to do some sort of large lot or 100-acre type campus development to go rezone an area that size within the city limits would involve many, many property owners, conceivably some of whom may not be wild about this particular prospect, who knows, and then it could have significant ramifications to those capital facilities.

Planning to serve a certain amount of houses versus industrial development versus commercial all have different implications in terms of piping size, roadway widths and things like that, even our transportation modeling.

So by being able to look at in the northern periphery as we've been suggesting, it limits the adverse impacts to the overall capital facility planning that we've done in place, but it also involves property owners who are 100 percent in support of it so you don't have this groundswell of opposition of property owners that are involved with it.

I mean, yes, there are folks here this evening having concerns but they're not in the boundary itself, they're north of it. Not to say that the impacts don't affect them, certainly, but that's why we have to do our capital facility planning.

And to dovetail into that discussion I do want to say that in our July 11th memo, and this is also reiterated in our SEPA, we do say that the large size of these parcels could lead to a substantial increase in trips. We're not trying to be so cavalier and dismissive of this, certainly it would have an impact to it.

And what we tried to explain at our open houses for the folks is that there are, you all know this very well, that there are long-range planning efforts and current planning efforts. What we try to do is lay the basic foundation framework with the long-range plan on this knowing that we're going to have some of these issues.

And as we indicated earlier this evening we are going to polish up and fine-tune our capital facility plans, including transportation, to address those impacts including the perceived connection to 503. WSDOT not in support of that and we support that, we agree with them on that, we won't connect to 503 at 254th.

And then to deal with the potential impacts of campus development, that is not only something we'll do with our capital facility plan but also is dealt with with the site-specific application whereby the applicant needs to provide a detailed traffic analysis and concurrency analysis about it.

So adverse impacts are mitigated whether it's road widening, different access points put in, and depending on the nature of the development and the timing of the development certainly that could affect whether or not they can move forward with as one gentleman

indicated just simply coming off of 254th just to serve the north side.

HOLLEY: Please slow down.

MAUL: Oh, I'm sorry. I didn't get very good sleep last night so I had a lot of caffeine today, the little one was up coughing all night.

So in terms of the SEPA analysis too we actually did go through the key elements that do address the impacts here in terms of earth, I'll just name a few, I won't read it verbatim, but we indicated to you a technical report would be likely if there are unstable soils on the property and that would also lead into investigations for springwater issues, things like that.

That's going to be a site development specific issue that would need to be analyzed and addressed prior to a shovel of dirt even being turned.

We addressed air and water impacts. When we start getting into no mitigation measures are anticipated for this section, we're dealing with land use or the shoreline aspect in that it's 1200 feet away from shorelines, it would not be within the shorelines jurisdiction. Housing, it's not proposed for housing.

Aesthetics which typically are the impact of a development itself, again addressed at the SEPA when they do a site plan submittal. Light and glare, no light and glare to impact at this point. An applicant will have to provide SEPA analysis on that which we'll review at that time.

So I just wanted to make that clear. I understand that land use developments is pretty comprehensive and complex for most folks, and even staff sometimes, so I want to make sure we clarify that so it wasn't just simply glossed over. So, let's see, I want to make sure I address anything else that they were concerned about.

A lot of it was transportation related and if there's any sort of development on-site, they will have to comply with our latest and greatest stormwater regulations, the same thing the County has in place in terms of having to use the Puget Sound Manual. It's not supposed to allow folks downstream to get adversely impacted by developments surrounding them.

They have to be able to not only treat and detain but release at appropriate rates, but until we know what is physically going to be on the ground, it's tough for us to say what kind of volume are we talking about, but we will address that at a site plan stage.

The applicant had indicated we, you know, or I don't know of any road being put in so I'm glad he provided the clarification to that because that was news to me. But I think I hit most of those points. I'd be happy to answer other questions that you have on that or others that have surfaced as we've listened to testimony.

DELEISSEGUES: No?

MAUL: Okay. Thank you very much.

DELEISSEGUES: Thank you. Well, if there are no other people in the audience wishing to testify, we'll return it to the Planning Commission.

PUBLIC: Is it appropriate to ask a question of him?

DELEISSEGUES: What's your pleasure? No, I don't want to get into a question and answer. I think we've heard the testimony and for our benefit we'll move ahead with our deliberation so we're not here until --

VARTANIAN: 9:00.

DELEISSEGUES: -- 9:01. So deliberation? Comments? Proposals?

### **RETURN TO PLANNING COMMISSION**

USKOSKI: I guess I'll go ahead and start with my comments. On the Wagner/Scheel property, from the testimony that I've heard I understand the neighbors' concerns. I also think the City of Battle Ground has provided the information necessary to recommend approval on that. I think it provides them with a unique marketing opportunity for employment campus or business park that they don't currently have. I would support that as of now.

And as far as the Stonehill property, I think I would have to support including that into the urban growth boundary regardless of the history of the ownership on the parcel just looking at the size of the parcel, what it's currently zoned and it's ability for use.

I don't know that had we looked at the area closer during the placement of the urban growth boundary that we would have intentionally left a third of an acre to stand alone and I do think these things slip through the cracks here and there as you move forward when you're looking at it from a higher level. So I would have to support including this property inside the urban growth boundary and moving that forward for approval to the Commissioners.

DELEISSEGUES: Ron.

BARCA: Well, as I look at the application I'm going to get back to what I said earlier which is that the motivation for doing this is either predicated on the idea that we're trying to prepare a parcel for Clark College or the City of Battle Ground believes that they need to grow the inventory of available employment land.

The argument for creating a parcel for Clark College to me says that we are administratively giving Battle Ground an opportunity to compete with four other parcels that are already in the running that are able to comply within their existing urban growth

boundary. To me I think that that is unfairly manipulating the competition for Battle Ground's position.

If the other parcels are capable of fulfilling it, then they must be meeting the minimum acreage requirements and they must be adequately disposed to be able to provide capital facilities for them to be in the mix. We don't know where they reside so we don't have specific information about them.

However, if we look at it from that job gain potential, the Reflector newspaper published an article on this last Tuesday and it said that Bob Williamson from Clark College stated that it would be ten years at least before the State would be able to fund the project.

So that being said, we would be tying up 100 acres of employment land for a ten-year period of time on the promise of the State being able to fund this future campus site. And when I phoned Mr. Williamson to discuss the matter with him, his statement was that the initial proposal is 70,000-square foot multi-story building similar to the Columbia Tech Center building off of Mill Plain and 192nd which Clark has as an existing campus facility. Now a 70,000-square foot multi-story building certainly doesn't need 100 acres so the campus proposal is a very long-term proposal.

If we exclude the idea of Clark College, then we're looking at the idea of the City of Battle Ground's needs for replacement of employment land and with the review of the GIS that I asked Jose to do of how much has been consumed since the comp plan, it appears that it's roughly seven acres of employment land out of their inventory. It appears to me that Battle Ground still has adequate inventory according to the comprehensive plan and isn't in need of replenishment at this time.

So what I'm looking at is the leap away from the city center to not only the boundary but the northern frontier of the boundary to create some employment land is to ignore the existing employment land within the city. And indeed if they're encumbered or they're zoned inappropriately, the encumbrances of critical areas is something that the City has to figure out how to grapple with.

It's their lot in life, it's where the boundaries are, and I think it's very easy to go ahead and just leap past it and go find greenfield development opportunities. The City of Battle Ground's vision statement for the city proper was to turn 199th into a circular rotation for transportation to get traffic off of Main Street.

I believe the vision comes from their 1999 visioning and no activity has been done to do that and I think Mr. Wooldridge very adequately expressed what does traffic look like in Battle Ground now. If we add another 600 trips into the 503 intersection, I don't even want to talk about the signalization on 244th, let's just talk about the 503/502 interchange, those are State routes that the entire public of Clark County is supposed to be able to utilize.

And yes indeed they fall inside the Battle Ground city limits, but the impact has not been negated, it has been exasperated by the choices of how Battle Ground chooses to expand.

I think this proposal would further impact that and I don't believe it's the appropriate time or the right location for this.

DELEISSEGUES: Okay.

BARCA: I'm done.

DELEISSEGUES: George.

VARTANIAN: What he said, I would agree pretty much with what Commissioner Barca said as far as making the leapfrog out. I don't see any particular reason at this point to bring in any other property to usability status. As was pointed out when we did the '07 plan, it seems like a century ago, there was some question about did we need the land then that we brought in.

Without rehashing all that angst, I still don't think that the economy is anywhere near a position to start using up the available lands that are already there, number one. And, number two, to allege that there's a potential use out there right now and say that in our SEPA that this is a non-project action, it may be true, but we have a feeling that maybe we know something about the potential buyer or a potential user.

So I revert back to my initial statement back then and that is that I don't see the need for the land to be brought in. And I realize we're talking about a 20-year supply of land, but that that 20-year comprehensive plan we assume a certain amount of growth that has not materialized at all and I just don't think it's appropriate at this time.

I will, however, agree that regardless of who owned the property at the time the .3 acres I don't see why we wouldn't want to include that so that it adjoins the same property that common ownership and leave that just as an availability. It's only three-tenths of an acre that's not usable at all for any reason by itself. And that's my piece.

DELEISSEGUES: Milada.

ALLEN: I was looking at the Stonehill suggested findings proposal, yes, I did read it; however, I do still believe that because it was not part of the same ownership when the other portion of it was brought in and it probably is a separate legal lot to begin with, it really does not belong in this particular proposal but maybe some other proposal that you can work out either with the staff or City or the County.

But I could see your concerns about not being able to use that; however, it was not purchased until several years later so it could not have been included in the original proposal, ergo it could not have been a mapping error. So I do believe that it's a very fine piece of document and I think you should use it in the future.

As far as the Scheel's proposal I agree with Christine Scheel that sometimes when an opportunity comes, you kind of have to look at it; however, there's always a caveat with an

opportunity and that may mean that that opportunity may bring more liabilities than assets and in this particular case I see more liabilities than assets.

I see premature land development, I see Band-Aid approaches and no comprehensive look at the proposals in front of us. And of course there's problems with access, there's problems with transportation, and, yes, the City of Battle Ground did have 200 trips in there and then I see Mike Mabrey 605 and so there's some discrepancies in the data being presented.

But not only that just because there's an opportunity and just because there's a potential to acquire something, and again buyer beware, but there's really no proposal in conjunction with and contingent on something that we can actually look at and say this is great for a specific use.

And so when somebody's throwing around a Clark College proposal, I just don't see that as something that really belongs in this particular example to begin with. And then with all of the other problems with it, I just don't see why there's such a rush to do it now instead of looking at it in 2016.

And then of course as Commissioner Barca said, and I agreed with everything else that Commissioner Barca had said, but I had to add my two cents to that as well just because we're arguing about increasing the employment opportunities and the balancing of the employment lands, but there's really no evidence here that this is going to happen before 2016 or after 2016.

And when I asked about the jobs/housing ratio, there's really no problem, no rush to bring in more employment land to bring that ratio or change that ratio or to meet the comprehensive plan requirements. So to me in this particular case, it would be too premature for us to recommend approval based on the facts presented today, based on the staff report.

Some interesting language about how they met the facilities requirement, especially in the E Section of the adequacy and timeliness of public facilities, so I just don't see how it should happen at this time. Timing is strategic planning, it's just lacking here.

DELEISSEGUES: We're going to be updating the comprehensive plan long before Clark College is going to build a new campus and I think my assessment of this is that it can wait. Both of these proposals could wait until we take a look at the comprehensive plan and make sure that whatever we do in Battle Ground both for the Wagner/Scheel and also the Stonehill, LLC fit into everything else that we're going to be looking at.

And we've tried to stay away from a piecemeal approach to planning. We look at one piece and then do something there and then it forces us to look at other pieces because that impacts something else and it's just a poor way to do planning. It's a better way to look at it in the comprehensive manner and seeing how this as well as other proposals and other opportunities are going to mesh in what we should explain it is really a

comprehensive plan.

So although I would love to see a campus in Battle Ground for Clark College, and maybe ten years from now we will see one, I don't think that between now and then we have to jump through these hoops. There's an awful lot of investment that would have to be made and the economic climate that we have now that isn't going to happen anyway.

So I don't think we're really delaying anything that isn't going to be delayed by other factors of the economy by waiting until we have a comprehensive plan update and look at this and other proposals and put them all together. So although I think eventually these properties will be developed, I'm not so sure there's a big rush right now to jump in there to do that because I don't see the development happening anyway any time soon my forecast.

We had the same thing lately, the last public hearing on 119th and 503, similar, the people wanted to change the zoning and go to development and we did the same thing, we said no. It will probably go but we want to take a look at that along with everything else when we update the County's comprehensive plan so that would be my recommendation for this as well.

So I think what we ought to do is vote separately on these, take a vote on Wagner/Scheel and then a second vote on Stonehill, LLC if that's okay with everybody --

BARCA: I like that idea.

DELEISSEGUES: -- to make it clear --

USKOSKI: Yes.

DELEISSEGUES: -- what we're doing.

So let's start with Wagner/Scheel and get a motion on the floor for that and move ahead on that one.

BARCA: I'll make a motion that we deny staff recommendation to bring Wagner/Scheel into the Battle Ground urban growth area.

ALLEN: Second.

VARTANIAN: Second.

DELEISSEGUES: Moved and seconded that we deny the recommendation or our recommendation would be for denial.

VARTANIAN: That too.

DELEISSEGUES: So any discussion? Okay. Roll call, please.

**ROLL CALL VOTE**

USKOSKI: NO  
BARCA: Well, the recommendation to denial so I'm going to say YES  
ALLEN: YES  
VARTANIAN: YES  
DELEISSEGUES: YES

WISER: 4/1.

DELEISSEGUES: Then we need a motion on the second one, Stonehill, LLC.

USKOSKI: I will go ahead and make a motion that we recommend approval on the Stonehill, LLC for inclusion into the UGB.

VARTANIAN: Second.

DELEISSEGUES: It's moved and seconded that we approve Stonehill, LLC. Any discussion? Roll call.

**ROLL CALL VOTE**

USKOSKI: YES  
BARCA: YES  
ALLEN: NO  
VARTANIAN: YES  
DELEISSEGUES: NO

DELEISSEGUES: So that one carries 3 to 2.

That concludes the public hearing items for tonight. Thank you very much for your participation and testimony. Is there any old business to come before the Planning Commission?

**OLD BUSINESS**

None.

**NEW BUSINESS**

BARCA: What, no elections.

DELEISSEGUES: Any new business?

VARTANIAN: Not only that but there's no business to come before the old Planning Commission.

**COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION**

DELEISSEGUES: Is there any comments? Positive comments?

BARCA: It was tough. That one was tough.

VARTANIAN: Yeah.

DELEISSEGUES: Hearing no positive comments, we'll adjourn.

**ADJOURNMENT**

The hearing adjourned at 10:00 p.m.

All proceedings of tonight'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/>**

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**Chair**

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

*Minutes Transcribed by:*

*Cindy Holley, Court Reporter*

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