

**CLARK COUNTY PLANNING COMMISSION  
MINUTES OF PUBLIC HEARING  
THURSDAY, SEPTEMBER 20, 2012**

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

**CALL TO ORDER**

DELEISSEGUES: Good evening everyone. I'll call the Planning Commission to order for Thursday, September 20th, 2012. Could we have roll call.

USKOSKI:           HERE  
BARCA:            HERE  
GIZZI:             HERE  
QUTUB:            HERE  
DELEISSEGUES:  HERE  
WRISTON:          HERE

Staff Present: Chris Cook, Prosecuting Attorney; Oliver Orjiako, Community Planning Director; Jose Alvarez, Planner; Gary Albrecht, Planner; Alan Boguslawski, Planner; and Sonja Wisner, Administrative Assistant.

Other: Cindy Holley, Court Reporter.

**GENERAL & NEW BUSINESS**

**A.    Approval of Agenda for September 20, 2012**

DELEISSEGUES: Could we have approval for the agenda for tonight, any changes that you know of?

ALVAREZ: No.

DELEISSEGUES: Motion.

BARCA: Motion to approve the agenda as written.

GIZZI: I'll second.

DELEISSEGUES: All in favor.

EVERYBODY: AYE

**B. Approval of Minutes for August 16, 2012**

ELEISSEGUES: How about the minutes, August the 16th, 2012 minutes, motion to approve.

GIZZI: Make a motion that we approve the minutes as written.

BARCA: Second.

DELEISSEGUES: All in favor.

EVERYBODY: AYE

**C. Communications from the Public**

DELEISSEGUES: Are there any communications from the public on any subject that's not on tonight's agenda? Okay, seeing none, we'll return to the Commission. We'll go to CPZ2012-00002, North Fifth Plain Creek, staff report.

**PUB LIC HEARING ITEMS & PLANNING COMMISSION ACTION**

**A. CPZ2012-00002 N Fifth Plain Creek**

A proposal to amend the Comprehensive Plan and Zoning map through the removal of the Urban Holding Overlay designation on an area, approximately 100 acres, bound by NE 99<sup>th</sup> Street to the North, NE 172<sup>nd</sup> Avenue to the East, Ward Rd to the South and NE 162<sup>nd</sup> Avenue to the West. Urban Holding removal would only apply to the following parcels:

153962000;154002000;153961000;154009000;154031000;154049000;153967000;154032000;153955000;154018000;153990000;605760000;154014000;153950000;154008000;604492000;153975000;153981000;153992000

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ALVAREZ: Thank you, Commissioners. Jose Alvarez with Community Planning. The first item before you this evening is a proposal to amend the comprehensive plan and zoning map through the removal of urban holding overlay designation on an area approximately 100 acres bound -- let's see, let me get the map up for you.

Like I said approximately 100 acres bound by NE 99th Street to the north, 172nd to the east, Ward Road to the south and 162nd to the west. I just want to point out a couple of corrections on the staff report. First, on Page 2 in the response to the SEPA comments, it's the line that begins with the word "with" it's the sixth line down, it should read "with 10 dwelling units per gross acre" not "net." And on Page 8 the "Finding," the last sentence it

should be the "Hockinson School District" not the "Evergreen School District."

This is the general location of the area, this is an overview arterial atlas. The comp plan designation for the property is urban low. There's a parcel in the middle that's urban medium which is R-12 through R-22 zoning designation, I'll show you that map. So essentially the locations of property in red is primarily zoned R1-7.5.

The property outlined in the middle again is the urban medium that's zoned R-12. The comprehensive plan designation, the comp plan text amendments, have a requirement for the North Fifth Plain Creek area that requires a master plan, I think that's in your packet, you received that today, it was also in your packet previously, but in our comprehensive plan it calls for a density of 10 dwelling units per gross acre and a neighborhood park.

There is a park to the west of the site on this property here with the mouse, there's access here, so we think the requirement for the neighborhood park is met. There's going to be a proposal to extend a trail from the park through the site to the County's wetland mitigation site, so we feel like that criteria's been met.

The 10 dwelling units per gross acre, we are proposing to amend that from the text to strike it and go with the underlying zoning, the 10 dwelling units per gross acre would require that the entire property be the urban medium designation. And in reviewing the proceedings when this property was brought into the urban growth boundary in 2007, it seemed that the Board's intent was to have a single-family zone to sort of buffer from the area to the west which is zoned R1-10 and this area to the south is zoned R1-6. So we find that all of the criteria have been met and recommend approval of the proposal.

I wanted to show you also the proposed text language. There's some language that would affect both of the cases tonight, but the North Fifth Plain Creek would be in green and we're proposing to strike lines from 34 through 38 and add the lines 40 through 43 and striking the overall minimum residential density and keeping the neighborhood park provision.

Primarily there's another portion of Fifth Plain Creek that's to the south of Ward Road and so that makes sense to keep that provision there for the park and again to use the underlying zoning of the property to the south which would be R1-7.5.

Also in amending the text there is a provision for development that doesn't require annexation, so we're proposing striking the sentence that says "these areas may only undergo urban development following annexation." Do you have any questions?

DELEISSEGUES: Well, I have one question. It's the letter from the City of Vancouver that's in the staff report where they say they don't have any intention of annexing, that's still the position of the City?

ALVAREZ: Correct. Yes.

DELEISSEGUES: Any other questions of staff?

BARCA: Going through the text which is highlighted in green where we discuss that annexation or the petitioned city fails to process and approve within 180 days a 75 percent annexation petition for the property, that is as I'm reading it saying that should a petition go to the City and the City chooses not to go forward with it, then we the County will allow urban development to a higher degree?

ALVAREZ: Not to a higher degree. We would just allow urban development to occur as it's outlined in the plan. We wouldn't be changing the zoning, we would just be able to develop the property under the County's jurisdiction as opposed to the City's.

BARCA: Well, can't that happen once we finish this off tonight and change it or should we choose to change it won't that actually be in place?

PRINTZ: I can answer that question when you're ready.

DELEISSEGUES: Well, we're still dealing with the staff.

BARCA: So write it down --

DELEISSEGUES: We'll get to you later.

BARCA: -- and you'll be able to help me then later.

ALVAREZ: So maybe I'm not understanding the question. So if the City chooses not to --

BARCA: I'm wondering why we chose to put those words in? What are we accomplishing by putting those words in?

ALVAREZ: Providing the option other than annexing.

BARCA: Okay.

DELEISSEGUES: Do you want to weigh in, Oliver, on that?

ORJIAKO: I think it is safe to say - Oliver Orjiako, Director of Community Planning - the letter from the City and the position that they've taken, the reason we are proposing this text, if you read the remainder of that proposed text, it says if the petitioned City indicates in writing its intention not to support annexation of the property, then we will proceed with lifting of the urban holding.

Because the language that says this area may only undergo urban development following annexation, the proponent have petitioned the City following this criteria and the City

submitting a letter saying that they're not intending to annex the area at least at this time so it becomes a question of timing.

What happens when the other properties comes in to go through the same process, we are proposing this text change so that if in the future the City submits a letter indicating their intent not to support annexation following this method, we can still accept the proposal and lift the urban holding particularly for this area and I think that's why we're trying to amend this language so that it is clear going forward what happens to the remainder of the other properties particularly in this area.

DELEISSEGUES: Is someone going to provide sewer and water to this property?

ORJIAKO: The City, yes.

BARCA: So as I'm reading this, this appears to be a policy choice that we're making faced with the new reality that the City of Vancouver doesn't want to grow into the boundaries that we determined were in their best interest and so they're saying they don't have the intention. But we're saying that should the applicant choose to do that, we want to create a policy that says this is how they can go ahead and develop with that overlay that was in place?

ALVAREZ: I think it's just adding a provision. Currently you'd have to go through the 75 percent annexation petition, you could go through that, get the signatures and the City's going to say, no, we're not interested in annexing it or you could just get a letter from the City saying, no, we're not interested in annexing it.

BARCA: But we've chosen to do this on an area-by-area basis rather than make this our standard policy across the board for urban holding. So we have these in front of us at the moment and somehow I picture in the future more urban holding going in with regions that are going to be put in place that isn't going to be covered by this terminology and are we going to be then turning around and doing this again because we don't have this language covering?

ALVAREZ: Well, this language only applies to this specific area.

BARCA: Two of them.

ALVAREZ: Two of them, right.

ORJIAKO: Yes. It's not applicable in Battle Ground, it's not applicable in say the area --

BARCA: Exactly.

ORJIAKO: Yes.

BARCA: Yes. So it's very, very specific, never to be repeated after we close out these

two.

DELEISSEGUES: Maybe.

BARCA: Maybe.

ORJIAKO: Yes. The short answer is yes. When you look at the other areas that are inside the urban growth boundary that has urban holding on it, in the case of the smaller cities for example, we require annexation because we or those areas doesn't have the ability to develop under sewer or water without that provision say in Battle Ground without Battle Ground providing that sewer and water and then annexing.

In this case the City have indicated, and again I use the term a question of timing, that this is an area that they're not yet ready to annex and submit a letter to that effect. So it implies to me that this is now as you said a policy call.

Now if that's what the City will do for the remainder of the areas, it makes sense to put this in a written form that where the proponent submits a proposed annexation to the City and the City didn't act within the 180 days but let us submit a letter to the applicant that they're not ready to annex the area but still we will be able to provide services to the area; i.e., sewer and water, we will still have to review other criteria that are required for lifting urban holding. If the proponent meets that, we will proceed and you will have to make a call whether we've met the test or not.

DELEISSEGUES: Okay. Do you mind if we go to the proponent now? Sorry, Randy, to put you on hold but I wanted to compare your answer with theirs.

PRINTZ: No, that's okay. Sort of out of order but to answer Commissioner Barca's question --

BARCA: Start with your name.

PRINTZ: Randy Printz, 805 Broadway.

BARCA: Thank you.

PRINTZ: I've only testified to that, I've obviously forgot. What precipitated this particular language change, and Commissioner Morasch actually at the workshop is the one who sort of was the genesis for that, is that I had gone to the City originally and said this area is ready to develop, there's interest to develop this area, will you annex and the City said no.

And so in talking with the City manager I said, well, under the language in the comp plan we need to submit this, do you really want me to go through the formal annexation process knowing that we're going to be denied and waste the City's time, our time and he said no, it doesn't make any sense, I will give you a letter.

So that's the technical change here on Fifth Plain Creek is that instead of actually having to have the annexation denied, if the City sends a letter to you that says we're not interested in annexing, that would satisfy them. I mean that's the true technical change for this.

Fifth Plain Creek, this area, and actually I represented all of the property owners to sort of the south and east in '05, '06 when we, and '04, when we brought this area in and I negotiated that language specifically originally. I didn't represent actually the property that I'm representing tonight, and I don't know whether this area got put into that, I don't know whether that ever really was part of the discussion or not, but that was the only area in all of the UGAs and any portion of the Vancouver UGA that had that provision.

And the reason I pushed for that there was I was worried that if at that point the City was not, when they were fighting the County over whether that land should be in or not, so my fear was that they'd say, fine, put it in and we'll never annex it and you have to annex in order to develop and so 20 years from now you'll still be where you're at. So that was the genesis of that language for that.

But the technical change that's being proposed tonight is simply to allow a letter as opposed to the actual denial of the annexation petition.

DELEISSEGUES: Well, if the City really didn't want this project to go forward, I don't think they'd offer to provide water and sewer.

PRINTZ: Oh, no, tonight they're fine now. We're going back to Betty Sue and Royce days.

DELEISSEGUES: Right, I understand.

PRINTZ: So, no, actually the City's fine. After we talked to the City we approached the County and went to the Board and said are you interested in pursuing this, having us do this, the Commissioners said yes and they actually turned this into instead of an annual review from the applicant's standpoint, it's actually a docket item. Both of the ones that are on tonight are docket items which means they're actually County initiated.

So it made sense. Based upon that we went out on this project and did a neighborhood meeting and the County also did an open house with all of the neighbors. Part of the discussion at that point was I only represent three or four of the large properties out there and if you were looking at the aerial, if we've got it up there, yeah, that will work, most of the area on the north and the west side of the urban medium property we represent and a family member is the other chunk kind of to the southwest of that.

I didn't want to come in with any sort of a master plan or anything else that involved or to petition or ask the Board to add other people's property here, to do anything to anybody else's property, that's usually a really bad strategy, but the County was interested in

whether or not that made sense and it does make sense. And so the County had an open house and ultimately decided that it should be part of this and they added it.

The other thing that we discussed, and Commissioner Barca had raised this at the workshop, which was if we're doing this should we be doing all of the Fifth Plain Creek area and we had that discussion. And the reason I think that the County ultimately, staff ultimately did what they did, which was to say no and which I agree with, is there are a fair number of differences between the two sides.

One, on this side you've got urban development really adjacent certainly to the southwest and all of that side you've got urban services that are literally stubbed to the property, both sewer and water, transportation.

On the other side - and you've got no critical areas in here - on the other side it's a much larger area. I mean we had lots of long battles with the Monet's Garden folks and some other folks whether that should come in or not. There's critical area issues, Fifth Plain Creek actually runs through that area, and sewer and water delivery issues.

While the City would serve they're just, and actually the master plan that we did for that site, at least a conceptual master plan, had how you would provide sewer and water for it, they're much bigger tasks.

And so while it could be done this is, my view anyway, a relatively simple area. It's got a logical boundary which is Ward Road and so it just makes sense. So that's sort of the answer to the question that you had at the workshop. That was at least the reasoning.

DELEISSEGUES: Any other questions of Randy? Okay. Do you want to add anything?

PRINTZ: I actually have quite a bit of stuff here to go through, but if PC is comfortable with where we're at, I'll tell you what, if you don't have any other questions of me, that's fine.

I do want to point out that the materials that you've got there is an extensive narrative in there that walks through, it's very specific, all the criteria for removal of urban holding. The typical issues that you've got are whether or not there are urban services that are readily available, is there transportation.

The County's transportation analysis demonstrated that there's no level-of-service deficiencies in this area, there's no corridor failures, the language in the comp plan is critical links or intersections, none of those will be cause for failure.

The City says they'll be happy to serve this, which actually makes sense for them, they don't have any capital expenditure but their rate base gets increased so they're actually happy on the water and sewer side. No particular critical areas, actually none in here, the County's got the piece up in the northwest or northeast corner.

The one thing I do want to talk very briefly about is the park issue and the comp plan says for the entire Fifth Plain Creek area that when this area gets planned, it should have a 10-acre park. So when we sort of worked through that issue in '04 and '06 when all of that was adopted, I think the thinking was it was going to be out somewhere on the west side, but it's not fair for this portion since it is subject to it to say, well, we're going to stick it over there on somebody else's property.

So we looked at how do we get a park component over here and what we came up with was you got the park over on the west side and you've got the County's wetlands area and critical areas here and you can see in the conceptual plan that you've got, but the idea would be to have a fairly wide trail that was multi-surface, curvilinear, meandering, that would not only go along that area but then would connect that wetland area all the way across the site and would divide the apartment area, the urban medium, from the single-family on the north and you'd have some nice thing that would have unique landscaping to it.

It would be different than say the street tree landscaping and so it would provide some sort of identification that this is a trail and would get you from the park to this area. So that was at least the thinking for this.

So I will shut up and what I would like to do, though, is obviously it's going to be open to public testimony, I'd like to just reserve the opportunity to come back and answer or respond to any comments or answer any questions at the end.

DELEISSEGUES: Fair enough.

PRINTZ: Thanks.

DELEISSEGUES: Thank you.

USKOSKI: I actually have one quick question if I may and this might be more staff related. Is there plans to connect between the park off to the west and the wetlands area connected in with the Hockinson Park up to the north?

ALVAREZ: I'm not sure if there are. Now to the wetlands to the south and to Hockinson Park?

USKOSKI: Yes.

ALVAREZ: Not that I know of.

PRINTZ: There is, however, a good opportunity here which would be very easy to do which would be to have a trail connect from that trail that I just described and have a trail connection with the same landscaping and same features that at least got you up to 99th Street and from there at least you have a pedestrian connection, then you'd get there.

DELEISSEGUES: Okay. If there are no further questions of Mr. Printz, we'll go to the sign-up sheet. We've got Kevin Connor, do you wish to testify?

CONNOR: I have no objection to (inaudible).

HOLLEY: I can't hear him.

DELEISSEGUES: I can't hear what you said either. Do you wish to testify, yes or no?

CONNOR: No. I'm just here to observe.

DELEISSEGUES: Did he say no?

GIZZI: He's here to observe.

DELEISSEGUES: Oh, okay, thank you. It's got North Fifth Plain Creek on the sign-up sheet. Anyone else in the audience wish to testify on this? There's no one else on the sign-up sheet. Okay, then we'll return it to the Commission for deliberation.

PRINTZ: I have no further comments.

DELEISSEGUES: Do you wish to testify, sir?

PRINTZ: No.

DELEISSEGUES: Okay, back to you. What?

BARCA: I just said he's going to be close at hand. If you need him, he'll be right there.

DELEISSEGUES: Thank you, sir. We are back to the Commission for deliberation.

BARCA: Well, my earlier comments were predicated on the idea that I see a way that we've changed policy to handle this situation of the City choosing not to take what the County has granted them in the form of urban growth boundary, and I appreciate the context of being able to say that there's a methodology of going forward that the County can handle.

The reason I brought it up before is it's parcel-specific and it put us in a situation of we turn this into docket items. It seems to me that we could have policy within the comprehensive plan that would allow us to be able to exercise this and not have to put the applicant through the direction of what we did to do it.

After these two are done however we end up voting on them, should another one arise it's going to be as if we didn't have this done at all and we're going to have to do it over again. That was my point of bringing that up.

DELEISSEGUES: Of course everything north of 99th Street was done the same way. I mean it's not within the urban or the city limits either.

ALVAREZ: Well, north of 99th Street is not in the urban growth boundary.

DELEISSEGUES: No, I say it's in the County.

ALVAREZ: Yes. Correct.

DELEISSEGUES: But if you look at the aerial photos a very high degree of development there.

ALVAREZ: Of development, correct.

DELEISSEGUES: So this isn't anything unusual I don't think.

ALVAREZ: No. And the areas to the south they're still going to have to meet the criteria that the transportation and the master planning requirements, those won't go away, so you'd still have to go through the docket process, that's not going to change and this change in language won't affect that.

DELEISSEGUES: That's what I'm questioning, is there really a difference in the way we're handling this than we've handled developments in the county elsewhere?

ALVAREZ: No.

DELEISSEGUES: Okay. Do you want to start, Jeff, and we'll give you the opportunity to weigh in and we'll come this way and you'll get a second shot at it and so will I.

WRISTON: Yeah. I think both the proponent and staff have met the requirements and I think the record is complete to meet the burden of lifting the urban holding designation, so I really don't have much to add, I don't see anything that's disturbing to me.

DELEISSEGUES: Valerie.

USKOSKI: I actually agree with Jeff and have nothing further to add.

DELEISSEGUES: That's short and sweet. How about you, Ron.

BARCA: I've said everything on it. I'm ready.

DELEISSEGUES: Eileen.

QUTUB: I agree with Jeff too.

GIZZI: So I have a question about the letter that we got from Matt from the City of Vancouver and he's talking about traffic concerns and agreements that were in place.

ALVAREZ: I think that's for the next case.

GIZZI: Actually he references both I think, I could be wrong I mean. But it seems as if he talked about them both and it might be a little -- you might be right, I see Fisher Swale on here.

PRINTZ: And I'll address that in the next one.

GIZZI: Yep. All right. I'm good, sorry.

DELEISSEGUES: Well, I don't have anything to add either so if someone wants to make a motion, we'll move ahead.

WRISTON: I'll make a **MOTION TO APPROVE** CPZ2012-00002 along with the amendments that staff made to the net, gross and the school district. Evergreen; right?

ALVAREZ: Hockinson.

WRISTON: It's Hockinson, okay, thank you.

DELEISSEGUES: That was the change that was made.

WRISTON: Correct.

DELEISSEGUES: Second?

USKOSKI: I'll **second**.

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

**ROLL CALL VOTE**

USKOSKI: AYE  
BARCA: AYE  
GIZZI: AYE  
QUTUB: AYE  
WRISTON: AYE  
DELEISSEGUES: AYE

DELEISSEGUES: With that we'll move on to B which is CPZ2012-00003, North Fisher Swale. Can we have a staff report on that.

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

**B. CPZ2012-00003 N Fishers Swale**

A proposal to amend the text of the Comprehensive Plan and amend the Comprehensive Plan and Zoning map through the removal of the Urban Holding Overlay designation on an area approximately 170 acres, north/northeast of the intersection of NE 192nd Ave and NE 18<sup>th</sup> Street in East Vancouver. Urban Holding removal would only apply to the following parcels:

172960-000;172753-000;172340-000;172337-000;172338-000;172339-000;172135-000;115915-174;115915-176;115915-178;115915-180;115915-182;115915-184;115915-184;115915-186;115915—188;115915-190;115915-192;115915-194;115915-196

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ALVAREZ: Okay. Similar but different. This is an amendment again to the text of the comprehensive plan and zoning map for the removal of the urban holding overlay designation of an area approximately 170 acres, north/northeast of the intersection of NE 192nd Avenue and NE 18th Street in east Vancouver. This area again is east Evergreen, east part of Vancouver, I think you received some comments today, I'll get into those comments at the end.

The property is currently in urban holding. The text language, let's start with the text amendment, there's a provision currently that says that these areas may only undergo urban development following annexation. This is in Chapter 13 of our comprehensive plan and there's a policy in Chapter 12 that's in conflict with that that actually allows for urban development to occur.

The text proposal in Lines 23 through 26 are similar to what you've just adopted and we just recognize that urban development could occur under County jurisdiction and it just clarifies the inconsistency between our chapters on annexation and urban holding.

The criteria for removal of urban holding have been met. The applicant submitted a transportation study from Kittelson, included that in your packets, sent you an e-mail about that. I believe currently the only issue regarding transportation is 187th Avenue, a right-hand turn pocket. Since this is a non-project action, when the project comes in for development there will be opportunity to do a similar type transportation analysis.

All of the roads in this area are within the city of Vancouver. There had been a proposal before you in 2009 regarding an extension of 18th Street which you denied. When the Board took that up, they had specific instructions for the Cities in their denial to do more detailed analysis, an alternatives analysis.

Because of the critical areas on the east part of this property, I think the City submitted a letter today that Mr. Gizzi was referencing from Matt Ransom. That letter was from earlier in this year, I think it was part of the pre-application for this case and since then

we've received a letter from the City and I think Randy's got some more information about the contact he's had from the City supporting this. So staff finds that all of the critical links have been met with regard to transportation and we're recommending approval.

You did get letters today, SEPA comments from Department of Ecology and Washington Department of Fish and Wildlife which are pretty standard comments, essentially that the environmental and critical areas need to be looked at when an actual development is before the County.

DELEISSEGUES: Is this another one where some provider is going to take care of the water and sewer?

ALVAREZ: The City will also and I think there's another document that Mr. Printz submitted that the City will be providing water and sewer.

DELEISSEGUES: Any questions of staff? Going to let them off the hook. Questions?

GIZZI: Well, I mean you referenced a follow-up letter because in this letter from Matt he certainly doesn't seem to be supporting this --

PRINTZ: I have a really good answer for that.

GIZZI: -- proposal. Okay. And, yeah, he had said that maybe there was another letter that you have, Randy, I mean?

PRINTS: Yes. I'm sorry, I shouldn't say anything.

DELEISSEGUES: Well, let's direct staff and then move on to Randy.

GIZZI: Well, I'm just asking. Is there another letter that closes this loop or changes this stance? Right now Matt's stance is quite negative.

DELEISSEGUES: We'll get to you, Randy, hang on.

ALVAREZ: Correct.

GIZZI: And that's all I have at this point.

ALVAREZ: And there is no additional letter. And like I say the direction from the Board when this was looked at in 2009 to add 18th Street to the arterial atlas amendment, the Board had asked both the jurisdictions to do additional work because it would be cost prohibitive for the County to take it on.

The idea is that this road extension would not be in the County's jurisdiction, our intent was not to develop the property. We haven't received any comments actually from the City of Camas. Mr. Printz I think is saying that they're going in a different direction for

addressing the transportation in this area.

So the burden was on the Cities to do additional work, they haven't done that notwithstanding Mr. Ransom's letter. Since the City is providing water and sewer, they can get into an agreement with the property owner if they want to preserve the right-of-way for that, but we can't require that, it's not on the arterial atlas amendment.

When a project does come in, the roads will be in the Cities jurisdiction, we will be contacting them to provide feedback on what it is that they want because the road will be going through their jurisdiction. The extension of 18th Street would be in ours, but we don't have that defined as an arterial atlas so we couldn't require more right-of-way than what is typically required as an access road for that development.

DELEISSEGUES: Okay. Any other questions before we get to Randy? Randy.

PRINTZ: Randy Printz, 805 Broadway. I'll take this out of order and talk about the City's letter. When I got that at 5:00 tonight -- I met with the City on numerous occasions over the last nine months and the City is supportive of this, had said they were supportive of this, and that includes the City Manager's Office.

We worked through, we discovered that a portion of this area, the City even when it was added to the UGA, they had not added all of it into their urban sewer boundary, into their general sewer plan which is approved by the Department of Ecology.

And the letter that came long after Matt's, that's from the City, that's actually from Eric Holmes the City Manager, that says we don't want to annex, we're fine, we will provide sewer and water and that we'll even go through the process to make sure that we're okay with Ecology.

Subsequent to that there's a letter that's in the record from Brian Carlson who's the Public Works Director for the City that says we've talked to DOE and Ecology says we don't need to amend because we already considered this area. So those are sort of the written things behind it.

More importantly, when I got this letter at 5:00 tonight, the first thing I did was call the City Manager and Eric said I hadn't seen the letter, it is not our position. He said we're supportive of this, that's simply not the City's position. Matt Ransom doesn't even work in Planning anymore which is what Eric told me.

I said may I represent to the Planning Commission tonight exactly what you just told me and he said absolutely. And he said if the County, either the Planning Commission or the Board, wants me to send a letter to the record to that effect, I am happy to do so. And that's virtually a verbatim quote so that's the answer to that question.

GIZZI: Yeah, I mean we got the e-mail at the same time you did.

PRINTZ: Trust me, when I got that I was not a happy camper at 5:00 tonight.

GIZZI: I can imagine.

PRINTZ: So, anyway, finishing out sort of the transportation side of things, there is an analysis in this record from Kittelson that does a pretty wide area of analysis.

One of the things that the County asked us to do when we started this was to do a comparative transportation analysis based on the zoning up here about what it would be like before and after and were we going to trigger any failures of critical links in intersections which is the language that's in the comp plan.

The answer to that analysis was, no, you're not going to trigger the failure of any critical links in intersections; however, and what Jose mentioned, is it does identify that at some time in future development, and it could be this property, it could be property somewhere else in the area, at the intersection of 18th and 187th, at some point that intersection will need either a signal or a new right-turn lane or something and the same sorts of things that we do on every project.

So this project like every other, or not this project but when a portion of this property comes in for development review, it will have to go through the normal full-blown process for development which means full application, demonstration of compliance with each and every criteria in the comp plan, analysis of transportation concurrency, transportation safety, wetlands, habitat, sewer, water, all the rest.

So it is conceivable that that intersection will need an upgrade or will need some improvement to it that could be triggered by some portion of this being developed or someplace else. So those are the transportation things.

As you know the good news is is that 192nd corridor is actually one of the highest functioning corridors that we've got and even if you compare it to 164th or Mill Plain or Fourth Plain, and we've got the interchange down there, so there's actually quite a bit of transportation capacity here.

As Jose said there are huge critical area issues out to the east and at least the County has decided that trying to extend 18th across those critical areas over to Goodwin is not a great idea and there's not much in it for the County anyway.

The City of Camas, and I just got done working with them for months on an update to their CFP and a redo of their transportation impact fee program, they had decided that at least the primary way that they're going to get people from sort of the Green Mountain area and north of the lake is they've just put a bunch of money into the Freeburg/Strunk connection that kind of goes along what would be the west side of Camas Meadows between Goodwin down to 1st, on the east side of the school just east of Costco.

So, anyway, that's what the City of Camas is doing. And there is no concreted mass

letter, there's no record or no letter that I've ever seen, certainly not in this record, and I haven't seen any letter to that effect from the City of Camas saying that they think this connection should be made before this area gets developed.

DELEISSEGUES: Any other questions of Randy?

PRINTZ: I did want to talk about a couple other things if I may real quickly. There are --

DELEISSEGUES: We don't have to ask questions, we just listen. Go ahead.

PRINTZ: I have a burden that I have to overcome here or that I have to uphold anyway, is the master plan, the conceptual plan that we did for this, yeah, that one, is that available to be put up or not or at least turn to that if everybody can see it.

The only reason I wanted to mention that is because there are some opportunities here and somebody could also have some concerns about it, there are critical areas in here. And Lacamas Creek runs along the north and so if you look at sort of the concept plan, you probably wouldn't do much critical areas analysis at this stage of the process.

One, it was already reviewed at the comp plan, but in order to do the transportation analysis and to really look at how this area could be served, how the circulation both for pedestrian and transportation would work and where things might go here, we took a look at that.

When you look at that what you'll see is along the north edge of all of this there's stream buffer, there's wetlands, there's some habitat, all of that area will not get developed here. In fact the idea is to donate that to the County to accomplish the trail connection that they would like that's at both ends of this.

So just to the extent that anybody had concerns about those things, one, we know they're there, two, we've got I think there are some great opportunities to provide a linear park and protection from the creek from that, and, three, recognition that when this property does get developed obviously there will be wetland delineations that the County will have to approve, the US Army Corps of Engineers will have to approve and if any impacts to those wetlands or their buffers or the habitat areas are going to occur, they will only be able to occur within compliance from the existing rules and regulations that govern that stuff. I'll quit.

### **PUBLIC TESTIMONY**

DELEISSEGUES: Well, let's see, is there any other questions for Mr. Printz? You've done well, you've answered all our questions. With that we'll go to the sign-up sheet wherever I put it, lost it in the shuffle. The first name on that is Mike McAlexander, do you wish to testify?

MCALEXANDER: My question was answered.

DELEISSEGUES: Okay, thank you. How about Anita Jinks?

JINKS: My question was -- may I come forward?

DELEISSEGUES: Yes, please. Just for the record could you give us your name and address.

JINKS: Absolutely. Good evening. My name is Anita Jinks, 2010 NE 193rd Court. So as you can see my property is within this zone. We currently all on our street have our own septic and wells and I'd like to know if those are in danger of being taken from us or is that a premature question?

DELEISSEGUES: Of being what?

JINKS: Are they in danger of being taken from us if it's annexed into the city?

DELEISSEGUES: I don't know. What do you say, staff?

BARCA: (Inaudible).

DELEISSEGUES: They better, pay them big bucks.

ALVAREZ: Well, at this point the City's not proposing annexation so they won't be taking the wells away. Typically what happens is when this developments waterlines and sewer lines will be run through, you're not forced to hook up to the City water and sewer, it will be in the County's jurisdiction. Our health codes will apply. If they're functioning there shouldn't be an issue.

DELEISSEGUES: Does that answer your question?

JINKS: Yes. Thank you.

DELEISSEGUES: Okay, thank you. That's the only names I had on the sign-up sheet. Does anyone else wish to testify? Why don't you come forward and state your name and address for the record and then we'll get to the second person.

WARNEKA: Good evening. My name's Ed Warneka, I live at 1805 NE 193rd Court. I live right off the 18th Street intersection off of 192nd and 18th. I got a couple of questions. First to this gentleman over here, Jose I believe it is, he mentioned that there might be some additional right-of-way to be taken for services; is that correct?

ALVAREZ: No. There was discussion previously about doing an extension of 18th Street and connecting it to Goodwin Road, the County did not approve that so there is no road proposal going through there.

When this comes in for development review, the City will be providing most of the transportation. If they wanted to negotiate with the property owner to preserve the right-of-way for potentially if they want to do an annexation and build that road so that they wouldn't have to come back and buy the property, that would be the only thing.

WARNEKA: Okay, that was the first question. My next question is what is your proposal for that intersection? If you have that proposed development in that property at the corner of 192nd and 18th, what is your proposal, you've talked about 187th, but what is your proposal at that corner?

ALVAREZ: When the development comes through, there will be another public process that will deal with that specifically. Right now there's not a specific development in front of us, we're just looking at lifting the urban holding, so at that point they'll do a traffic analysis and determine whether there's a signal that would be needed there. Ultimately there's going to be a signal required there, it's just a matter of time.

So there's two, I think, potential, there might be a safety issue with that that would require --

WARNEKA: I'd have to agree with you there because that's really a busy corner right there the way it's set up right now.

ALVAREZ: And then that would be addressed at the development review stage which would be a public hearing in front of a hearing's examiner where they'll make that determination of what's needed at that intersection.

WARNEKA: Okay. And my next question after that is with the advent of the BPA power lines coming in, are they still proposing to go into that corner, that section Number 41 I believe it is?

ALVAREZ: Yeah. And what I looked at it's still a proposal, that's one of the alternatives that they're looking at.

WARNEKA: So you're telling me right now we're -- because you have to have be so many feet off where that power line is right now, it's 181 feet for the right-of-way and for the existing, so if they put the 500kw one in there, that's going to be putting it right there in the middle of that plat right there right off 18th Street; correct?

ALVAREZ: Yes.

ORJIAKO: It's a possibility.

WARNEKA: And so at that point in time what is your contingency or what is your plan? Are you going to continue with what you've got or is it based on what the BPA is going to be putting in?

ALVAREZ: So that would be something that would be negotiated between the BPA and the property owner. If they have a development, depending on what the timing is because it's a private property, if the BPA wants to come in there, they're going to have to negotiate with the property owner to either purchase the land or get an easement.

WARNEKA: Well, I do know that they do have right-of-way right now, that existing coming off of 18th on what would be the south side of 18th.

ALVAREZ: Right, running east/west.

WARNEKA: Right.

ALVAREZ: But I think what I saw was going to run north/south in Section 41.

WARNEKA: Yeah, it was going to come across and it was going to follow --

ALVAREZ: Right.

WARNEKA: -- the existing line and then cut over to Troutdale --

ALVAREZ: Correct.

WARNEKA: -- but that plot where they wanted to go was right there in that subdivision.

ALVAREZ: Right. And that would be something that would have to be worked out between BPA and the property owner.

WARNEKA: And my question to you is has BPA given any interest or any decision when they wanted to do this?

ALVAREZ: No.

DELEISSEGUES: Okay, thank you.

WARNEKA: Thank you.

DELEISSEGUES: Did you want to testify?

STOCKMAN: Hello. I'm John Stockman, I live at 19101 NE 23rd Street which is right in the corner of your development and I have a couple of questions, one concerns wildlife. About seven years ago I wanted to build a secondary garage on my property and my building was held up because the Planning department and the County biologist had concerns about the flyaway zone for the Wood Duck.

I still have the letter from them, they finally approved it and told me that I could not build

north of my house on my property because of that. Now if that was a concern at that time, I guess I would have to ask what happened to that concern now?

ALVAREZ: Well, again, there isn't a specific proposal for developing the property. When that comes in, our environmental staff will review that and look at that. I'm not familiar with your particular case and why they came to that conclusion, but it's not that it wouldn't be addressed, it would be addressed at the time of the development review.

STOCKMAN: But if we go along through the process and we don't look at these known factors that could stop us and we get the ball rolling, there's a good chance that should those things come up and become a concern we're going to snowball through them and push the wildlife aside.

There's also the Brown Nuthatch is another protected animal or bird that's in our area. We also have endangered plant species that's on that piece of property and I'd just like to know what's going to be done and those are things that should be looked at before we get to the point of putting houses in there or getting really serious about thinking about it.

Then the other question that I have, we have a certain concentration of houses that this piece of property is approved for and by going through this process of the urban holding removal as opposed to being annexed by the City, how does that affect the concentration of this piece of property with houses and does donating that property along the river do they change the size of the lots or do they reduce the number of houses that would be put on the development based on the wetlands and the donated property?

ALVAREZ: There's a provision in our County code that the zoning is for 20,000-square foot lots. There is a density transfer provision so if a large portion of the land is encumbered by wetlands, they can transfer that density so you would have essentially smaller lots than the 20,000-square foot lots that are in a developable area so they more than likely will be smaller than that.

STOCKMAN: What would be the smallest lot they could possibly have?

ALVAREZ: There's a provision in our code, I know that it, I can't say for sure, but it will be less than 20,000.

STOCKMAN: I've heard the number of 7500.

ALVAREZ: I think that's accurate.

STOCKMAN: I don't want houses like that jammed up next to mine. Okay, thank you very much.

DELEISSEGUES: Well, thank you. Does anyone else wish to testify?

WRISTON: This AKS, the density transfer estimate actually says 1.7 dwelling units per

acre, I mean just an estimate, but that's actually over 20,000, so it appears for whatever reason the density transfer came out so that you're looking at roughly two homes per acre or something like that. It doesn't sound --

ALVAREZ: No, that doesn't sound right.

WRISTON: It doesn't sound right. I'm just pointing that out that that was something I've been sitting here trying to figure out.

ORJIAKO: And that's why I was hesitant to jump in because it will be very hard to estimate without first dealing it and how much of the area is thoroughly useable and how you can then play with the density so it's hard to speculate.

DELEISSEGUES: Do you wish to testify? Someone else? I thought I saw a hand. Okay, then if no one else wishes to testify, we'll return it to the Commission for deliberation. Are you going to help us or are you just here in case we have questions?

PRINTZ: I'd be happy to answer the wildlife question if you want --

DELEISSEGUES: Yeah, go ahead.

PRINTZ: -- which is similar to what Jose said. Some of this area does certainly have wildlife in it, some that's regulated, particularly along the creek up there which we know, but it will get fully analyzed when development review occurs.

And I guess to answer the question should you do it now, one, this area was analyzed along with the rest of all of the areas that were added to the UGA in '06 through the EIS process. Number two, this area really can't get that kind of analysis until it's allowed to come in and applied for development review which triggers all of the regulations that will tell you whether or not you can do something or you can't.

The densities too, I know the sheet that you're looking at and that was intended to do a worst case scenario sort of doing the max density. We did that for transportation reasons, to give the County sort of a worst case analysis and undoubtedly this area would utilize either density transfer or a PUD to preserve the wetlands and the critical areas and to maintain the density so you don't have to expand the UGA again. Thanks.

DELEISSEGUES: Thank you. Okay, Jeff, do you want to weigh in, we'll do this, we'll play the same game.

WRISTON: You got to start at the other end of the table this time. Again, I have no problems or issues with the removal of the urban holding.

I mean we've run up against this issue all the time in public testimony about concerns about basically what's project-specific versus what we're being asked here tonight and has the burden been met to lift the urban holding area and from everything I've read and

heard I believe it has.

DELEISSEGUES: Valerie.

USKOSKI: I actually don't have anything else to add this time either.

DELEISSEGUES: Ron.

BARCA: It's so great putting you two together, you get just very concise. So I heard concerns out of the audience and I just want to express this, perhaps this will help clarify to a certain degree, if the City of Vancouver chose to annex this property, then you would be in a position of waiting for some type of development proposal to go forward before your questions that you brought to us tonight would be answered.

What we're doing here is we're basically taking this property back from the boundaries of the city of Vancouver and putting it back into the inventory of the County's jurisdiction. We're in the same position though, until there is an actual development proposal forward, the questions you have and the concerns you have are very valid, but we're unable to answer them because we don't know the extent of what the proposal will be when it comes forward.

So the property has always been in a position where it could be proposed for development, we're just clarifying what jurisdiction is going to be responsible for the review of that development. So I don't know if that helps or at least it helps in the context of saying there is not a development proposal and even though there's some notional paper that's out there, it is just that, it's notional.

So we're really looking at the idea of bringing it back in. Whether staff has done the right protocol to bring it back in for the County to have it underneath their own jurisdiction and I agree with Valerie and Jeff that, yes, indeed it appears so.

DELEISSEGUES: And I would just add there will be a public hearing that you can attend when the facts and the details of the proposal come forward and that would be the time to get specific questions answered if they hadn't been answered prior to that time. Eileen.

QUTUB: It looks to me like the work has been done for this.

GIZZI: So just to I guess further allay your fears or concerns at least, we do have memos from Washington Department of Fish and Wildlife and Ecology stating that they know that there are critical areas and critical habitats here and that they explicitly state that they need to be addressed and taken into consideration. And then also from Ecology they're talking about the shoreline master program needing to be referenced and followed.

So clearly all we're doing is as Ron said starting this process so that these studies can be brought into the discussion, but clearly to lift the urban holding I think we have enough

for that, yes.

DELEISSEGUES: Any motion then?

WRISTON: I'll **MOVE TO APPROVE** staff's recommendation to lift urban holding.

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

DELEISSEGUES: Moved and seconded. Any discussion? Roll call.

### **ROLL CALL VOTE**

USKOSKI: AYE  
BARCA: AYE  
GIZZI: AYE  
QUTUB: AYE  
WRISTON: AYE  
DELEISSEGUES: AYE

DELEISSEGUES: Okay, with that we'll --

QUTUB: So you got what we moved?

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

DELEISSEGUES: -- move on then to CPZ2012-00013 which are amendments to the 20-year comprehensive plan document and comprehensive plan map and zoning map, UDC Title 40, and in our book it's under EZ task force comp plan amendments. Staff report.

**C. CPZ2012-00013 – AMENDMENTS TO THE 20-YEAR COMPREHENSIVE PLAN DOCUMENT, COMPREHENSIVE PLAN MAP AND ZONING MAP, UDC TITLE 40 CHAPTERS Replacing 40.230.030 and 40.230.080 with 40.230.085, and Revising Table 40.320.010-1.**

In an effort to streamline and simplify the Unified Development Code regarding industrial, office campus and business park zones to encourage economic development and good-paying jobs, the county is considering repealing section 40.230.030 and 40.230.080 and adopting a new section - 40.230.085, and revising Table 40.320.010-1 Landscaping Standards, Move ML/BP/IR zones into the same Comprehensive Plan designation.

The county is considering removing the office campus zone and comprehensive plan designation. This action would include rezoning the following Office Campus parcels:

194218-030,	130984-000,	129901-000,	123412-000,	130080-000,
194218-024,	194218-056,	129827-000,	195995-000,	129832-000,
176151-005,	186191-000,	123209-000,	129831-000,	227013-000,
176151-015,	186386-000,	123426-000,	129830-000,	226984-000,
194218-016,	186388-000,	129902-000,	186314-000,	130955-000,
130982-000,	186388-005,	130326-000,	194218-008,	176182-000,
130954-000,	186388-010,	194218-018,	194218-010,	185962-000,
194218-050,	186389-000,	194218-032,	186208-000,	186316-000,
195923-000,	123411-000,	194218-028,	186633-010,	186392-000,
195925-000,	129815-000,	194218-034,	194218-014,	185996-000,
194218-012,	129825-000,	195945-000,	195945-005,	186008-000,
194218-020,	194218-038,	194218-046,	195994-000,	186009-000,
119205-156,	200322-000,	194218-052,	130958-000,	194218-036,
119205-157,	200321-000,	195924-000,	194218-022,	195964-000,
129904-000,	123414-000,	194218-004,	186313-000,	195926-000,
194218-048,	123427-000,	130039-000,	123413-000,	195930-000,
129834-000,	194218-042,	130044-000,	123410-000,	176151-010,
195969-000,	185979-000,	130110-000,	130952-000,	123409-000,
186426-000,	185997-000,	226937-000,	129833-000,	123620-000,
186427-000,	186535-000,	194218-040,	200326-000,	181683-000,
117893-988,	195929-000,	130960-000,	200355-000,	226983-000,
130956-000,	129903-000,	176179-000,	200305-000,	226928-000,
986029-160,	194218-054,	194218-060,	194218-064,	194218-006,
194218-044,	194218-058,	194218-062,	185961-000,	194218-026,
130957-000,				176151-000

The total acreage subject to this action is approximately 1,000 acres.

**Contact: Gary Albrecht (360) 397-2280, Ext. 4318**  
**E-mail: gary.albrecht@clark.wa.gov**

DELEISSEGUES: We'll take this up in about ten minutes. We will break at 8:00 p.m.

(Pause in proceedings.)

DELEISSEGUES: Let's have staff report. We're resuming our deliberation here.

ORJIAKO: Again, good evening, Commissioners, Oliver Orjiako, Clark County Community Planning Director. With me this evening I have Gary Albrecht and Alan Boguslawski from Community Development and Gary from Community Planning who have been working with me on this project and this is a continuation of the County effort to simplify our code which is often said to be cumbersome to use.

So I will turn it over to Gary Albrecht to work through the proposal that is before you which a task force that the County appointed have made a recommendation to the Planning Commission to consider and make your formal recommendation to the Commissioners.

I will be here as well as Alan and Gary to answer questions that you may have. We have Todd Johnson from Group Mackenzie, one of the task force members that worked on the project, there are at least seven members, so I'm glad to see that Todd was able to join us so he may also lend a hand in answering questions that you may have. So without me taking much of your time, I will turn it over to Gary.

ALBRECHT: Thank you, Oliver. Good evening, Commissioners. Gary Albrecht, Clark County Community Planning. As Oliver has already said we're revisiting the industrial, office campus/business park zoning districts.

The purposes Oliver indicated is to simplify the code to ensure more flexibility, clear and easy use to provide an opportunity for economic growth while offering expansion and retention of existing businesses for job growth so this effort is consistent with the interlocal agreement between the City of Vancouver and Clark County.

As Oliver already mentioned, we have worked with a seven-member task force and they followed the Board's charge, and their guiding philosophy is with you behind the staff report, so on that second page, I won't go into that, but they've got some great stuff that they followed. I'll just go into the proposal.

First is to eliminate the office campus zone and combine it with BP and expand the use list. And the categories, I'll talk about that a little bit. The current code uses the North American Industrial Classification System and shows six digits, it's very lengthy and cumbersome, and this recommendation uses three digits so it just shortens it.

Each line is intended to include all lower divisions within it except where a more specific industry group or industry is simply called out in its own line, that's how we made the code shorter. We've consolidated about 110 pages of development code to 16 pages.

The proposal is to repeal Section 40.230.030, Employment Center Districts, and repeal Section 40.230.080, Industrial Districts, create a new section 40.230.085, Employment Districts.

Then amend Table 40.320.010, Landscaping Standards, which basically eliminates duplicate landscape buffers between the compatible zones and to amend the comprehensive plan designations to consolidate three designations into one designation. I just want to talk about that just shortly.

We currently use two maps for land development and both of them must match. With this proposal there is one comprehensive plan designation that has the three zones, light industrial, railroad industrial and business park, so you don't have to wait once per year for a comprehensive plan amendment, now property owners can change zones by going through the hearing's examiner. So that's the proposal.

I'm going to move on to the public involvement. We've been to Three Creeks Advisory Council and the Neighborhood Associations Council of Clark County and they've both endorsed and approved the employment zone proposal changes.

We've had peer review which includes the City of Vancouver, the business community which consists of Coldwell Banker; Norris, Beggs & Simpson; Eric Fuller & Associates; CREDC and the Development Engineering Advisory Board. We held a public open house in September, earlier this month. The SEPA is out for review and comment period actually ends today. Commerce has received our 60-day notice.

Then the big part, issues that we have, there's a few issues that are with this proposal. Staff has received comments from the school districts. For elementary and secondary schools the BP zoning will continue as a conditional use with a new footnote limiting development to a maximum of five acres.

The light industrial and heavy industrial zones, the recommendation is to eliminate nonindustrial uses like elementary and secondary schools.

The school district would like these uses to continue as conditional uses and there is a representative from the school district here, you'll probably hear from her this evening.

The Development Engineering Advisory Board supports the task force recommendations and they had a caveat, they would like to see more than ten percent retail uses that is in the footnote in the new commercial. Or I'm sorry, the new employment code, so they would like to see something above that.

Staff would like to point out the development standard that's in the new code allows

freestanding commercial retail buildings not to exceed 10,000-square feet.

Then the next issue, Jon Holladay, our railroad coordinator, would like to keep the original language "will" instead of changing it to "could" in the railroad requirements in the development standards. The Planning Commission had seen that original language in 2008 and they approved it back then just as a reminder.

You've heard earlier from Randy Printz and Jose that the City of Vancouver submitted a letter at 5:00-ish, so we got the same letter from them and forwarded it on to you and hopefully it's in front of you. I just want to briefly go over their comment.

They've got two big issues with this proposal. The first one, the proposed significant expansion to allow commercial uses such as gas stations and movie theaters are inappropriate uses for employment lands, and second is require that site plan demonstrate that the proposed commercial uses do not discourage development of industrial uses on the site and that they not be constructed to the industrial uses, but rather at the time of or allow industrial development unless part of a phased development approval. Those are those issues.

Then we had a work session two weeks ago with the Planning Commission. We went over the materials that were in your packet today.

And just to wrap this up, the recommendation is to approve repealing two sections of the code, 40.230.030 and 40.230.080, replace it with the new section of 40.230.085, Employment Districts, approve the plan to rezone the zone matrix, amend the text in Chapter 1, and refer all office campus parcels that are near WSU Vancouver to the Salmon Creek subarea plan for future zone changes at the upcoming PC hearing in November.

There's about 200 acres of office campus in the Salmon Creek area that are in this proposal, but we're recommending to refer those to the Salmon Creek subarea plan and they can go under that with the zoning change for that. That's coming in front of you in November. And that is it. Staff is here to answer any questions or concerns.

DELEISSEGUES: Do you have anything to add to that, sir?

BOGUSLAWSKI: Just respond to questions.

DELEISSEGUES: Okay, fine. Any questions of staff?

BARCA: Is this the appropriate time to get into the .085 table and all the X's and P's and C's? Yeah, sooner or later we were going to have to do it.

ORJIAKO: I'm sure you're referring to 3.

BARCA: Tab 3?

ORJIAKO: Yes.

BARCA: Yes.

ORJIAKO: Yeah, if you have questions, sure.

BARCA: Okay. If we go to Page 5, Section E, where we come down to 487, scenic and sightseeing transportation, 488, support activities for transportation which would include support activities for rail transportation, we have them X'd out of both the rail and the BP business park section. Is there specific examples of these types of occupations that you can give me that would say that they're not appropriate for those locations?

DELEISSEGUES: Where are you looking at?

BARCA: Page 5, down here, this one and then that one.

ORJIAKO: Commissioner Barca, I think if you look at our current map and zoning there are very -- I cannot give you an example. But if you look at our current landscape and where we designated BP on our current map, you won't find the railroad for example in any of those areas and I think that was some of the rationale for why the task force went the way they went in terms of their recommendation.

BARCA: And for business park is it because it's transportation related that we don't think that that would be appropriate?

I guess I'm thinking in the context of scenic and sightseeing transportation businesses that I am thinking of they recruit large groups of people that show up, you put them in a van or a bus and then they depart from there and then they come back to some location and I was wondering whether that's an example that would be appropriate or if we had something else to work with?

ORJIAKO: I think in that context you can say, yes, that if you're looking at scenic and sightseeing transportation that you can make an exception that it be allowed in a BP.

But the thinking of the group is that they want pretty much because when you look at the off business park, you're really looking at uses that are office, flex office and very limited light industrial activities in your BP and focus more on that type of uses and I wouldn't exclude if the Planning Commission wishes to consider this use that is appropriate in the BP.

BARCA: I guess I'll just put on the record that I do also take exception to the use of movie theaters which is at the top of Page 6 of the same table, movie theaters in business park. And then at 5221, branch banks with drive-up service in heavy industrial, I don't understand the rationale behind that. I'm going to reserve my comments for any of the educational component when we have the school districts weigh in.

And then my last comment for the moment would be on Page 7 at 71394 as the City of Vancouver also noted, sports centers, recreational centers, fitness, they're all in the permitted category, but it certainly doesn't seem like the kind of use for employment centers that we're trying to get to.

ORJIAKO: Recall that you got to read this P1 in the context of the footnote that says not exceeds ten percent of the combined gross area of all buildings within the development site. So if you have a 50,000-foot building, would it be appropriate if ten percent of that is used for the type of uses that you're referencing.

Often what you see in some cases you'll see some of these businesses instead of building a separate standalone recreational facility for their employees, they do it in-house, in some cases they do cafeteria in-house, so this is trying to get to that issue.

It's not for the public, it's for the employees so you got to read it in P1, you got to do it within that ten percent limitation that the task force was really honing in on, so that's counting this as permitted use outright, it has to be in the context of the ten percent limitation.

BARCA: So you're saying these fitness and recreation centers would not be open to the public but permitted separately from the overall industrial use?

ORJIAKO: I'm saying that it has to be done in the context of the footnote that the task force -- this will be on Page 9 of 18, it says "Commercial retail uses shall not exceed ten percent (10%) of the combined gross floor area of all building(s) within the development site," so I think it's in that context that you look at what type of uses are limited to that ten percent.

BARCA: I just need to clarify though, Oliver. I thought you said businesses sometimes put in a recreational center for their own use, such as a cafeteria would be for their own use, but this clearly states "commercial retail" so I'm trying to clarify, are we opening the facility up to the public or is it just for the business that has the 50,000-square foot or whatever we're talking about?

ORJIAKO: I use the 50,000-square foot as an example what the type of uses we're allowing has to fit in, not as a typical what you would do as a standalone, so you can do that within that. You got to look at the combined gross area of the building and allow some percentage of that be devoted for other type of uses that are identified.

ALBRECHT: Mr. Barca, so the 71394, the fitness and recreational sports centers, these are in our current code and they're all P's across, so it's in the current ML/MH and the current OC/BP. So as far as the EZ task force, I know some of these things they just brought forward so they didn't want to create anything that was nonconforming. That was a reason why some of these were included in here because I think I heard you say you didn't understand why the fitness and recreational sport was allowed in there.

BARCA: Well, I'm going back to our goal --

ALBRECHT: Of course.

BARCA: -- which is to really try and maximize the utilization for job creation. And knowing that we have a very limited inventory of job creation type of land available to us, I would hope that we're able to look at all of it if we think it's perhaps less appropriate and make the modifications.

ALBRECHT: Of course. That's your pleasures.

BARCA: Okay.

DELEISSEGUES: I had some similar questions I guess, I'll go backwards starting on Page 7. What's the difference between "educational services" and "educational support services"? It just seems to me there's way too many of these classifications that almost say the same thing, but yet one's permitted and one's not.

Like educational services has X's all the way across, but you get down to educational support services and it's permitted in the business park. So why couldn't I just call my educational service an educational support service? That's just one example, there's a whole bunch of them.

The other thing is that some of these areas like schools and hospitals and so forth do take a lot of acreage and if you're talking about employment, I don't think there's anything in this county that employs more people than a school or a hospital, but yet you can have a Dollar Tree distribution center that takes up 40 acres and it's got three people working there.

I just don't see the rationale, I guess, between some of these classifications that are not permitted but yet have a large number of employees and yet you can permit somebody else that will take up ten times the acreage and will have one-fifth of the people.

And that Dollar Tree distribution center out there in Ridgefield is a darn good example. It's a huge area, they've got two or three guys running around there with a forklift and a couple of truck drivers, whereas a hospital works 24-hours a day with three shifts and probably has at least 1,000 people on staff. That's just a question. I agree with Ron, I'm not quite sure of what our goal is in not permitting some things and permitting others.

And then there's a real question in my mind of what the significance is, what the difference is between some of these classifications that seem very similar to each other, yet one's permitted and one's not, it's not clear.

And part of our goal, and you keep saying that, nah, it wasn't our goal, was to try to simplify these things in the process too and make it easily understood and get rid of some

of the red tape that we have and make it easy for the layman to be able to figure out what we want and what would be permitted and what would not be permitted in various zones and I don't think we've accomplished it is what I'm saying. Any other comments or questions before we go to the sign-up sheet?

GIZZI: Yeah, I do.

DELEISSEGUES: Go.

GIZZI: I mean I think the task force has clearly simplified the pages of code and made this considerably easier to read and understand and I know that was part of the goal along with preserving the employment zone, I mean I like what we got rid of and what we ended up with, I think it's an exceptional job. I like what's here and I think it fits the bill, but it may need some tweaking as people are pointing out.

I do have a question, we talked about the ten percent, we talked about gas stations and movie theaters as a result of the letter from the City, and I'm sure that as you guys received it at the same time we did there's probably nothing that we can do to work those suggestions into this proposal tonight.

But we did also have this memo from Community Development on the landscaping portion of the changes that are proposed and I'm wondering if you could talk just a little bit to how you addressed their concerns with regards to the minimization of landscaping. It's a memo from Land Use Review Staff from Community Development dated May 4th.

ALBRECHT: Yes. A lot of these comments we worked with the employment zone task force, we had a subcommittee that went line-by-line and looked at these comments specifically and - Alan, can I borrow that. Thank you - so I believe that -- did you receive --

GIZZI: Yeah, this is awesome, it's great.

ALBRECHT: Okay, good. This was the comment made from the task force from that letter. I'll just read this. It says "Thank you for the comments. Reduced and eliminated side & rear setbacks and landscape standards; appropriate to shorten," and that was the comment.

GIZZI: I can see that, yep. Yeah, I mean this is a great way to present these responses. I'm just having a hard time correlating these to what we have here I guess.

ORJIAKO: Right. And I will not add anything to that except to say that, yes, the task force did review the memo and that's why we had staff from Community Development working with us throughout the process.

And the task force did consider that but, however, felt that the recommendation that they made is currently better in their mind and in their rationale much, much easier to deal with

and that there are some potentially future changes that could be made as development.

As we work with this code because we are going to be looking at other potential consideration for low impact development and how that will be dealt with given the new stormwater regulations and others that if warrant us to revisit this that we will, but they felt that their recommendation that they made is sufficient to move forward.

And Alan is here, he can also chime in, but the task force did consider the memo and the issues that was raised but decided to continue to make the recommendation that they did.

GIZZI: When it says "reduced and eliminated side and rear setbacks and landscape standards," does that mean that when this was taken into consideration, we followed their suggestions or does it mean something different?

This is what I can't figure out because it's obviously in a spreadsheet and it's somebody's notes to say what their response was, but the notes, I'm sorry, I can't figure them out. I shouldn't say they don't make sense, I just can't figure them out. You're not sure either? Okay. No worries. I'm just trying to figure out how they fit in there.

JOHNSON: May I?

ORJIAKO: If you can.

### **PUBLIC TESTIMONY**

JOHNSON: Good evening, Commissioners. I'm Todd Johnson with Group Mackenzie, I was part of the task force and I can help to answer your question. As to that last comment, we did not take that comment. We instead chose to eliminate the internal setbacks between similar uses so when you have industrial user next to industrial user, we chose to eliminate that in contrast to what staff had commented on.

GIZZI: So we're not taking into account --

JOHNSON: That's correct.

GIZZI: -- Community Development's suggestions?

JOHNSON: That's correct. Well, we took into account some of their suggestions, but that specific suggestion we did not.

DELEISSEGUES: Okay, thanks, but we'll get to you in a minute after we get finished with the staff. Any other questions of staff? Okay. I'll go to the sign-up sheet. We have I think Craig Erickson.

ERICKSON: Erickson.

DELEISSEGUES: Erickson.

ERICKSON: And my question may have been answered.

DELEISSEGUES: I just wondered if you'd state your name and address for the record.

ERICKSON: Sure. Craig Erickson, I live at 13612 NE 29th Avenue.

DELEISSEGUES: Thank you.

ERICKSON: And Gary may have answered it. I'm in the WSU, Legacy Healthcare area, Ben Young, the administrator for ManorCare and I talked over some of this and one of our questions is, and I went through the chart as best I could to try to find out about traffic impacts especially as they have to do with already existing single purpose use buildings that have been built and are surrounded by empty office campus property that now is going to be business park.

Prime example, ManorCare has limited road access because the County wanted to make access into the area reduced so they're private roads, but now that can be built a business park there and potentially have something like Dish TV or that come in there and run 40, 50, 60 trucks in and out of there during the day where they have people in wheelchairs moving around and on it goes.

Will the traffic impact changes going to BP, especially in those areas where they've already built single purpose buildings, ManorCare can't change into something different, it's going to be what it is, so putting more versatile property around there or buildings around it and businesses, is there something in the use chart that basically will impact what can go in there?

ALBRECHT: Well, this is not an actual development proposal so when --

ERICKSON: Well, it potentially can be.

ALBRECHT: Of course. When that development proposal comes in, that's when our code will go through and make sure that traffic is mitigated.

ERICKSON: And like I said, you may have answered it because there is going to be a future discussion of that 200 acres or whatever that are impacted by this in that particular area so that's why I said he may have answered it, it may be addressed there, but that was our questions and our concerns of some of this stuff that's already been built now having a much broader use being pulled around it and so that was mine. I'll definitely hit whatever the future one is and bring this same thing up and see what comes out of it.

ORJIAKO: That's correct.

GIZZI: Well, the fact that they're allowed uses under this chart doesn't mean that they don't go through the hearings when they come up with a site development, that's what Gary was trying to say, so certainly traffic would be part of that.

ERICKSON: Thanks.

DELEISSEGUES: Thank you. Pam or Ed Warneka. Kurt or Gerry Rolland. I think we ran everybody off.

QUTUB: I think they were on the last one.

DELEISSEGUES: No, this is Title 40. Terry McClure. They couldn't have all signed in wrong, could they? Mr. Connor. Eric Golemo, you're on here. We got somebody here.

BARCA: Thank goodness.

QUTUB: He didn't know what he was signing.

GOLEMO: Good evening. My name is Eric Golemo with SGA Engineering, 2005 Broadway, Vancouver, Washington. I'm here today representing the Development and Engineering Advisory Board and we reviewed the recommendations and in general the DEAB supported the code in front of you today, we had a few minor comments.

In addition we supported the changes suggested in the August 30th memo and one of them was a change to allow some educational uses in some of the zones, and the other one was associated with the standards for the railroad industrial.

We did have one comment and it was based on Footnote 1 in the table. Kind of the goal of this process was to allow more flexibility in the zones and a lot of these uses were added in which does provide great flexibility, but Footnote 1 is pretty restrictive.

It restricts a lot of the uses to ten percent or under and the recommendation we made was to explore exceeding the ten percent up with a conditional use permit to allow a little more flexibility to better meet the goal of creating the flexibility in this code. And that's all we had.

DELEISSEGUES: Could you be a little more specific on the changes you wanted to see in the educational services, elementary schools, whatever.

GOLEMO: The change is outlined in the August 30th memo from Gary Albrecht.

DELEISSEGUES: Yeah, I saw that.

GOLEMO: So that right here was a change to the original proposal we reviewed. We had a motion to support the code that was brought forward and also to recommend

approval of these two changes in this memo that came out subsequently.

WRISTON: Basically you want to allow schools in the BP zone.

GOLEMO: That's what the employment zone group recommended in their letter, we basically supported what they had recommended.

WRISTON: Then you're supporting on the railroad the change from "will" to "could"?

GOLEMO: Yes.

WRISTON: From what I'm reading that's the limit of your changes on that memorandum?

GOLEMO: Yes. Then we had the additional one on Footnote 1 to allow a little more flexibility.

DELEISSEGUES: Any other questions of Eric? Thanks, Eric.

GOLEMO: Thank you.

DELEISSEGUES: Did you want to testify further?

JOHNSON: Not unless there's any questions, sir. I'm just here to clarify for you.

DELEISSEGUES: Anyone else in the audience wish to testify? The schools.

ALLEN: Commission, for the record my name's Marnie Allen, 2500 NE 65th Avenue in Vancouver, here tonight on behalf of the nine school districts in Clark County. Apologize for not being on the sign-up sheet, it was gone when I got here. Also with me is Mary Beth.

LYNN: I'm Mary Beth Lynn, I'm Assistant Superintendent for Finance and Operations, Battle Ground School District, P.O. Box 200, Battle Ground, 98604.

ALLEN: On behalf of all nine school districts we're really here to express our concern about the proposed changes that would prohibit elementary and secondary schools in the industrial zones and in the business park zone. Under the existing code they're allowed as a conditional use.

The districts would like the Planning Commission to retain the existing code and allow schools as a conditional use in all of the employment zones. They're currently not allowed in the industrial railroad zone, the districts are not asking you to change that.

The reason for allowing schools in the industrial and business park zone, there are several. One is, as has already been mentioned, school districts are very large

employers. They provide meaningful good jobs for many people in the county.

Collectively the school districts are the largest employer in Clark County, so certainly changing the zoning to prohibit them from building schools in those zones doesn't simplify or make it easier or promote those jobs which we think are important.

Setting aside that and realizing that maybe the goal of the task force was to look at trying to preserve land for tax paying employer producing jobs, there are other reasons why we think schools should be allowed in industrial and business park.

First, there are good reasons at times to have schools located close to industrial and business park uses where parents of kids that are going to school are working, it helps facilitate their involvement, it can, in their children's educational programing.

One example comes to mind and that is Illahee Elementary in Evergreen School District that's right next to SEH, that's been a good partner and promotor and that provided a portable for on-site childcare for kids of people that were working at SEH.

So there are some examples and good reasons to have schools at least be allowed when it's appropriate to be sited close to businesses and there are times when that land is going to be zoned industrial or business park.

A second real important reason for the school districts is, and as you may have read in the Columbian today there was an article written about Vancouver's iTech Preparatory School, it's a science, technology, engineering and math or STEM program. Those programs are being funded and encouraged nationally.

It's a high priority of our country to try to educate our students to take those kinds of jobs and what school districts are doing is working with private businesses to develop those programs and with private businesses giving students on-site hands-on learning experiences. The Camas School District also has a STEM program that you may have seen featured on the news and I included write-ups in both of those programs in the materials I submitted with my letter.

When we talked with the task force about not changing zoning so that those programs will have a more difficult time partnering with private business, that's how we arrived at, well, okay, we'll allow them in the business park zone but only if they only develop up to five acres.

The problem with that is two-fold. One, industrial property may be appropriate for locating schools with those programs, but the second issue is if you look for example at the Vancouver iTech STEM program, it's offered as part of the curriculum in the general school facilities so they'll need more than five acres.

Students that participate in those programs may want to participate in sports and other things that are only going to be able to be provided in a more comprehensive high school,

middle school or elementary school. So limiting the district to only being able to build on five acres with the thought that, well, then you can accomplish your goal of providing STEM or other programs, the partner with private business is problematic.

Another example that was included in the materials that's not a STEM program but is the Evergreen Health and Bioscience Academy that's being built next to Southwest Washington Medical Center so students can go to school there and then work and have interactions with the hospital.

That is a standalone 500 student high school, but not all programs can be built that way in districts. While they might love to be able to build small schools like that, it's not economically viable to do that all the time.

There's another reason that may be more technical and legal and that is the County's comprehensive plan says that schools shall be allowed as a permitted or a conditional use in all urban zones in the county. If they're prohibited in two of the really critical employment in urban zones in the county, that alone is inconsistent with the County's comprehensive land use plan.

We understand and we support the work of the task force and the County's goal in making sure there's an adequate supply of industrial land, that's important to school districts too, we want job producing development to occur in the county, but we don't support or think it's appropriate to hold the school districts kind of as hostage or say, well, you're going to be prohibited so this land will be available for those other uses.

In fact what needs to happen if this is a concern that the districts are going to consume that land is there should be a process or mechanism for either adding more land if there's a shortage of land because an appropriate site's been developed by a school or rezoning other land so that it's now industrial or business park are made available, but to prohibit schools is problematic, it isn't good for the community.

We would just encourage and ask the Planning Commission to not follow the task force recommendation and instead to recommend that schools be allowed as a conditional use in all the industrial and business park zone, and recommend that the County Commissioners explore other options for making the supply of land available if and when school districts build schools on property that's zoned for employment use.

With that I'd be happy to answer any questions. I don't know if you have anything to add?

LYNN: I don't think I can add anything more than what Marnie has indicated. She has worked with all of our school districts on this letter that was presented to you and we spoke also at the work session a couple of weeks ago.

You yourself, both Dick and Ron, have pointed out some inconsistencies and some questions as to how some of these allowable or permitted uses were determined and I

think that points out some of the inconsistencies that we're seeing.

DELEISSEGUES: Thanks, Marnie. Any questions? You did a good job.

ALLEN: Thank you. Did I slow down?

HOLLEY: You did a good job, thanks.

ALLEN: Good, I was trying so hard, slow, slow.

DELEISSEGUES: Anybody else in the audience wish to testify? I think everyone that's still here has already testified. Thank you. If there's no one else, and there isn't, we'll return it to the Commission for deliberation and a motion. I think we need a little discussion here on this.

### **RETURN TO PLANNING COMMISSION**

GIZZI: Can I ask a question of staff?

DELEISSEGUES: Sure, by all means.

GIZZI: Is it feasible and relatively straightforward to accommodate the school districts' idea of rezoning or adding to the industrial lands if a school district takes it? Can we accommodate that in the code?

ORJIAKO: That's really more of what is determined during the sizing of the urban growth boundary for example, that's when that is taken into consideration.

The way that this is written, there's opportunity for a zone change and those that comes before you, or in this case you will no longer be seeing a zone change if this is approved, it will go to the hearing examiner which will then consider the criteria for a zone change depending on what district the proposal or the application is for and they have to meet the criteria for a zone change.

But when you size the urban growth boundary, for example, you do accommodate for school siting opportunities and other opportunities during the sizing of the urban growth boundary. That's when typically that is considered on the broader picture in terms of the need for different type of lands.

DELEISSEGUES: But, Jim, we can recommend that they change it. That can be part of the motion can be that we approve this with some recommendations.

GIZZI: Yeah, I just don't know if those recommendations are something that can easily be accommodated.

DELEISSEGUES: Well, they can if the County Commissioners decide to do it, that's for certain.

ORJIAKO: Yeah. I believe that's what the school district is recommending or suggesting to the Planning Commission is to make a recommendation that schools be allowed as a conditional use in the ML and in the MH but not in the IR, so it will be consistent with allowing it as a conditional use in the BP, ML and MH if the council so voted to do.

Mr. Chair, you asked a question of what do we mean by "educational support services," this is the NAICS code that we use and by their definition educational support services, good examples are educational consultants or testing services or testing and evaluation. That's what falls under "educational support services" just to provide you an answer of what that entails.

DELEISSEGUES: Yeah, I didn't have a problem with that, I just wondered why educational services had an X in BP and that one is permitted in BP. I didn't know what the significant difference was between "educational services" and "educational support services," that was the question.

WRISTON: What's the definition of "educational services" out of curiosity? Not that we want to go through all of these.

BARCA: 611.

ORJIAKO: 611.

BOGUSLAWSKI: Industries in the Educational Services subsector provide instruction and training in a wide variety of subjects provided by specialized establishments, such as schools, colleges, universities, and training centers.

DELEISSEGUES: So it would be in pretty much the same category as the schools?

BOGUSLAWSKI: The elementary and secondary schools are just a subcategory or a subsector of 611.

DELEISSEGUES: Yet elementary and secondary schools is a conditional use there, but the educational services is an X.

BARCA: It's because it's the higher criteria.

DELEISSEGUES: I'm sure the general public doesn't have access to that book and couldn't figure it out any better than I could.

ALBRECHT: It's online.

BARCA: It's online.

DELEISSEGUES: Oh, well, you can get your iPad out.

BARCA: Let's look it up together.

WRISTON: I guess that leads to one of my questions, and I think I figured it out but I'll just ask it to make sure, but we've obviously brought this table down to a much smaller table, but in order to find out exactly for instance what might come under "educational services," you'll need to refer to the NCIS?

ORJIAKO: NAICS.

WRISTON: NAICS. I've got NCIS on my mind, I like that show. I forget, do we direct people if we're making it user friendly that they might want to refer to that and that it's online?

ALBRECHT: We do on Page 1. Under C it says "The list of uses is based on the 2012 North American Industrial Classification System."

BARCA: Yeah.

WRISTON: I mean we may want to add that which is available online or at the library or something, I don't know. It seems silly to put that in code, but I guess most people know to go online to look that up.

DELEISSEGUES: I doubt it. Most of them wouldn't have a clue until they got in here and found out they called it the wrong thing when they could have called it something else and got it approved.

QUTUB: Well, I think if they have an interest in doing any or all of these things on the list --

HOLLEY: I can't hear you.

QUTUB: If they had an interest in doing any and all of these things on the list, I would think that they will find out what the definition is before they come. I've looked at this code book before and had no other interest until I did and then I found out what things meant.

I do have a question, Mr. Chair, the task force the last time during our work session gave us a reason why they determined that the education facilities needed to be conditional and were not available in some areas, could that be repeated for us? Do you know the reason, what was the thinking behind it?

JOHNSON: Sure. Mr. Chair, if I may?

DELEISSEGUES: Sure, go ahead.

JOHNSON: Thank you, sir. The thinking there was purely about preserving industrial and employment lands for job producing, tax raising type of employment and we didn't have anything against the school districts, school districts just happened to oftentimes take large parcels and we have few of those left. For those reasons we chose to keep them as a prohibitive use in that zone but allowing them to have campus sizes up to five acres.

When Marnie came to us and talked to us, she described a change in the school system that now allows them to use smaller size campuses that may co-locate with businesses and we thought those would be appropriate in business parks.

But the larger school campus sizes without some other offset to add land in just would be an erosion of a very limited pool of land and that was really the only thinking we had there.

QUTUB: That is what I understood from how it was explained before. I guess the new thought that was brought to me was adding other land in, including some other land to be able to accommodate either these industrial zones or some manufacturing outfit or something or a school I suppose, and I think the question was asked of the staff how difficult is that. Is it really a very long and involved process? It is the boundary process, is it not?

ORJIAKO: It is.

QUTUB: So it's --

ORJIAKO: Yes, it is. And, yes, it is an extensive process and the Planning Commission is involved in that process. But, yes, it is very involved and we do work with the school district during that process to accommodate their needs.

QUTUB: It probably wasn't brought up because it is a very difficult process.

JOHNSON: Yeah. I believe in the comprehensive planning process schools are a loose part of the mix, there's a public services deduction from the land inventory as they're going through.

But as we went through that cycle the last time, we started discovering that that was probably way too low of a number to begin with even just to deal with the stormwater and roads and streets and utilities and the other public services that you might need to support development itself. With such a low percentage there, it really pinches the supply and especially if you look at doing that.

But certainly another way to look at that is just to look at the school districts' needs and to be sure that there's an adequate inventory of land to account for the industrial growth and

the school districts and then the concern would be alleviated, there would be no more concern with having them in that district.

QUTUB: Thank you.

DELEISSEGUES: Any other questions?

BARCA: I have a lot, but we've got this educational component rolling right now and I see the school districts would like to come and join in.

DELEISSEGUES: No, come up, you might as well. We need all the help we can get here.

LYNN: I wanted to add to the question that Eileen was asking because when Battle Ground School District built Daybreak primary and middle school, we did what you're saying, we had the City of Battle Ground rezone property so that we were allowed to build where we built and so I don't know that it would really be that cumbersome of a task.

ALLEN: Yeah. So there are two options. One, is amending the urban growth boundary and increasing the supply of industrial lands. That's burdensome, that's cumbersome.

But there's another option and that is look at the existing supply of land. If industrial and job-producing land is the goal, and if as Oliver said the boundary was sized to accommodate for schools, what zoning category did they accommodate for schools in.

If they feel like it should be no net loss, as is the case in the city of Battle Ground of industrial land, then rezone residential or commercial or some other type of land to industrial.

But the challenge will be coming up with a process where the County initiates and does that because school districts are not in the business, nor do they have the resources or expertise, to go out and find other property and rezone it.

But what happened in Battle Ground is the City of Battle Ground found other residential land and rezoned that and then the district's property was built on property zoned residential. They just did that swap and what we're asking is recommend to the Commissioners that approach.

DELEISSEGUES: It would be much easier eliminate the need to do that on the front end.

ALLEN: Yes.

DELEISSEGUES: Thank you. I think we're back to the Commission for discussion and deliberation.

BARCA: No, I'm still rolling on the educational component, thank you, Commissioner Deleissegues. If we go to Page 8 of the tables where we're into not listed NAICS codes, we go down to accessory use that includes the word "educational" and we have the permitted use with the flag note 2 and that says "Permitted only in association with a permitted use," would this be adequate to cover the concept of partnering with any industrial site that would like to co-locate the educational facilities on it?

BOGUSLAWSKI: Based on the definition in the code "accessory use" is subordinate to the primary use of a site. Under this category of accessory uses, yes, it could be included as such services could be included in a development as long as it wasn't the primary use of the site.

BARCA: The sole or the primary.

BOGUSLAWSKI: Right. That could accommodate the type of schools that was being discussed that are partnering with businesses.

BARCA: I think that's a very, very important component for us right now when we talk about this is the private sector partnership, relationship we're having this general discussion about how does the private sector play a role in this education where it's getting specific down to the industrial experience or the business component of education and I think that helps me understand that we do at least have an avenue for any facility that has a primary use as industrial or business park being able to co-locate and partner up.

Then we're really down to the areas where we're discussing a school facility wanting to solely or primarily be the occupant of the land?

ORJIAKO: Right.

DELEISSEGUES: Right.

BARCA: So I think we're really looking at the idea of what does the Commission feel about the component of conditional use. Right now we're saying that elementary, secondary and junior college activities according to flag 8 would be conditional use with five-acre maximum as it's prescribed.

We have a methodology that's in place that says you can do the partnership with any business that's in place, and that's an accessory use, or if you want to go the conditional use route up to five acres.

The two things that I see that happen with that is we're really going to limit the exposure of conflicts which is one of my biggest concerns about the idea of dropping a school facility in on a large segment of industrial land and then having the surrounding industrial land be conflicted of what uses are left that will be compatible with a school facility there as a

standalone.

Obviously if you're partnering up with somebody and you're considering putting an accessory in there, the partner will ensure that there's no conflict and the compatibility would be maintained, so I see that part covered nicely under the accessory component.

I do have that concern about conflicts within the heavy industrial, railroad or even light industrial that the first one in will be the school district and then we will have to try and fit around that use to find uses that are not in conflict or are considered compatible.

That was my primary concern when we had this discussion before and I think that still kind of drives me to think that the way that it was laid out with conditional use in the business park area, five-acre maximum, I'm comfortable with that because business park uses I think we would really have a limitation about what types of potential conflicts there would be for compatible use.

DELEISSEGUES: If I get a chance to weigh in too, I would say that somehow I think we're looking in the past when we're looking at some of this permitted use and not permitted use. We're looking at the old Rust Belt industrial factory that took up 40 acres that pounded out shoes or something that's all done in China.

Now we're talking about smaller office buildings, maybe they have five or six floors, but they don't take up the acreage where you have your informational technology and some of those kinds of things going on.

If Clark County thinks that we're going to go back to the old days of having some big factory that takes up all the acreage in an industrial park, I think we're looking the wrong way, we need to look to the future.

We don't need to preclude schools in the land that we've got available for schools without having them go out and find additional acreage somewhere else if they want to put a school in maybe the only place that's left in that particular area. Schools just can't go any place in the county.

To put up a school they have to go into an area where it's not being served by another school district or another school in that district. Their selection of where they're going to build a school is limited to where the need is, not to where there's 40 acres someplace and they can just go build a school there.

I don't think they should be eliminated from any of the employment zone except the railroad, but they didn't want to be in the railroad zone anyway.

It just doesn't make sense that we're looking at industrial land set asides for some big outfit that's going to come in and do what we used to do in the '50s or the '40s or the '30s, some outfit that's got a steam generator or something, that's not the future of this county.

There's other counties around here that can do that and have nothing but land available and certainly nobody's ever bothered to go there to put up a factory or anything else. The school doesn't have the flexibility to locate their schools anywhere but where they're needed.

They can put a factory anywhere if they're ever going to do it, which I doubt. It hadn't happened yet and I don't think it's going to happen in the future.

You don't have to look very far to see that every big outfit like a sawmill that takes up 40 acres has been closed. They can't even do that, they ship the logs someplace where they saw them somewhere else and it's taking subsidies to keep them going. The environmentalist don't want the coal trains to come through, we ship all that someplace else or close it down.

The other thing is I think we ought to look at the DEAB's recommendation on the ten percent with the conditional use permit, I think that was a good recommendation. I like to look at hospitals for the same thing. We did a study on the hospital when the hospital up at the Salmon Creek area, when Legacy was being proposed, and the State has really rigid requirements on where you can locate a hospital.

They have a service area, they're another one like a school that doesn't have a whole lot of flexibility where they can put a hospital. So to preclude them, and they do take up a lot of acreage, they have usually a parking structure and they like to have additional acreage available for expansion.

We got involved in that with the fire district in supporting a hospital in the north part of Clark County so that the ambulances and things didn't have to run all the way down through congested traffic to get to Southwest.

We ought to think about some of these things. It's not just we're going to have some land here and who's going to get it but who needs it. Where is the need going to be and how flexible are we going to be in allowing those needs and certainly schools and hospitals support the local community.

It's pretty tough if you've got a heart attack and you have to go to Portland Sunnyside or somewhere to be buried. I'm sure other people want to discuss this too. Do you want to start, Jim, and we'll go the other way.

GIZZI: Well, I mean I just look at Prairie for example and I know they're on a larger site than five acres, Battle Ground High School is a larger site than five acres, so limiting a school to five acres to me I just don't see that working.

And then precluding them from light industrial and heavy industrial when they're already conditional uses, I think that also works against us. We've all talked about their ability to create jobs and I'll also add that not only do they create the jobs for the school, but they're also creating the workers to take the jobs and we desperately need an educated

workforce.

I'm for conditional use in light and heavy and business park and maybe changing Footnote 8 so that it allows the county to accommodate an increase in industrial lands or some way to mitigate that take so to speak. I mean that's it.

I think it was told to us that the ten percent was a number that was arbitrary and if there's a number that works better, 15 percent or whatever, I don't know, Eric, I don't know if you guys had a number in mind for increasing that ten percent retail. Was there --

GOLEMO: Conditional use for anything over ten percent was our recommendation.

GIZZI: Gotcha. So that was your point, Dick. And other than those two points I'm good.

DELEISSEGUES: Eileen.

QUTUB: Well, I was just thinking about what you were saying about the Rust Belt and I had a question about a facility like Boeing, is that heavy industrial?

BARCA: Oh, yeah.

QUTUB: How about SEH, is that heavy industrial?

BARCA: Yeah.

QUTUB: And how about HP, is that heavy industrial? That is not Rust Belt, that is the future, and if Clark County could have any of those facilities, well, they do have SEH and they do have HP, but I don't think it is backwards 1950s thinking to think that we shouldn't set aside for industrial uses and good paying jobs.

Sawmills are not in existence for different reasons than, well, I think you sort of said it, we can't cut our natural resources, we can't use our renewable resources anymore because there are people prohibiting that, so sawmills are going out of business for that reason. I do think we need to set aside industrial land. I agree with what the DEAB has come up with with the conditional use and the ten percent issue.

DELEISSEGUES: Ron, do you want to add more?

BARCA: I don't know why we keep railroads. Why do we keep this as a separate designation? Now that we made it from "will" to "could" on a railroad spur, can't we just say that if you want to build a railroad spur and you're next to the railroad go for it, why do we have a separate designation still?

DELEISSEGUES: Well, wait a minute, we haven't done that yet, that was just a recommendation to go from "will" to "could."

BARCA: Well, that's how we're modifying the policy.

DELEISSEGUES: The staff recommended against it.

ORJIAKO: Yes, that's the recommendation. And you're right that we don't have a railroad district; however, this change will provide opportunity for the current ML, for example, that are along the existing Chelatchie Prairie Railroad to convert or to rezone from ML to railroad industrial until such a time when we have an area that we can designate.

We tried that in the '07 plan, but as you know we were appealed, so we are just creating opportunity for the existing properties that are along the railroad. As you know, that have been an investment that the County will continue to find a way to provide opportunity for that railroad to be useful.

There are areas that are outside the urban growth boundary now that the railroad track traverses and there will be opportunity in the future for us to consider where appropriate to designate it for railroad, but you're correct that we don't have a railroad zone somewhere showing on our current map.

BARCA: I'm just continuing to work towards the goal of simplifying and it seems like the encouragement of how to get railroad spurs and railroad users could be done within the way that the County accommodates any potential development as opposed to trying to create a zone for it specifically.

If we vote to go with the change of the language, we pretty much soften it to the point that we're at that place anyway. As a recommendation are we going to go through specifics and items that we wanted to consider removal such as the gas stations, the movie theaters and the things of that nature? Does the Planning Commission, are they willing to entertain that discussion?

USKOSKI: I guess my thought was maybe we address the schools and then send the rest of the tables back or we make our decision but with the recommendation that they look at updating those tables. That was just my thought, I don't know about the others.

DELEISSEGUES: It sounds good.

GIZZI: I agree.

BARCA: We'll take silence from Jeff as a yes.

WRISTON: No, I was thinking. I don't know. If we send the table back, what happens?

BARCA: Nothing.

ALBRECHT: We have a work session with the Board scheduled for October 3rd and a hearing for October 30th scheduled already for this code.

COOK: Christine Cook, Deputy Prosecuting Attorney. Basically what that would mean would be that if you directed staff to work further on the tables, I'm sure they would do that, but you wouldn't see the result before it went to the Board. It would go directly from staff to the Board.

DELEISSEGUES: Right.

BARCA: How does that feel to you?

WRISTON: You don't want to know. I guess my suggestion would be to tackle the big issues. It sounds like we may have consensus on some of these changes that have been put forward with DEAB. And I'm not sure where we stand on schools.

We could find out either through discussion or a simplified motion and then we can go through and tackle any specific uses that people feel should be permitted or not permitted that they have problems with and move it forward and then ask staff to put it on their work program or something that this needs to be looked at again.

BARCA: Mr. Chair, could we vote separately about the school issue?

DELEISSEGUES: We could.

WRISTON: We could probably do the school issue and then I don't know where we're at on the other issues that DEAB and other people brought up or not and we could do that maybe too.

DELEISSEGUES: Jeff, I think they were examples of possible conflicts or confusion. I don't think we want to spend all night going through every single one of these, but if there's some that really stand out --

WRISTON: No, I'm talking about the conditional, the change from the ten percent to conditional.

DELEISSEGUES: Sure, that could be in a motion. We could move to approve this with that change and the school change or whatever else you want to put in there.

WRISTON: Right. And then if we try to do all the table changes, that's going to make a really complicated motion was my only point.

DELEISSEGUES: I agree.

GIZZI: If I'm understanding, could I make a motion on the school portion and then we'll

come up with a motion on the conditional use on the ten percent and as long as that's kept track of we should be okay? Yes?

DELEISSEGUES: You could either separate those out or you could lump it into one motion and see how that goes, either way --

GIZZI: I think I can do that.

DELEISSEGUES: -- whatever you think would be the best.

GIZZI: I think I could do that. I'd like to make a motion that --

USKOSKI: Before you make a motion could I - over here, Jim - could I comment?

DELEISSEGUES: Yeah.

GIZZI: Please, go ahead.

DELEISSEGUES: I thought you did.

USKOSKI: No. I guess just from where I stand on the educational services in the industrial areas, I do think at times there are places where it could work out, but when you look at some of the uses that can go into a heavy industrial, I understand where Dick is going with that, factories springing up and stuff like that.

I also think looking ahead in the future you're still going to have asphalt production plants that are heavy industrial and the uses associated with those aren't really compatible with school districts. Nor major metal recycling facilities and things along those lines that do go in heavy industrial.

I don't think there's a compatibility with an elementary school side-by-side with those and the school will likely end up there before one of those facilities and then what.

I don't know that I would support those elementary schools and some of those other ones in the heavy industrial. I could probably go either way on the light industrial, but not in heavy or in the railroad.

DELEISSEGUES: I don't think they want it to be in the railroad anyway.

USKOSKI: Yeah.

DELEISSEGUES: Unless they're teaching people to drive the train. Yeah, go ahead, Jim.

GIZZI: No worries. I'll make a **MOTION** and if we want to amend it, then let's do so. On the school issue I'd make a motion that on Page 7 of 16 we would change 6111 and

6112 to have C's in the two rows under the columns IL, IH and BP. We add the Footnote 8 or the superscript 8 to all six of those and we have that footnote accommodate the note.

I'll paraphrase it and somebody's going to have to put something together that works, but the Footnote 8 would be to accommodate an increase in the applicable zone as necessary if the lands are taken from these categories.

The intent there is to allow the industrial lands to be recaptured through a rezone from other properties in the county.

To accommodate the ten percent issue, I think that was simply a footnote under that P1 that said that anything over ten percent would need conditional use.

DELEISSEGUES: That's what it said.

USKOSKI: Chris, you look like you have something.

COOK: I have something on my mind.

GIZZI: Should you have said it before I made my motion?

COOK: I didn't know what your motion was going to be.

BARCA: And it hasn't been seconded.

COOK: I'm not sure that you can as a part of a conditional use include a rezone. I think those are separate processes.

DELEISSEGUES: They are, yeah.

COOK: It seems to me that what you are speaking to is a policy of how the County should deal with the issue of the need for replacing industrial land that would be used in educational land and I think that's an enormously legitimate question; however, it's not part of a conditional use proceeding.

GIZZI: That was the reason for my questions earlier and I was assured that it was possible so that's the --

COOK: It can be done but it's done as a rezone, it's not done as part of the conditional use.

GIZZI: I don't know how to word the footnote obviously, I would expect that staff would be able to help us with that.

COOK: I don't think that that is appropriate in that footnote simply said, but it might be appropriate as an addition to a policy somewhere else. This is a comprehensive plan change so that could occur somewhere else, but I don't know where that would be

precisely at this moment.

DELEISSEGUES: Thank you.

COOK: You're welcome.

DELEISSEGUES: Is there a **second** to Jim's motion? Do you want to put forth another motion? Or, Jim, do you want to work yours or rework it?

GIZZI: I'm not sure how to accommodate the issue around the rezoning of the lands. Clearly that's more difficult.

BARCA: Let me go in the opposite direction then. I'd like to make a motion just to accept the staff recommendation to keep conditional use with subscript 8 in place as described by staff which is only in the BP area.

WRISTON: You're talking about schools only?

BARCA: Yeah.

WRISTON: We're dealing with tackling just the schools issue?

BARCA: 6111, 6112, conditional use as described.

DELEISSEGUES: Is there a second to that?

QUTUB: Ron, is this --

BARCA: Yes.

GIZZI: As proposed is what Ron is saying.

QUTUB: I would **second** that.

DELEISSEGUES: Any discussion on the motion?

WRISTON: I have a little discussion because I thought we were leaving the school, I apologize, I thought we were leaving the school issue --

DELEISSEGUES: Separately.

WRISTON: -- separately.

BARCA: We are. We're tackling just the school issue at the moment.

WRISTON: Right. Until I heard the motion I thought we were doing it after we did the

easier ones.

BARCA: This is in response to Jim starting the ball rolling so I'm just trying to (inaudible) it.

WRISTON: Right. My discussion is related to the motion on the schools and that is I completely agree with Val. I was going to discuss the heavy industrial. I don't think that SEH and Hewlett-Packard were located on heavy industrial property, I think they're located on light industrial property and I think they would be today located on light industrial property.

My problem with heavy industrial property is that it's harder to site the uses in heavy industrial property than it is for schools and besides factories, there are still many uses including H&H Wood Recycling, concrete plants, asphalt plants, rock crushing, which rock is being shipped down the river now, and I think garbage facilities and things like that are all heavy industrial uses.

We have a very small inventory of heavy industrial uses outside the Port of Vancouver. Like Val I would support light industrial, BP, but heavy industrial I think is problematic not just because of the incompatibility, but because it's a unique zone with unique uses, so I wouldn't support that.

QUTUB: I thought that's what this was.

GIZZI: Could I make another **motion**?

BARCA: We have a **motion**.

**USKOSKI: We have a motion and a second.**

WRISTON: I was just having some discussion.

USKOSKI: I think Jeff's agreeing that he wouldn't support putting schools in the heavy industrial.

QUTUB: He's supporting basically what Ron just moved.

WRISTON: Ron says limiting it to BP and he's not including light industrial. I haven't completely wrapped my arms around whether schools should go into light industrial or not. Obviously I have to do that quickly.

DELEISSEGUES: Are you putting that forward as a friendly amendment?

WRISTON: He's excluded heavy industrial anyway.

DELEISSEGUES: I know.

WRISTON: I figured I would get that discussion out on the table if another motion came.

DELEISSEGUES: (Inaudible) included BP, didn't you?

(EVERYBODY TALKING AT THE SAME TIME.)

HOLLEY: I didn't hear you.

DELEISSEGUES: We're talking about light industrial.

WRISTON: Your motion only includes BP; correct?

BARCA: That's correct, as described in staff recommendation, right.

WRISTON: Thank you.

DELEISSEGUES: Any other discussion? I guess not. It's moved and seconded, we have a motion, no further discussion. Can we have roll call.

**ROLL CALL VOTE**

BARCA: AYE  
USKOSKI: AYE  
QUTUB: AYE  
GIZZI: NO  
WRISTON: NO  
DELEISSEGUES: NO

WISER: 3/3.

BARCA: You got to love it.

DELEISSEGUES: That's okay. I think we know why we differ so that's fine.

GIZZI: Is it appropriate to put another motion out there?

DELEISSEGUES: We need another motion for the rest of it.

GIZZI: For the rest of it?

DELEISSEGUES: That was just for the schools.

GIZZI: I was going to put another motion out there for the schools, is that acceptable?

DELEISSEGUES: It is but I think we've got the vote. Go ahead.

GIZZI: I was going to --

DELEISSEGUES: Let's see what --

GIZZI: -- try and find something to maybe close this and propose the conditional use under light industrial and business park with no limitation of five acres, just conditional use under light industrial and business park, no heavy industrial or railroad. My **MOTION** would be conditional use for 6111 and 6112 under light industrial and business park.

WRISTON: **Second.**

DELEISSEGUES: Any discussion on that? Roll call.

**ROLL CALL VOTE**

BARCA: NO  
USKOSKI: NO  
GIZZI: YES  
QUTUB: NO  
WRISTON: YES  
DELEISSEGUES: YES

BARCA: All right.

DELEISSEGUES: It's the same thing we did the first time, we just reversed it.

GIZZI: Except that this time we added light industrial in there.

DELEISSEGUES: That's why we voted "no" on the first go-around. Now we need to deal with the whole issue minus the schools.

WRISTON: I can --

BARCA: Do you got something ready to roll?

WRISTON: Yeah, I'll try to minus the schools. I'll make a **MOTION** to accept staff's recommendations with the following changes, although, staff, you may have to help me, I can't remember which ones you support or not, but to change the ten percent retail restriction to allow conditional use of retail uses over ten percent.

On the railroad I would make a motion to change "will" to "could." There's an issue of landscaping and I don't remember how staff, but I make in the motion that we accept the EZ task force recommendation on landscaping. Did I get everything?

USKOSKI: I think so.

DELEISSEGUES: I just wonder if we could vote separately on the "will" to "could"?

WRISTON: Sure. I don't have a problem with that.

DELEISSEGUES: That way I think if somebody's got an issue with that, they'd vote against the whole thing when maybe that's the only problem.

WRISTON: Yeah. I'll separate out the "will" to "could" and just amend my motion to include the conditional use for the over ten percent retail uses and the landscaping. Am I missing anything?

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

DELEISSEGUES: Any discussion on the motion?

BARCA: I will say that there are several uses that hit on that ten percent that I find distasteful in the employment lands and I will discuss those separately, but overall I can support the motion, it's just some of the particular uses are egregious to me.

WRISTON: And there are a couple of uses that I'd like to make a motion separately to change. I just think we need to do it separately or we're going to get convoluted.

DELEISSEGUES: Does everybody understand where we are?

QUTUB: I think so.

GIZZI: Yes.

DELEISSEGUES: Roll call, please.

**ROLL CALL VOTE**

USKOSKI: AYE  
BARCA: AYE  
GIZZI: AYE  
QUTUB: AYE  
WRISTON: AYE  
DELEISSEGUES: AYE

DELEISSEGUES: Then do we want to address the "will" to "could" and then we'll go on from there to specifics. Can we get a motion on that?

WRISTON: Dick, just a quick discussion on my rationale on that "will" to "could," and maybe it's just a lack of knowledge or whatever or a wording change, but part of my

rationale for wanting to change the "will" to "could" is there are sites out there that, unless we know for a fact that there aren't, that either have existing spurs or sidings I would think, and in that case we wouldn't necessarily want to force someone to build another spur and have to show that they will build another spur, so that may be a language change, I don't know.

DELEISSEGUES: I just wonder if you put in "will," if you put in "could," if that doesn't open it up to people that don't have any use at all for the railroad but want to use the property.

WRISTON: Right. And that's what I'm saying, it may just be a language change. My concern is just existing sites that have another way to use rail without building a spur and holding up -- obviously the idea of a spur is so you can get the trains off the track and spurs and sidings and things like that provide for that and I would think in our county we have some but I don't know for a fact.

DELEISSEGUES: But you're not opening it up to somebody that wants the land that doesn't plan to use the railroad?

WRISTON: Right. I'm just saying I kind of just landed on that, that's why I was going with "could," but I threw that out that it's probably just maybe a language change or if something that allows unless an existing siding or spur or other means is there on-site that they can show will allow an appropriate railroad use, something along those lines.

DELEISSEGUES: Maybe you could word the motion that way.

WRISTON: I can, yeah.

DELEISSEGUES: Do you want to make it?

BARCA: He's made a motion.

DELEISSEGUES: Did he?

BARCA: Yeah.

WRISTON: Well, I'll make --

DELEISSEGUES: Make it again.

WRISTON: Let me change it. I'll make a **MOTION** that we keep the "will" language in there but we clarify in the language that the "will" doesn't apply if the applicant is able to show either an existing spur, siding or other means to have an appropriate railroad use.

I was going to say load or unload cargo or freight, but I don't know enough about the industry, I'm worried I'm going to limit them too much, but to have an appropriate railroad

use to meet the intent of the zone.

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

DELEISSEGUES: Discussion?

BARCA: So --

WRISTON: Maybe they unload quickly, I don't know.

BARCA: -- and as I read this it appeared that the motivation was genuinely to try and actually get job creators wherever they wanted to site themselves and if they were to be adjacent to the railroad but not users of the railroad, this would actually allow for that to take place.

WRISTON: The "could."

BARCA: The "could."

WRISTON: Right.

BARCA: I genuinely believe that that was the recommendation was to not preclude anybody from siting wherever they wanted to and not have the railroad be the deciding factor.

WRISTON: Yeah. If you want to go that way.

BARCA: I'm not opposed to that myself, but as I did mention earlier, I think it would really be the death knell of the industrial railroad zoning concept and we should just get back to trying to figure out how to incentivize the concepts of utilization of the railroad as a public facility that was going to be a revenue generator rather than trying to do it with an overlay that we don't actually have in existence at the moment. But you have a motion and it has been seconded, I just wanted to put that out there.

WRISTON: I can amend it.

BARCA: No, let's roll with it.

QUTUB: Can we restate the motion because I kind of got lost in all the words.

DELEISSEGUES: I don't blame you.

QUTUB: I don't know what the motion is.

WRISTON: The **MOTION** is to keep the word "will" in there but to allow exceptions to building a spur if there is either an existing facility or the applicant can show that they can

meet the intent of the railroad use.

The reason why I'm putting that language in there, for instance if the applicant can show that they can move their cargo off quickly or something.

I guess the important thing is the applicant have some flexibility to at least show how their use would utilize the railroad without necessarily building a spur and the best example I can come up with would be an existing spur or siding.

DELEISSEGUES: Is that clear?

QUTUB: That's kind of what this code says, "rail use plan showing where they could build a spur track that will connect with....."

GIZZI: That could connect with the main line.

WRISTON: I think the concern that everyone's having, and I don't necessarily share, but I think the "could" language, the concern that everyone is having is that the "could" language would allow other uses to come in there and not utilize the railroad at all.

QUTUB: But that's the new recommendation. So you're changing from what's being recommended? You see that? This is the new recommendation.

WRISTON: The new recommendation, staff's recommendation, is to keep "will"; right?

ALBRECHT: Yes.

WRISTON: I thought it was to keep "will."

DELEISSEGUES: Yeah, it is. The staff recommendation is "will."

QUTUB: It's to the DEAB from Gary Albrecht, it looks to me like --

DELEISSEGUES: In the staff report.

ALBRECHT: "Will." The recommendation is to change the "will" to "could" so Jon wanted to see "will" stay the same so this is to "could." So, yes, staff's recommendation is to keep it as "will."

DELEISSEGUES: Yeah.

BARCA: It was DEAB's recommendation to change it to "could."

WRISTON: It was DEAB's recommendation to change it to "could"?

QUTUB: Yes. I thought this memo from Gary Albrecht was sort of stating that --

ALBRECHT: Excuse me, I apologize for interrupting you. It came from the employment zone task force that change and then we brought that specific change to DEAB to let them weigh in on that and that's when they said they recommended that.

QUTUB: So in this memo you're just stating what DEAB said?

ALBRECHT: Correct.

DELEISSEGUES: There's a motion and a second. Is there any other discussion? Roll call.

**ROLL CALL VOTE**

USKOSKI: AYE  
BARCA: AYE  
GIZZI: AYE  
QUTUB: AYE  
WRISTON: AYE  
DELEISSEGUES: AYE

DELEISSEGUES: What else do we have to do now?

USKOSKI: Amend the tables.

DELEISSEGUES: Do you want to go through some of these specifics?

GIZZI: Gas stations and movie theaters.

WRISTON: I'll throw out just on the one quick one, only because, Dick, you mentioned it and I put a question mark next to it too, and that hospitals be permitted under the light industrial zone.

My rationale for that is that hospitals really are an employment zone. If you look at what happens up at Salmon Creek for instance and Southwest, they bring in business parks all around them and light industrial uses, research facilities.

DELEISSEGUES: Is there a second?

BARCA: Dick, wait, wait, wait.

DELEISSEGUES: Whoa. He made a motion so I'm just asking if there's a second.

BARCA: Was that a motion?

WRISTON: Yeah, I made a **motion** to put hospitals as a permitted, and actually excuse

me, permitted in both light industrial and business park rather than conditional. I think the State has very tough restrictions on this.

QUTUB: What page are we on?

USKOSKI: Page 7.

(EVERYBODY TALKING AT THE SAME TIME.)

BARCA: Page 7, 622.

WRISTON: So changing the use in BP from conditional and putting it as permitted and making it permitted in the light industrial zone.

USKOSKI: I would **second** that.

DELEISSEGUES: Ron, you wanted to say something?

BARCA: No, that's fine. I don't mind handling these one motion at a time.

DELEISSEGUES: Roll call.

**ROLL CALL VOTE**

GIZZI: AYE  
BARCA: AYE  
USKOSKI: AYE  
QUTUB: AYE  
WRISTON: AYE  
DELEISSEGUES: AYE

DELEISSEGUES: Next. Tell me when you need a break again, okay.

WRISTON: Ron's going to --

BARCA: Mine are all to be omitted so I'll try and keep the motion in that context. If I mention it, I just want it out.

GIZZI: Out of all zones or out of a specific zone?

DELEISSEGUES: Eliminated.

BARCA: I want it out. In some cases it won't be necessarily shown on the table as all zones, but if I mention it right now, I just want it out.

Let's start at Page 5, 447, gasoline stations, because that's retail, 10,000-square foot which is problematic by itself.

DELEISSEGUES: What number was it, Ron?

QUTUB: 447.

BARCA: 447 on Page 5.

QUTUB: Page 5.

DELEISSEGUES: Got it, yeah.

BARCA: On Page 6 top of the page, 51213, movie theaters, permitted in business park, and 5221, branch banks drive-up service. Page 7 down close to the bottom of the page, 71394, fitness recreational sports center, and then right underneath it, 71395, bowling center, and that is my **MOTION**.

USKOSKI: **Second.**

DELEISSEGUES: Just a question --

BARCA: Certainly.

DELEISSEGUES: -- under 71399 it says "All other amusement and recreation industries," if you take those two out would it still be covered under 71399?

COOK: No.

BOGUSLAWSKI: No.

DELEISSEGUES: That's what I wanted to know.

WRISTON: Another quick question. By taking this out this wouldn't prohibit what you were talking about, Oliver, the recreational use for employees?

ORJIAKO: No.

WRISTON: I think we're on discussion; right?

DELEISSEGUES: Yes.

WRISTON: I think the only one I have concerns about is the gasoline stations.

QUTUB: I do too.

WRISTON: And that is it's limited to the ten percent and I just in a large industrial area, I'll use the Port as an example, having a gasoline station is a convenience to employees.

And I also don't know if that is, it may be covered somewhere else, the gasoline for trucks and --

BOGUSLAWSKI: G.1.

BARCA: Yeah.

WRISTON: So they'd be allowed. So we're talking about --

BOGUSLAWSKI: It's in G.1.

WRISTON: So we're strictly talking about just retail gas stations, I still think that they would be appropriate in --

DELEISSEGUES: There are kind of gas stations where they're called card stations and an industry has those card stations right next to them so they can fill their own trucks and everything up.

WRISTON: Right, and that's the G.1.

ORJIAKO: Page 8 of 16.

DELEISSEGUES: It's what?

ORJIAKO: 8 of 16.

WRISTON: Page 8.

BARCA: Page 8, Number 1.

WRISTON: So the fleets can use it. But I still have a concern on -- this is the differentiation between large industrial sites and small industrial sites, but large industrial sites and business parks where a gas station might be appropriate. I look down on areas of Fourth Plain for example where there's gas stations located next to basically almost all industrial and not a coincidence a school.

DELEISSEGUES: Ron mentioned some that he would like to see out, does anybody else have some others that they would like to see out or change?

GIZZI: Ron has a motion and a second.

DELEISSEGUES: I know.

USKOSKI: We can amend his motion if necessary.

DELEISSEGUES: What I'm trying to do is if --

GIZZI: No.

DELEISSEGUES: -- there's no additions to that, if you vote you could say I don't agree "no" on the gas stations but "yes" on the other two or "yes" on all of them or "no" on all of them so we don't have to keep going through these one-by-one.

QUTUB: The thing is, Mr. Chair, we can't really do that, it's a motion that included all of these things. If you disagree with one --

WRISTON: We were just giving discussion. I'm sorry.

DELEISSEGUES: You disagree with all of them.

QUTUB: If you disagree with one, you disagree with all.

BARCA: Let me just talk to you what your discussion on that was. It was primarily because ten percent of an unknown size to me left us in a position that says we can go from a convenience to a major facility that becomes a draw unto itself with a lot of single occupancy vehicle traffic that could be incompatible with other uses and that was my primary concern was just the way that it was. I could entertain a motion for conditional use to modify my motion.

WRISTON: I like conditional use.

USKOSKI: I would like to see that.

GIZZI: Wait. Could I clarify that the ten percent is of the gross floor space in the developed site.

BARCA: You're right.

USKOSKI: Yeah.

GIZZI: Okay.

WRISTON: No, I like the conditional use so that everything will be looked at and the need will be looked at and everything else. Because I can see circumstances exactly like you're talking about and I can see circumstances, and I see it almost every day, with where I'm talking about.

BARCA: Yeah. So I would entertain the friendly amendment to modify my motion to change 447 to all conditional use.

DELEISSEGUES: Which one was 447?

QUTUB: That's gasoline.

GIZZI: That's gas stations.

BARCA: That's gasoline stations.

DELEISSEGUES: Okay, without me going back to look. Any other discussions?

BARCA: My **friendly amendment** needs a second.

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

DELEISSEGUES: It's been moved and accepted the friendly amendment and seconded with that. Any other discussion? Roll call.

### **ROLL CALL VOTE**

USKOSKI: AYE

BARCA: AYE

GIZZI: AYE

QUTUB: NO

WRISTON: AYE

DELEISSEGUES: NO

DELEISSEGUES: Like you say, if you don't like one, you don't like them all.

BARCA: Gee, Dick, tell me which one you didn't like.

QUTUB: (Inaudible) so why bother.

BARCA: I'm always interested.

HOLLEY: I can't hear you guys.

DELEISSEGUES: The theater and the bowling alley, I don't think that's a big problem.

QUTUB: No. I don't think gas station is any problem.

DELEISSEGUES: The gas was okay, conditional use on the (inaudible).

GIZZI: So we're all lost in the details of this table.

DELEISSEGUES: Does anybody want to make any further motions? Does staff think that we've given you enough in the way of some kind of a direction?

ORJIAKO: I think you have.

DELEISSEGUES: Probably too much.

COOK: I don't think the table as a whole has been adopted. Done lots of amendments but you haven't done the overall.

ORJIAKO: Yes. You've done a couple of amendments so we will probably need a motion to adopt all the amendments that you've made and --

BARCA: As amended.

ORJIAKO: -- as amended. And then repeal of the other sections that we included in our staff report. And then the text changes that also is before you we need a motion to addressing all those areas, so we need one motion.

USKOSKI: I will make a **MOTION** to accept the tables as amended by previous motions and --

ORJIAKO: Repeal --

USKOSKI: -- repeal 40.230.030 and 080 and adopt 40.230.085.

ORJIAKO: Also to repeal, where's that section, 40.230.030.

BARCA: Yeah, she said that.

USKOSKI: Yes.

DELEISSEGUES: Second?

BARCA: I'll second that. Any discussion? Roll call.

**ROLL CALL VOTE**

USKOSKI: AYE  
BARCA: AYE  
GIZZI: AYE  
QUTUB: AYE  
WRISTON: AYE  
DELEISSEGUES: AYE

DELEISSEGUES: Anything else on this?

QUTUB: Did we get the text changes? That was in that motion?

USKOSKI: Yes.

ORJIAKO: Yes, that's in that and also the landscape table. Everything is in there.

BARCA: For our viewing audience that's how things get done.

**OLD BUSINESS**

None.

**NEW BUSINESS**

None.

**COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION**

None.

**ADJOURNMENT**

The hearing adjourned at 10:00 p.m.

All proceedings of tonite's hearing can be viewed on the Clark County Web Page at:  
<http://www.clark.wa.gov/planning/commission.html#agendas>

Proceedings can be also be viewed on CVTV on the following web page link:  
<http://www.cityofvancouver.us/cvtv/>

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**Chair**

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**Date**

*Minutes Transcribed by:  
Cindy Holley, Court Reporter  
Sonja Wiser, Administrative Assistant*