



## Clark County Planning Commission

Karl Johnson, Chair  
Ron Barca, Vice Chair  
Aldo Lampson Veranzo  
Steve Morasch  
Bryan Halbert  
Matt Swindell  
Bryant Enge

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### PLANNING COMMISSION MINUTES THURSDAY, AUGUST 19, 2021

Public Service Center  
Council Hearing Room, 6<sup>th</sup> Floor  
1300 Franklin Street  
Vancouver, Washington

6:30 p.m.

#### **I. CALL TO ORDER**

WISER: Ron, we're live and you can go ahead and start the meeting.

BARCA: All right. I'm going to go ahead and call the meeting to order then. Good evening, ladies and gentlemen, members of the public, staff members. I'd like to call this online public hearing to order for Thursday, August 19th, 2021. I am Ron Barca, standing in for the chair this evening.

#### **Planning Commission Rules of Procedure**

BARCA: The role of the Planning Commission is to review and analyze comprehensive plan amendments, zoning changes and other land use related issues. We follow a public process including holding hearings during which the public has an opportunity to provide additional perspective and information. In legislative matters, the role of Planning Commission is advisory. The County Council will hold a separate hearing, consider our recommendations and make a final determination on their own.

So, the rules of procedure for us is the Planning Commission will hold a public hearing tonight and take testimony regarding the matter being considered. If any public comments were received by mail or e-mail before tonight's hearing, they have been sent to the Planning Commission members and entered into the Planning Commission public record.

The staff will go first, present information about the agenda item and to the Planning Commission and the Planning Commission can then ask questions of staff. Next, we will invite the applicant to speak. Then members of the public, who wish to provide comment, will be asked to speak.

When we get to the public comment portion of the agenda, we will provide more detailed information for your participation at that time. Please keep your remarks brief and to the point. We'll have three minutes for each person to speak.

At the conclusion of public testimony, the applicant, if present, which I believe they are, make take up to three minutes to respond after which the public portion of the hearing will be closed. Staff may then respond to testimony from the applicant and the public. The Planning Commission will then deliberate and make a recommendation to the County Councilors.

Before we begin tonight's hearing, for the virtual members of the Planning Commission and staff, please ensure your microphones are turned off or muted unless you are speaking. Also remember to turn on your video camera throughout tonight's hearing.

For virtual audience members, you are all muted. You will only be unmuted if you wish to speak during the public comment period. Please show respect for the people testifying tonight whether you agree or do not agree with their comments.

And one last item requested by the court reporter. Cindy has to deal with WebEx and sound issues while transcribing verbatim minutes. If any PC member has a question, I will call upon each one of you individually stating your name, first and last, and you can respond with your question.

When it comes time for discussion, I will also call upon each one of you individually and ask you if you have discussion items. When you make a motion, please state your first and last name and then make your motion. And the same goes with a second of the motion, state your first and last name for the second.

BARCA: Would any member of the Planning Commission like to disclose any conflict of interest before we start tonight's hearing? And with that, we will go on to roll call please and the introduction of guests.

None.

## **II. ROLL CALL**

BARCA:	HERE
ENGE:	HERE
HALBERT:	HERE
VERANZO:	HERE
MORASCH:	HERE
SWINDELL:	HERE
JOHNSON:	ABSENT

WISER: Karl is absent.

### **Staff Present**

Christine Cook, Sr. Deputy Prosecuting Attorney; Oliver Orjiako, Clark County Planning Director; Jose Alvarez, Planner III; Jenna Kay, Planner III; Daniel Sommerville, Planner II; Jacqui Kamp, Program Manager II; Gary Albrecht, Planner III; Sonja Wiser, Program Assistant; and Cindy Holley, Court Reporter.

### **III. GENERAL & NEW BUSINESS**

#### **A. Approval of Minutes for August 19, 2021**

BARCA: And with that, we'll go on to general approval of the agenda for August 19th, 2021. Can I get a motion, please?

VERANZO: I make a motion to accept the **minutes**.

SWINDELL: I'll second.

BARCA: For clarity of the record, we're going to go ahead and approve the **minutes** first. Then we'll come back, and we'll get the agenda next. So, the minutes are for June 17th, 2021. Let's go ahead and say our vote.

EVERYBODY: AYE

#### **B. Approval of Agenda for August 19, 2021**

BARCA: All right. No opposed? Let's move on to the agenda now for August 19th, 2021.

SWINDELL: I move that we approve the agenda for August 19th, 2021.

ENGE: I'll second that.

BARCA: And that was?

ENGE: Bryant. Bryant Enge.

BARCA: Thank you. Okay. All those in favor say aye.

EVERYBODY: AYE

BARCA: Is there any opposed? No. Okay. We're through that part. All right.

### **Communications from the Public**

BARCA: So, now this is the time for communication from the public which is not related to tonight's agenda. So, in the agenda, it is communication from the public under III.D. Is there anybody from the public that wishes to speak on any item other than what is in tonight's agenda?

WISER: Jacqui, is there one? Are there any members, Jacqui?

KAMP: If any member of the public would like to speak, please raise your hand using the raised hand icon and it shows on the screen here. And if you are a call-in user, please dial star 3 to raise your hand via telephone.

BARCA: All right. Well, let's give that just a moment for those people that may be on the phone.

KAMP: So, yes. For those using the phone, please dial star 3 to raise your hand.

BARCA: Any takers?

KAMP: I don't see any takers.

WISER: There are no callers.

### **IV. PUBLIC HEARING ITEMS**

#### **2021 Annual Review amending the 20-Year Growth Management Comprehensive Plan Map and Zoning Map:**

**CPZ2021-0003 Herrejon:** *A proposal to amend the comprehensive plan map and zoning map from Commercial (Neighborhood Commercial) to Urban Low Residential (R1-6) on a parcel, approximately 2 acres, located at the intersection of NE 99th St. and NE 107<sup>th</sup> Ave. The parcel number is 155326000.*

**Staff Contact: Jose Alvarez, [Jose.Alvarez@clark.wa.gov](mailto:Jose.Alvarez@clark.wa.gov) or (564) 397-4898**

BARCA: Okay. Thank you. Then we will move on to the public hearing portion of the evening and we will go ahead and look at CPZ2021-00004, (sic) Herrejon. Jose, will you take it from here, please.

ALVAREZ: Okay. Good evening, Commissioners. This is Jose Alvarez with Community Planning. Let me try to share my presentation. Can you all see that? Can you see that?

SWINDELL: Yes.

VERANZO: Looks good, Jose.

ALVAREZ: All right. So, we have one application that we will be going over this evening. I am going to just give you an overview of the project, the proposal, and then go over some of the -- the criteria that was used to make our determination and summarize what was the findings and conclusions that were in the staff report.

So, the -- this is CPZ2021-00003, Herrejon. It's one parcel. That's kind of small to see, but the red dot is the site is approximately two acres and it's located at the intersection of N.E. 99th Street and 107th Avenue. It's actually in the Sunnyside Neighborhood Association,

I think the earlier PowerPoint had the neighborhood association to the south, so I just wanted to clarify that. And it's located at 9808 N.E. 107th Avenue in Vancouver.

So, the current zoning of the property -- the current comp plan designation is commercial with a neighborhood commercial as the zoning. And that's the site highlighted in red. The proponents would like to change the zoning to urban low density residential with an R1-6 zone which is 6,000-square foot lots.

The property just to the east in the IL is the Leichner Landfill and just to the west is 94th Avenue and to the east is 117th Street which is SR-503. This is just a high-level summary of some of the neighborhood commercial uses that are allowed in the neighborhood commercial zone. A lot of retail sales and services generally of the smaller footprint variety are in the neighborhood commercial.

We have three commercial zones, neighborhood commercial, community commercial and general commercial. And this is the most restrictive one and really intended for those types of uses that are sort of convenient shopping needs and are limited in size. So, I just wanted to provide you with some of that background there.

At the work session, there was a request for a little more information about the road project that is being proposed. There's a road project of N.E. 99th Street improvement that will go from N.E. 94th Street to just -- just west of 117th Street. There's going to be three roundabouts.

The first one, the map on the top here on the left-hand side is N.E. 94th Avenue and N.E. 99th Street. So, the map is going to go from west to east. So, if you follow this along on the bottom portion, it continues eastward. This bottom right-hand corner where the X is, is the subject property. Again, the X is where the subject property is.

The second roundabout is going to be at the intersection of 107th Avenue and N.E. 99th Street. And then the last roundabout will be here at 110th Avenue or 112th -- or 110th/112th and N.E. 99th Street. And on the bottom, you can see where 117th Avenue is just to the east of that intersection. This is approximately a mile, a little over a mile long from 117th Avenue to N.E. 94th.

There's going to be some of the additional improvements that part of this road project.

In addition to the roundabout, there's going to be new street lighting at the intersections. There's going to be three raised pedestrian refuge islands. There's going to be sidewalks, bike lanes and/or mixed-use paths on both sides of N.E. 99th Street.

There's going to be a single travel lane in each direction with a center turn lane in some locations and the noise barrier walls at specific locations. Those are going to be primarily -- those are at 117th and closer to N.E. 94th, sort of abutting some of the neighborhoods there.

This is a Cross Section of the M-2cb which is what N.E. 99th Street is a minor arterial with the 72-foot right-of-way, 12-foot travel lane, the center median, bike lanes and sidewalks on either side.

I just wanted to give you some context of other locations within the county that have neighborhood commercial and the types of uses that are allowed. So, this is at Erickson Farms on N.E. 36th Avenue on the west side. So, you can see there's a series of restaurants, coffee shops, spa, athletic facilities, athletic clubs, professional office, a real estate and some -- and an educational learning center.

And then further south -- actually further north is Felida Village. And this is north, facing N.W. 36th Avenue. And at the intersection of 119th, this is also a corner. This is not neighborhood commercial, it's actually mixed use, but it has sort of similar uses allowed in terms of commercial.

And it also allows -- well, mixed use requires the residential component which would also be allowed in the neighborhood commercial zone. And that's the view from south facing and the road is similar to what you would see on N.E. 99th Street.

So, I just wanted to -- in order to review this annual review, we need to consider the applicable criteria. So, there are five criteria that we review. I'm just going to go over them and just sort of give you the summary of what's in the staff report.

A. Consistency with GMA & Countywide Policies. The code says that the proponent shall demonstrate that the proposed amendment is consistent with the Growth Management Act and requirements, the Countywide Planning Policies, the Community Framework Plan, Comprehensive Plan, City Comprehensive Plans, the Applicable Capital Facilities Plans and the official population growth forecasts.

The determination was that the commercial designation better implements the land use housing and economic development goals and policies as it allows residential units above the ground floor and allows for the long-term employment through a wide range of allowed commercial uses that I showed you earlier. So, we didn't find that the applicant met that criteria.

B. The proponent shall demonstrate that the designation is in conformance with the appropriate locational criteria identified in the plan and the purpose statement of the zoning district.

The existing commercial designation provides an opportunity for small scale commercial, retail and service uses in close proximity to the existing neighborhood both east and west of this site, especially when the completion of the road N.E. 99th Street which is scheduled to start late this year, early next year. And in addition, the housing units are permitted above ground floor commercial.

The third criteria, Site Suitability and Lack of Appropriately Designated Alternative Sites. The map amendment or site has to be suitable for the proposed designation and there's a lack of appropriately designated alternative sites within the vicinity.

We found that the proposed designation of R1-6 would remove the only commercial property within a mile radius of the site that's not on SR-503. We found that there's a larger undeveloped residential site across N.E. 99th Street to the east that's considered prime developable land by the vacant buildable lands model and the Assessor's Office. So, we didn't find that the proponent demonstrated that there's a lack of R1-6 sites within the vicinity.

The fourth criteria that the Amendment Responds to Substantial Change in Conditions, Better Implements Policy, or Corrects Mapping Error. There was no -- there weren't any mapping errors.

And we found that given the proposed road improvements along N.E. 99th Street and future industrial development along N.E. 94th Avenue, that it seems premature to abandon the neighborhood commercial zoning on the site until those developments have occurred to determine the long-term commercial viability on the site.

And that the number of homes that would be generated from the site would not significantly increase the supply of housing. We did concur with the applicant that the full range of urban public facilities and services are available in the area to serve the site.

So, in terms of process after this hearing, there will be a County Council work session and hearing, but those haven't been scheduled yet. But in terms of effective date, if this were to be approved that wouldn't -- it would go into an adoption ordinance and be effective March -- it should be 2022 at the earliest.

That concludes the staff presentation. Do you have any questions?

BARCA: Okay. What I'd like to do is I'd like to do a roll call for questions of staff so we can get it on the record in order. And I'm going to go ahead and start with Bryant Enge.

ENGE: Thank you, Ron. Just one question, Jose. The footprints at the Erickson Farms, are you familiar with how large of an area the commercial area is?

ALVAREZ: Yeah. So, the commercial area at Erickson Farms is about three acres and the development at the Felida Village is about a little over an acre.

ENGE: Thank you. That's it. I appreciate it. Thank you, Ron.

BARCA: Okay. Next, I'd like to go to Bryan Halbert.

HALBERT: Thank you. And I don't have any questions for staff at this time.

BARCA: Okay. Then we'll move to Aldo.

VERANZO: Yes, I have a question for staff. I just want to -- really a confirmation of something that you said, Jose. And that was this property in its current designation does support configurations where you could have business on the ground floor and housing on aboveground; is that correct?

ALVAREZ: That's allowed in the neighborhood commercial zone, that's correct.

VERANZO: All right. Thank you. That's all.

BARCA: All right then. I'll next go to Steve Morasch.

MORASCH: I don't have any questions at this time. Thank you.

BARCA: And let's move to Matt Swindell then.

SWINDELL: Okay. Jose, great job on that presentation. You really brought a lot more to the table this time, really gave us a lot of information, really shown us what the future is going to look like, so thank you for that.

I think with that I think I'd like to ask, how long has this property been designated with the zoning it has currently?

ALVAREZ: 1994 when the Council plan was first adopted.

SWINDELL: So, it's been this way since 1994. And how long has the current residents or current owners owned it? How long have they had it?

ALVAREZ: I believe since 2017.

SWINDELL: 2017. Okay. Thank you. That's all I have.

BARCA: Okay. And then I will just wrap up with the idea of saying after reviewing the letter from the City of Vancouver, I am still a little concerned about when the infrastructure improvements along the road are going to be funded in time. Can you give us that information again or what you know? And if you need to defer to somebody, that's fine.

ALVAREZ: My understanding is -- was they're going to go to construction near the end of the year, and this is a \$17 million project or for the construction costs.

BARCA: Okay. And that gets us one whole roundabout for 17 million?

ALVAREZ: Free.

BARCA: Right on. Thanks. Okay. If there is nobody else from Planning Commission that needs to ask another question at this time, I will go to the applicant and give them an opportunity to speak on this matter. Are we ready to move to the applicant? All right. Sonja, take it away hooking up the applicant.

HEIKKALA: Can you hear me now? Hello?

BARCA: Yes, Roy.

HEIKKALA: Yes. Can you hear me?

BARCA: I believe we can, yes.

HEIKKALA: Okay. Good. I just want to make sure you can do that.

BARCA: And are you representing the applicant?

HEIKKALA: Yes. My name is Roy Heikkala and I'm representing Mr. and Mrs. Herrejon. They're the owners of the property and they live on this site as well.

You know, from listening to the staff and reading the report and recommendations, it's clear that the analysis and recommendations are based on the assumption that the property is a good fit for neighborhood commercial zone.

I'd like to make a couple of comments first about the questions about the Felida property and Erickson Farms. One of the big differences is they have a tremendous amount of traffic going by them that can support their business and that is not true of this site. We'd like to show you that this site is not really viable for neighborhood commercial. We believe it was a mistake to apply the zoning in the first place.

This parcel was zoned 27 years ago, and nothing has happened. It currently has one house and one outbuilding and it's adjacent to 6,000-square foot lots. And I had Exhibit 1, but it was kind of you've already seen that how big the site is compared to the other residents around there.

This may really fit the notion, a planner's notion, of having commercial services in a neighborhood, but it needs to stand the test of reality. The truth is in this area, it's one of the best served commercial services in the whole county. There are a number of businesses within a half mile to a mile. There are a number of vacant commercial sites within a half mile to a mile. They are much more viable to be developed into commercial.

So if you -- if you -- if you haven't seen the letter from Deborah Ewing, a commercial

realtor, I think you've all received that I'm sure, and Deb -- Deborah Ewing has been maybe one of the premier realtors of commercial development property and leasing for the last 35 years here in Clark County. I think she's the best or one of the very best. She's represented many national, regional and local tenants such as Fred Meyer's, Albertsons, McDonald's, 24-Hour Fitness and smaller businesses, hair salons, barber shops, financial planners, credit unions, insurance agents, restaurants that all are looking for commercial sites.

Later on, I'm not going to read her whole letter, but it says in my opinion the site -- subject site is not suitable for commercial development. I said "Really. Is it a no?" She said "Heck no." Standalone retail is rarely successful, meaning absent the synergy of other retail developments adjacent to it and within close proximity.

The neighborhood commercial zone is intended for businesses located in the neighborhood for walkability and with the intention of catering primarily to residents in the local area. So, you need to make a business work you need a lot of business to come by.

And she goes on to say that where this is successful is where you have high density residents around the area for walkability. And the other criteria is you need a lot of access, drive-by. This site has poor traffic. And she even says the extension of 99th Street west will not increase traffic enough to positively impact the viability of the subject site for commercial development.

Now, the E.D., the Hovee study, and we have Eric Hovee here, and he'll be speaking after me, then I'll conclude, concluded that -- that there is sufficient commercially zoned property in the vicinity. He also shows that the site is a very poor as a commercial site.

The staff has suggested development of industrial property to the west will improve the commercial viability; however, as they pointed out, this is the old Leichner Landfill. And the problem with landfills is that they bury lots of organic materials. And over time, they continue to sink and that's not good for buildings; so, it's not viable for construction.

Secondly, landfills generate a lot of methane gas. And if you go out to the site, you'll see a lot of plastic pipes around there and that's what's collecting the methane gas. So typically, these sites aren't developed. But when they are, they generally are parks and ball fields, they're not industrial developments. It doesn't add to it.

So, what you need in neighborhood commercial is you need some high density in the immediate area, good traffic count and a good access to the site. And we know that the County does not want to give us access off 99th Street.

And I provided in Exhibit 3 an e-mail from David Jardin and this is to the Herrejons. It's sent to Marvin Guerra who works for them saying that the County will not allow access off of 99th Street to this property. So even if you had traffic, they're limiting the viability of this happening.

So, let's see here. So, as I said before, the neighborhood commercial development is

viable. You need density residents, immediate area and good traffic count and good access to the site. It's supposed to provide enough services for people to walk to it.

And let me ask you or anybody in the audience, how many of you would walk 10 or 20 blocks one way to get your hair cut or to pick up your dry cleaning or to purchase soda pop. There may be a few people there who may want to do that, but it doesn't create a viable business model to support investing in a business.

Now, with respect to housing needs. Over the last ten years Clark County grew 18 percent. I read that in the newspaper. Anyway, housing prices have grown 18 percent in the last year and pricing is based on supply and demand. There is a very big shortage of residential property available within this area and the shortage goes along with the huge demand; therefore, we have skyrocketing prices.

There's currently less than one-month supply of housing available for sale. The Hovee study analyzed the housing needs in the immediate area concluded there is a need for more low density residential zoning property in the vicinity and shows that in the vicinity a one-quarter to half mile from the site is lacking properties with low density zoning.

Now, I've also included a letter from Judy Matz. She's with Coldwell Banker Bain. And she's involved with residential properties not only selling homes but selling property for builders to develop it. And she writes in there, I have read the memorandum provided by E.D., by Hovee Company, regardless of the need for -- regarding the need for additional housing in the area and I agree 100 percent.

Since 2016 the housing inventory has depleted every year to drastic low or negative numbers of inventory for buyers. Affordable housing has truly diminished in Clark County. For the young buyers trying to achieve the dream of owning a home, 95 percent of all offers made will involve a bidding war. Homes in the price range of 3 to 500,000 receive multiple offers typically 20 to 50,000 over asking prices. Now, that tells me there's a shortage of houses in the area.

Now, the staff has said, well, there's property we can develop in this area, there's adequate supply. Well, in the Hovee study, he found within a one-mile radius of this property for the last ten years they built 110 to 120 homes per year.

We know there's one subdivision that's going up in there and it's all pre-sold. There's a five-acre piece close by but five acres will give you 20 to 25 homes, that's less than 25 percent of the average amount of homes built over the last ten years. And that hasn't been adequate given the huge price -- prices you have here.

Now, I've asked Mr. Hovee to talk to you about his study and then to go over the approval criteria for our request. So, at this time I'd like Mr. Hovee to speak.

HOVEE: Hello. This is Eric Hovee. Am I being heard?

BARCA: We can hear you, Eric.

HOVEE: Okay. Great. So good evening. I was asked to prepare, as Roy Heikkala mentioned, a market analysis which I think is included within your materials on behalf of the applicant for the Herrejon site proposed to be rezoned from neighborhood commercial, NC, to urban low density residential.

Now, as was mentioned, the County staff report identifies five interrelated criteria to be considered for map changes. I will address these criteria from the perspective of the market analysis as is required for proposals like this.

Starting with Criterion A, which addresses consistency with GMA and related plans. The majority of the staff report focuses on this criterion and offers three market related observations. These relate to access limitations, the question of residential development above ground floor commercial and concerning the potential loss of commercial land.

So, starting with access. The staff report acknowledges that commercial use is limited by the current lack of access to this site from the west but then contends that extension of 99th will increase access to neighborhoods to the west. My assessment is that this will represent only a marginal improvement.

The site will still remain severely access constrained in several key respects and these include that even with this extension, there will be no continuous arterial connectivity going further west of 87th that retailers rely on for customer traffic. So, it's a question without connectivity rate fairly well in terms of retail development.

Roughly one-quarter of the natural market area, the Leichner site immediately to the west of 104th Avenue will never be developed for reasons that Roy has pointed out. In addition, there's no direct access into the site from 99th Street that will be allowed which would be the main arterial and so is again a real limitation.

Access to the south via 107th Avenue is compromised by the absence of a direct connection to the Padden Parkway. And the neighborhood that actually would be best served by the Herrejon site are even better served by existing retail on SR-503 is within one-half mile. And I'm somewhat surprised, frankly, that the staff report discounts the retail, the significant retail that's on the 503 corridor.

So, these access issues coupled with the sites small size means the property has limited to no appeal for commercial use as Deborah Ewing's written testimony has also confirmed.

Now to the question of residential feasibility. The staff report recognizes a strong demand for residential uses and notes that the current NC zone allows residential units but only if the residential is built above the ground floor or over the top of commercial businesses.

Now the reality is that mixed use in a low-density neighborhood is not financially feasible. This is for two reasons. There is no demand for the ground floor commercial

above which the housing is to be built so why build a commercial; and, secondly, the higher cost of vertical construction for the mixed use will go above any reasonably supported price point for both the commercial and residential mixed use components in areas zoned for supportability and not a higher rent district.

Experience across Clark County demonstrates that vertical mixed use can work in a high value downtown or high amenity waterfront areas and high traffic counts but generally not elsewhere.

WISER: Eric, this is the court reporter. Can you slow down?

HOVEE: Okay. Can you hear?

WISER: Yes.

HOVEE: Okay. The third is the loss of commercial land and jobs. Preserving commercial lands is an important objective with the County's GMA plan but the case for commercial really makes sense only if there is a demand for these uses at this location. The market report that we prepared concludes that there's little to no demand for sustainable commercial use at this site whether now or in the future. So, preservation of NC land becomes a moot or irrelevant objective that a property like this has no realistic market viability for a commercial use.

The market analysis also shows that there is a substantial supply of better located commercial sites that serve local and extended trade areas within one half to one and one-half miles along SR-503. Then you go further south to the Orchards/Van Mall area. And southwest includes the Padden/I-205 Interchange and they're all within a two to four-mile radius that works very well for community commercial. Now I spent a lot of time with Criterion A, but I'll go faster with criterion -- with the other criterion.

Criterion B stipulates that land use designations conform to appropriate locational criteria. The criteria that are cited in the staff report are centered on neighborhood commercial objectives to provide small scale services, for example, to serve a trade area within a one and one-half mile radius.

The challenge with NC zoning frankly is that it is proving to be increasingly out of sync with commercial needs. Fundamental forces that are documented in the market report are driving in the opposite direction and these forces are accelerated by the COVID pandemic.

Commercial businesses, as Debbie Ewing pointed out, do not want to be isolated. They function better when there is room for other complimentary businesses next door which is not readily possible on this small site. Also, the Amazon effect has reduced demand for brick and mortar retail nationally and locally, benefiting some large footprint national firms but coming at the expense of smaller independent businesses as were originally intended with the NC zone.

And now we're seeing a similar issue emerge for offices as many workers will continue to work at home reducing demand for office space. This trend also especially affects small sites since commercial office development tends to favor being next door to other similar uses much like retail.

So, the NC zone is intended to serve a trade area within one and a half miles for the majority of the population that can be accessed by this site. There is an existing abundance of retail, meaning day-to-day resident needs, within 1.5 miles or less.

And if you expand the trade area to businesses that serve a broader range of consumer needs, this neighborhood is better served with retail within a short two to four-mile distance than is the case for most of Clark County including access as I mentioned to Van Mall and the Padden/205 area.

So rather than facing commercial scarcity, this area is effectively over-served creating virtually no need for more commercial development especially at what is less than a suitable site.

Now, while the Herrejon property does not fit with locational criteria for commercial use, it does fit as a viable site for added residential especially to maintain and protect established low density residential areas which are cited as a locational criteria and better ensuring compatible development with the neighborhood.

Criterion C asks whether there is a lack of developable residential sites in the vicinity. Our analysis showed that this is the case, especially within about a one-quarter mile radius in closest proximity to the Herrejon property. Two of the largest vacant residentially zoned properties that we found nearby of 3 and 23 acres are actually owned by Clark County and not available for development.

As Roy Heikkala mentioned, County staff has identified a five-acre parcel as offering potential for development, but even with build-out of say 20 to 25 homes, this would yield only a fraction of the 110 to 120 new homes that have been constructed each year or annually on average within a one-mile radius over the last decade. And more significant is that this is an extremely attractive area for affordable homeownership. Remaining large properties within a mile are rapidly being developed.

At the time that our market report was prepared early this year, lack of competitive residential inventory was identified as a significant reason for a rapid rise in home pricing and growing affordability constraints across the county. And this serious need for more -- for new housing is further noted by testimony from Judy Matz with Coldwell Banker Bain.

With constrained inventory, pricing has increased countywide by another 26 percent based on RMLS data from November of last year to July 2021. Countywide, this has resulted in some increase in total market time with price resistance increasing, but at a still rapid sales pace averaging 17 days from coming on the market.

For the Five Corners and Sifton area which is most indicative of the market that's potentially served by this property, average time of home sale in July just a month ago was just six days, the lowest of any market area in Clark County. So seven to eight new homes on this site will admittedly not meet this continuing need on its own but it does point to the growing need for residential in-fill especially where there is no demonstrated demand for the alternative of using the property as currently zoned.

So, there are ample opportunities for added commercial nearby within the trade areas that are accessible to residents and consistent with shopping patterns. So, in effect, the lack of suitable sites for residential is by far the most pressing issue, while more than ample commercial sites are available in the market, the much weaker demand for retail, office and service business uses are now and going forward.

Criterion D is based on whether the proposed residential use either responds to a substantial change in conditions, better implements applicable plan policies than the current map designation or corrects an obvious mapping error. As proposed, residential use would do all three.

The change in conditions is the growing unmet need for residential development versus a declining need for added commercial use. And that's a change that is acknowledged by the staff report. The shift in demand toward more housing and less commercial will likely persist, not just near term, but also over the longer-term horizon of the County's adopted comprehensive plan.

Due to these changed conditions, it is appropriate that the map designation be changed to support the use that is in short supply while not harming the use for which there is little or no demand.

This is most likely a site this was never a good candidate for commercial use, as Roy Heikkala has mentioned, when it was designated 27 years ago. It is less suitable for neighborhood commercial now than it was then and will likely remain so for the foreseeable future.

Finally, Criterion E requires that the applicant demonstrate that urban facilities can be adequately provided for the proposed residential use and it has been noted both in the staff report and the applicant agreed that this is the case for this property.

To summarize, our market analysis indicates that the proposed Herrejon plan and zone change will meet all five planning criteria. The rezone is more consistent with GMA and comp plan objectives. Residential better fits with locational criteria at this site than the NC zoning. There is a relative lack of in-demand residential property as compared with commercial. More housing is most needed in response to substantial changes in market conditions and urban facilities can be readily provided.

I'll be happy to respond to any questions, but I think Roy will first conclude with some final comments.

BARCA: Roy.

HEIKKALA: Yes.

BARCA: Are you ready to conclude?

HEIKKALA: Yes. Yes, I am. Hopefully you can hear me. We believe that all the criteria A from E with the approval of the zone change has been met. To keep this parcel zoned neighborhood commercial does not make really sense.

It hasn't been developed in 27 years. It's really a two-acre home site sitting by 6,000-square foot lots with nice homes on them. It doesn't make any sense to create a development on this site with commercial on the lower floor and residential above it in this neighborhood as the staff has suggested and as Eric has addressed. You can't get more jobs when you don't have a development. We're not losing jobs because it's not going to be developed.

Given the need for residential, it seems like a waste of land to have an applicant who's willing to convert his two-acre parcel into up to eight lots that match exactly in size to their neighborhood. As mentioned, the vacant land in the area will not keep up with the need. It will barely be a small fraction of what has been built already and we know that that has not been adequate.

And, finally, in Exhibit 6, I have some suggested findings on Criteria A through E. And we'd just present those for your consideration. And I thank you for your time and we're available to answer any questions you may have.

BARCA: Okay. Thank you. The applicant will have an opportunity for a three-minute rebuttal after we get back through listening to any public commentary and then staff in discussion with the Planning Commission.

BARCA: So, at this point in time, I'd like to get any kind of public testimony from the attendees. So, Sonja, can you go through the routine of explaining how they contact us and see if there's anybody present.

BARCA: Thank you, Jacqui.

WISER: Good evening members of the public. For attendees using their computer or WebEx application, if you'd like to speak, please utilize the raised-hand icon. You can do this by opening the participant window which is the round participant icon at the bottom of the screen and selecting the hand icon in the lower right-hand portion of the screen. Staff will acknowledge those attendees during the public comment period who have raised their hand by selecting the hand icon. When you are acknowledged, you will be unmuted.

If you wish to retain the ability to be a party of record on this matter or to challenge or defend any decision made on this matter, please state and spell your name and provide

your address for the record.

For attendees using the telephone, audio only, you need to press the star 3 on your phone's number panel to raise your hand. You will hear a message that says you have raised your hand to ask a question. Please wait to speak until the host calls on you.

When you are acknowledged, you will be unmuted, and you will hear a message that says you have been unmuted. When you have finished your comment, press star 3 to lower your hand. You will hear a message that says you have lowered your hand.

Please note that public comment is limited to three minutes per person in order to accommodate all our speakers.

Jacqui, are we ready to take public comment?

### **Public Testimony**

KAMP: Yes, we are. And we already have a couple of hands raised. So, I'll start with the first raised hand identified as Cynthia Lee. Cynthia, I'm going to unmute you.

LEE: Thank you very much. I don't have to spell my name because I'm on the WebEx thing. I represent -- I live on 97th Circle, just -- I think it's south of the property in question. I represent 37 homes in the area. We've had many discussions about the use of this. We're vehemently opposed to multi-home houses, like, apartments above businesses.

We get so much traffic from people trying to avoid 117 or 503 coming down our road which is 30 miles an hour going at least 50 and we -- we don't have enough room for the multiple traffic that could happen if commercial businesses do end up here. And we are opposed to multi-homes as apartments due to the -- what it will do to our house values.

They're notorious for accidents on that corner alone, at the corner of 99th and 107th. So, and to the home in question, all those houses, there are four houses in that area where a roundabout is going to go have all had crashes into their homes on property from people using this area too much anyway.

So, we are with the applicant saying that this should be low density housing and we would welcome more houses, but we would not welcome any commercial or any apartments. It's just too, too much traffic already with people avoiding 503. I'm done. Thank you.

KAMP: Thank you.

BARCA: Are there any questions for Cynthia from the Planning Commission? All right. Seeing none, thank you very much, Cynthia. Next.

KAMP: Our next commenter is Bryan Snodgrass. Bryan, I'm going to unmute you now.

SNODGRASS: Good evening. Can you hear me?

KAMP: Yes, we can.

SNODGRASS: Thank you. I'll be brief. You already have a letter in the record from Chad Eiken. This property the letter indicates is about a mile from city limits. The City doesn't have annexation plans at this time, but these kind of decisions and development ensues last for decades. And so, with that in mind, we're in support of the staff recommendation of denial which I think pretty laid out the various aspects of County code which the proposal doesn't comply with.

And in particular, we want to just focus on one of them which is pretty important and that is the requirement in County code to essentially locate commercial services near the residents that serve them. That's going to be increasingly important as the area changes over time as it inevitably will and densifies, just to provide options for short drives that don't necessarily involve arterials as well as walking and biking and so forth to get to services.

And as indicated on the -- all of the maps and including the one that we provide in our letter, this property is located in more or less a sea of residential and the Leichner Landfill industrial property. One of the reasons I think that it may not -- that it may contribute to it not developing this large, typically commercial development follows rooftops.

And in this case, as indicated in the applicant's economic study, this area has developed twice as fast as the county residential in the last decade. So, the rooftops simply haven't been around and there's a number of properties very close to this site which are, if not, aren't -- if aren't commonly identified vacant underutilized would likely be under the changes that the County Council has recently directed go forward.

So, there is some opportunities for further development just by the land patterns and of course the opening up of the area through the 99th Street expansion -- or excuse me -- the road project will lend quite a bit of traffic.

In terms of the size of the parcel, we found just looking at the data, in the unincorporated Vancouver UGA there was over 100 properties of this size or smaller zoned commercial that had developed in the last 20 years. Now each property is different. But some will be -- will have advantage or disadvantages relative to this site, no doubt.

One advantage of this site is like a lot of commercial properties it has visibility on two sides and so we are sympathetic that the property hasn't developed yet, but I think the property itself has a number of inherent strengths.

And more importantly, the environment is changing rapidly around it, particularly with the road improvement, but also with the availability of developable land within the general area and also with the -- I think, as everyone knows the County is undergoing a

process looking at options for creating more housing opportunities within the Vancouver unincorporated UGA, not the City.

And so, those will slow down that process, but likely that will provide also some more options for development to further support commercial activity on this site.

I guess the largest consideration is just that we would recommend taking a long-term view and in our view at this point it would be premature to give up on the site for the reasons given.

And I think also in light of the upcoming County Comprehensive Plan update to be completed at the end of 2025, that some of these issues of what is the appropriate role of neighborhood commercial and so forth can be looked at in that context.

And in this case that the -- that we don't believe there's been a case made to give up on this property. Because once it is converted to residential use, it will stay that way for likely decades and the opportunities it provides to serve the closed-in area would be -- would simply go away.

So, for all of those reasons, we recommend that in support of the County staff recommendation of denial. And happy to answer any questions you might have.

BARCA: All right. Questions for Bryan Snodgrass from Planning Commission? All right. Seeing none, we'll go to the next caller.

KAMP: That looks like all of the hands that are raised as of now.

BARCA: Okay. Bryan, lower your hand. Okay. Then so under these circumstances --

KAMP: Hold on, Ron. I'm sorry, Ron, we just got another one.

BARCA: Wonderful. Let's go for it.

KAMP: Okay. This is a call-in user. So, I am going to unmute you now.

HUGHES: Hi. My name is Kevin Hughes. I live at 10604 N.E. 97th Circle. And I just wanted to first say I really appreciate this hearing publicly. It has been extremely insightful, and the information has really kind of brought to light what the plans were. And I really appreciate that this is an opportunity for us.

So, I'm calling for myself and my wife. And we purchased our home here in December of last year, and for us it really is like our dream home, you know, like we -- we moved here together shortly after getting married and, you know, it's just the house that we are now going to have our first child in.

And for us, it's something that we really pictured as a special thing and I'm all in favor of opportunity for housing for other people, of course, because I know that my dream is not the only one that exists. But, you know, just like a major concern for me is just obviously the safety of my neighborhood.

And considering that we do live in a cul-de-sac, we get quite a bit of, you know, kind of misdirected traffic as it is. And the idea of being out here raising my kids in a spot where they're going to be learning how to ride their bikes and learning to walk and take their first steps, it's obviously an area of great concern for me.

So, I'm definitely against the idea of, like, more residential -- or I mean not residential, but more commercial use of the lands. So, considering, it doesn't seem like the best fit for the proposed building. And that's it. Again, I really appreciate this public hearing. Again, it's been really insightful, and I know that my vision and my dream is just one of many, but obviously it's an important one to me.

BARCA: Okay. Thank you, Kevin. Kevin, for the record would you please spell your name and give us your address again.

HUGHES: Absolutely. My name is Kevin, K-e-v-i-n, Hughes, H-u-g-h-e-s. And I live at 10604 N.E. 97th Circle.

BARCA: Thank you. Are there any questions for Kevin from Planning Commission? Okay. Seeing none, we will go back. Do we have any additional callers?

KAMP: No, we do not.

BARCA: Okay. Well, then I am going to close the public testimony and we will go to the Planning Commission to ask questions of staff based on what they heard from the applicant and the public.

And I will continue to go down through a list and ask you specifically. So, we will start with Bryant Enge, questions for staff?

ENGE: I have none.

BARCA: Okay. Bryan Halbert.

HALBERT: Yeah, I don't have any real questions at this time except maybe -- maybe I do. Jose, we heard, you know, Kevin and Cynthia talk about traffic concerns in that area.

Is the 99th Street improvement taking that into account in a way that will help alleviate errant trips down dead-end roads, will it become more clear where traffic should be flowing through that area as opposed to just cut-through traffic looking for a way around Padden, is that part of the idea of the three roundabouts?

ALVAREZ: Gary, do you want to take that?

ALBRECHT: Yes. Gary Albrecht, Clark County Public Works. I'm the Transportation Planner. So, the project is designed as to relieve congestion off of N.E. 119th Street and Padden Parkway. So, it's designed to have traffic come through the neighborhood.

HALBERT: Okay. Bryan Halbert here again. The thought is that with the increased traffic that this commercial site could be possibly utilized more as a commercial site as opposed to six additional residential homes in that it may become more attractive to a commercial developer if there is a traffic count there?

ALBRECHT: I defer to Jose on that for land use.

ALVAREZ: So, I think, Bryan, that the extension of the roadway past the current dead-end to 94th, I think it's going to extend to 87th. So it's going to be that neighborhood traffic that would have access to the east and so that might, you know, it's an interesting area where people are trying to, you know, avoid, you know, 503 and cutting through here.

And I did notice there was some surprisingly high rates of speed when I was there making that turn. I think that the three roundabouts would also tend to slow traffic through there even though it's supposed to go through that neighborhood. So, it's not necessarily a traffic calming device, but I think that might help mitigate some of that or may not make it as attractive as a cut-through.

So, you know, on the one hand, it's going to increase traffic in certain areas in certain ways because it's expanding to the west and it's not going to go all the way through at this point. There's going to be incremental steps before it gets -- connects further to the west to the other larger arterial. So, it's really going to be difficult to really know until the road goes through and you see what actually transpires.

HALBERT: Yeah, because I guess I was just maybe speaking a little bit to, you know, Cynthia's concern regarding traffic in that area right now. Really, we're not reducing traffic in that area with the road extension, we're inviting more traffic through that area.

ALVAREZ: Yes.

ORJIAKO: And I think that the -- this is Oliver -- the answer to your question is, yes, the road improvement will provide potential additional traffic to the area and one could argue will make the site more viable.

HALBERT: Thank you, Oliver. I have no further questions at this time.

BARCA: Okay. Then we will move to Aldo.

VERANZO: I have no questions at this time.

BARCA: Steve Morasch.

MORASCH: I only have one question and that is I'd like to get staff's response to the applicant's concerns about whether the access to the property would be sufficient for commercial uses, particularly the issue the applicant raised about the 99th Street and

that the County would never allow commercial access on 99th Street and how that might impact the ability to develop the site for commercial uses.

ALVAREZ: So, the --

ORJIAKO: Jose, we can't hear you.

BARCA: We can't hear you.

KAMP: No. We can't hear you, Jose. Louder.

ALVAREZ: The intersection when there's two roads and the classification, it's true that we require access to be taken from the lower classification of road. Generally, the issue is that we also have a process, a road modification process, that an applicant can go through and if they meet certain criteria can get that access.

Both of the examples that I showed you earlier, both Felida Village and Erickson Farms, had the same circumstance. They both applied for road modifications and were granted access off of 36th and Lakeshore.

ALBRECHT: However, I do want to say that the site out there on Lakeshore is not a roundabout. So, this one at 99th and 107th, it's a roundabout. So, by limiting access onto 99th Street, it's a circle. You don't have to stop and wait. You can go through the traffic circle and turn south to get into the property off 107th. So, it's different from the Felida area. So, you know, from a transportation point of view the no access on that specific spot for the roundabout really isn't a limiting factor.

ORJIAKO: But, Gary, they were asking on 107th.

ALBRECHT: Correct.

BARCA: So, I'm going to add on to Steve's question before I get to Matt, but I need to understand. Access on 107th then that's going to be left turn and right turn on 107th?

ALBRECHT: Correct.

BARCA: All right. Thank you. Steve, does that answer your question adequately?

MORASCH: Yes. Thank you.

BARCA: Okay. Then I'm going to go to Matt Swindell.

SWINDELL: Okay. I want to add on to what you've asked. And, Jose, can you bring the -- first bring up the map. I want to see that map that shows the entire strip for the improvement that shows us the property and the new roundabouts. Can you bring that up? Thank you for bringing it up.

Now where is 97th Circle? Where's 97th Circle compared to this thing? Where are we looking at? I see the -- I can't hear anybody.

BARCA: I don't know if anybody's talking.

SWINDELL: There we go.

ALBRECHT: Hi, this is Gary. So 97th Circle, so the roundabout on the right, so it's down a little bit from there.

SWINDELL: That down there is 97th?

ALBRECHT: Well, it's down below the cursor where the cursor was at. So 97th Circle it's --

SWINDELL: Got it. Yeah. Okay. So south of that roundabout then.

ALBRECHT: Yes.

SWINDELL: Okay. And then the property, the proposed property is --

ALBRECHT: The X on the left of the screen.

SWINDELL: Right there, that's the proposed. Okay. And we're saying that that property is only going to get a left in and a left out on 97th, is that what it is?

ALBRECHT: A left and a right off of 97th, but it won't have access -- off of 107th but it won't have access on 99th Street.

SWINDELL: Okay. That makes -- okay. That makes sense with the roundabout because you can come in. I get how that works. That makes total sense. Okay. And, let's see, okay.

And, again, this property has been zoned this since 1994 since the comp plan was put into place. So, I just -- I guess I'm just looking at that thinking it's been here for a long time. Everybody's known it's zoned this. The property owners that purchased it knew that when they purchased it. I guess I'm just I'm wondering six houses, how that might impact anything, but I guess that's all the questions I have for staff. Thank you.

BARCA: Okay. So, I have a couple of items that I wanted to go through. One of them is addressing the concept about the volume of traffic and the speed of traffic. I believe if we look at that cross-section of what the arterial is going to be built out to, it may be taking more traffic.

But it also, the cross-section, is designed much better for that traffic than the current state of the road. And I think we need to acknowledge the fact that build-out -- the expenditure of money for the improvement of the road is specifically to help move

vehicles along in a greater volume while being safer.

The other thing I'm looking at is in the context of now that we have clarity of the left in or right in to the 107th entrance there, then we have an understanding that there isn't going to be a restriction from the standpoint of if this is to develop in some fashion.

So the one thing I guess I then need to just cover specifically is in the idea that says the ability to put housing units over any commercial development, is there a limit on to the number of units that can be put on to this two-acre parcel based on it being a mixed use style development? And that's for staff.

ALVAREZ: (Inaudible.) So, in the example that I showed you with --

WISER: Jose, this is the court reporter. She would like you to start over.

ALVAREZ: Okay. So, there's no maximum density in the commercial for -- in the neighborhood commercial for residential. It's going to be dictated more by the site. The example I've provided you earlier with the Felida Village had about seven units on that roughly one-acre site.

BARCA: And this is a two-acre parcel zoned for neighborhood commercial, but the proposal is to change it to R1-6. So, what is the quantity of dwellings that we would expect to be able to put on to a two-acre parcel as R1-6?

ALVAREZ: It would be somewhere between seven and ten units.

BARCA: Okay. That's what I was kind of wondering. All right. So that's my questions. I've gone through the list once. Is there anybody from the Planning Commission that has additional questions? Okay.

Hearing none, we're going to go ahead and give the applicant a three-minute opportunity and then we will go to deliberation. So, is the applicant ready?

HEIKKALA: Yes, I am. Can you hear me?

BARCA: Yeah, Roy, you're great.

HEIKKALA: Okay. Great. First of all, Cynthia Lee, we agree with her and the 35 neighbors that this ought to be residential. It's consistent with the area and we don't think it should be apartments or apartments over commercial area.

The comments from Bryan Snodgrass, a planner with the county, most of his comments were anecdotal. You need rooftops to have development so we're getting more rooftops; therefore, we're getting a better chance of developing this.

The testimony we have from Eric Hovee was it's getting less viable to do that because of the changing patterns of purchasing and retail. It's going just the opposite way. You

give it more time, it will be less suitable for development. And the fact is if we had both access off 99th and 107th, it still is not a good location for commercial.

Our expert witnesses and people like Debbie Ewing, who does this for a living, said there's just no way that this can be a good commercial site, so... And there's a tremendous need for housing as we brought up. And even if we got a left and right turn on 107th, and we even got access on 99th, it's still not a good site.

You can't just zone something and expect it will happen. You have to have some reality and you have to have some liability on doing a development. You just can't say I want commercial here and it happens. If you don't have enough traffic or immediate residents in that neighborhood, it's not going to happen.

So, I think I agree with the residents and all the residents said it should be housing, that's more consistent and that's what's viable. Because if we don't get that thing, it won't develop at all, it will be one house on a two-acre lot in the area of 6,000-square foot lots with nice homes. Thank you. I don't know if Eric has comments.

HOVEE: I don't know if I have very much time here, but I just would have two added comments. One again related to Cynthia Lee's comments on -- and I want to go back and just suggest that I'm not sure that staff adequately addressed Criterion B, which is the maintenance and protection established in low density residential areas. And I would hope that that would happen before a final decision.

And the second thing at the beginning the comment about the role of neighborhood commercial, I agree that this is one of the more important things to take on with the comp plan update, the world really is changing beneath our feet in terms of the retail world and office development. It was changing before the pandemic and it's going to continue to change.

The only thing that I think is difficult for a property owner is to be hanging out in limbo waiting for a conclusion several years from now, when that decision could be made today based upon a recognition of the market and the way it's changing not just short-term but long-term.

### **Return to Planning Commission**

BARCA: Okay. Thank you very much. Members of the Planning Commission, any last questions of the applicants? Okay. Seeing none, we're going to go ahead and close the testimony and move into deliberation and we will go through the entire group.

I would encourage you to talk about items that you find significant in this and then we will take a vote at the end of deliberation. So, I am going to go ahead and start with Bryant Enge, deliberation, please.

ENGE: Okay, Ron. I think the applicant did make some good points. But where the public's going to invest about 17 million, what I heard, \$17 million into some road

improvements and public investments in there with the idea that it's going to make some changes in terms of how that community functions, I think it's at this time is too early to tell in terms of what's going to happen in that community and how this property could be leveraged to better serve that property. But I think it's too early at this time to punt basically and to look to develop it as housing. I think it's just too early to do that, so...

The other thing that I'm concerned about is that I think this is a precedent if we were to make this change at this time. That this property has been zoned this way since the early to mid--'90s and to make a decision at this time to change the property after someone had purchased the property three years ago, I think that just would jeopardize and put into motion the ability for others to look at opportunities like this to change zoning in this aspect. So, I'm just concerned about what message we are sending.

I think that it's important to continue to try to make changes that we see in, you know, the next 10 to 20 years. And what I'm going to do is or what I am saying I am going to do is support the position of staff and decline this particular request.

BARCA: All right. Thank you, Bryant. I'm going to move to Bryan Halbert.

HALBERT: Thank you, Ron. Bryan here. And I really like Roy's comments and arguments and position about converting this property from commercial to residential. There's been a -- it's been thrown out that the property was zoned commercial in 1994 but it's hard to know the, you know, the owner's mindset when it was zoned to commercial.

Did they really in the last 20 years or 30 years even seek to sell it or develop it or were they just satisfied with the two acres and their single-family home. It's hard to know a person's mindset in that area to say whether it was ever developed in that time frame. But the owners may not have ever wanted to develop it either at that time.

I certainly respect Eric Hovee's position and Deborah Ewing's on the state of commercial uses on property. But one thing I didn't hear and that I see in other neighborhoods is maybe it isn't commercial, or retail uses, or office uses on a small acreage like this. But what about educational nurseries, day cares?

I even see on the neighborhood commercial something like automotive, electric vehicle infrastructure, you know, who knows in the future as the infrastructure for electric vehicles comes along whether this might be a site that the neighborhood would go to to have their vehicles charged or drop their kids off at day care on their way to work. I could see those being viable in a neighborhood setting, but I agree completely with Eric and Deborah on this isn't going to be a commercial retail site, you know.

Its common sense people are going to drive to the bigger retail stores within a half a mile of that neighborhood. So, I'm, yeah, just that would be my take on that. Felida Village that Jose has brought up doesn't have access off Lakeshore. You do turn down a smaller arterial street and that seems to be a very -- I don't know what the traffic counts are there compared to what Highway 99th Street will be, but that Felida Village is

successful. The businesses that are in there do serve that neighborhood and it just seems like I would have argued back when Felida Village was being built that it couldn't be successful, but by all appearances it's doing very well.

So, for that I would also agree with taking the long view of holding this property, giving it a chance to really find its own footing especially with the owner, the current owner, being active towards development and not just passively living in the home.

I also see that in his site plan, he has seven additional lots or single-family residences that would be put on that two-acre site, so not high density by any means, but homes that would probably fit that area. Yeah, good arguments on both sides.

BARCA: Thank you, Bryan. Aldo Lampson Veranzo, you're up.

VERANZO: All right. As I listened to the testimony and look at the evidence to me, I see a Catch-22 position where I think a case could be made both in favor of the applicant and in favor of the staff denial of the application.

And stepping back a bit, a lot of this discussion I noticed revolves around a proposed project for road improvements and it really is a projection into the future. I agree many of you commented that the area is changing, the dynamics of working from home are impacting the workforce, the cost of housing has shown and whatnot, but we actually don't know how the community will respond once the new road, the road improvements are in place, let alone converting this property, changing its density from commercial to R1 to R6.

Additionally, there the premises that with, you know, additional traffic there is the hope that there would be enough business, enough passersby either on foot or in car to actually drive into the driveway of this location that potentially could be commercial, but there's no guarantee that that would actually happen.

I could visualize certainly the types of businesses that would be suitable for this location. I think about a small coffee shop, something that's very walkable and would provide a convenience to this local community that they may not get that half a mile or a mile or whatnot away. But what comes to mind as you draw in more traffic with this road improvement is that the influx of the activity and the change in the ambient noise for those people who live there day in and day out.

So, I agree very much with those of you who said we really need to take a long view on this property to see if the property is still suitable in its current state to be commercial or not. And so, we don't know again how this, how the new traffic pattern may be suitable for a potential business.

So at this point because this property is surrounded by single-family residences, the testimony that Cindy gave -- or Cynthia, I believe, was what I really, I wanted to hear from the local people who live there, who experience this, who would be impacted by this change. At this point I would actually, you know, support the position of the

applicant. And that's all.

BARCA: Okay. Steve Morasch.

MORASCH: Thanks, Ron. I think Aldo, Bryant and Bryan all make good points and I agree with much of what they said so I will keep my comments pretty brief. I think this -- this is a -- it's a close case and I think the applicant made some good points. But then we also have this new traffic improvement coming through which may change the dynamic.

I haven't -- I haven't decided which way I'm going to vote yet, I want to hear what Ron has to say, but to me it's a fairly close call and I think good points have been made on -- on all sides.

BARCA: Thank you, Steve. Matt Swindell.

SWINDELL: I have to agree with -- with Bryan and a lot of his comments. I mean, yes, the applicant had some very good arguments for why it won't work, but I would suggest that maybe they might want to tweak the way they're looking at this property and maybe look at it instead of as a drive-to piece of property where you need to attract customers and the customers need to come to you, really looking at that what Bryan was talking about and that's that -- or drive-by, excuse me, and maybe think about it from a drive-to point of view.

I know that my family owns a commercial building in the middle of nowhere and all of our businesses are drive-to, dentist, doctor, tanning salon, masseuse, insurance agent. Those type of businesses will do very well in that exact location and dog groomers, day cares, things of that, that will really service that area are the type of businesses I think that would really go well on that two-acre piece of land there.

Adding seven more houses isn't going to cure the housing issue and there are literally hundreds and hundreds of housing developments or lots being developed as we speak and being brought on, you know, in the near -- very near future. So, I mean, I get the argument that we always need more housing. It's always the argument that we need more housing. I do understand that.

And I do get the fact that, you know, Kevin called in and he's got a -- you know, going to be raising a family and whatnot there. I'm the same way. I grew up in Ridgefield when Ridgefield had 900 people that lived here in town, and now we're the fastest growing city in the State of Washington what, five years in a row now.

The whole entire dynamic of the city has changed, and I really wish nobody would move here, my quality of life would sure be better. My family's life would sure be better. But I don't get to choose that, and I don't get to pick that and the zoning and the things that we put in place in Clark County.

I know it's 1994 and whatnot, but planning takes steadfast thinking and really, really

trying to put a vision of what we want our cities to look like and what we want our county to look like in the future. And every time I hear an applicant come forward, I always go to the thinking of, well, you knew it was zoned that way when you purchased it. What was your intent? Was your intent to come in and try to change the thinking of where the county said we wanted to go.

And I -- and I -- I know we have in the past we've agreed with the applicant and said, hey, yep, this doesn't make any sense. But it always is that last domino that has fallen because we gave over here and we gave over here over the last 20 some years and then pretty soon we had this little piece of land that just doesn't make any sense anymore.

I would agree with the applicant if this road was not going through. If there's no road improvements, I would say, yep, this is the last domino. This doesn't make any sense. But with the road improvements, I really think this piece of property will really service not only that neighborhood but other neighborhoods for that type of business that can come in.

And so, I just -- I think like I said, I think everybody has good arguments on both sides, but I have to agree with Bryan in that you really got to look at it from a different point of view. It's not a -- it's not a drive-by kind of property; it's a drive-to. So those are my comments.

BARCA: All right. Thank you, Matt. So, to wrap up deliberation. My point of view on this is the Criteria A through E. It's always so generalized that one can make it fit just about any argument at that moment in time.

But what I see is us focusing a lot on the aspect of change of condition and I think that's very valid for this particular parcel if it's been zoned this way for 27 years. But when it was zoned, not only was the parcel empty but all around it was empty. It was the wild west. There was nothing out there but the rodeo grounds. And since then many things have built up.

And if you look at the pictures of the housing tracts that are in the area and building up now, you can see that this is growth that's really been in the last ten years. The opportunity for growth beyond this, if you look at where the parcels are still empty around it and it's zoned R1-6, will be that there will be even more rooftops coming in than are there currently.

And I think Bryan's point of view and what Matt reiterated I had written down also that in neighborhood commercial there's still many uses that could be done. It's got a lot more potential than just a pizza parlor or an ice cream shop or a neighborhood restaurant. I think you could have those things and much, much more with it being a two-acre parcel.

The consideration about affordable housing I think is a phantom. Both of the documents that the applicant brought in talking about affordable housing, there's no definition for affordable housing. And if anything, I would say right now apartments

above commercial development have a much greater opportunity to be affordable for the community than the R1-6 housing that would go in there based on what the real estate market is showing right now in those neighborhoods and what's selling at what price.

I do have a concern when I hear that anything that's multi-family dwellings is considered impacting an individual's property value. I don't think that that's really valid in today's market nor is the type of quality of mixed use development that we've seen in the county indicative of the aspect of driving down prices through some sort of schlocky housing that would be going in there.

The aspect of commercial on the bottom already sets the tone and standard for what the development needs to look like to attract commercial development. And it isn't going to be stingy on the front and plywood in the back. It's going to be developed in the context that this is a parcel that's developed. If commercial is on the bottom and housing on the top, the housing will be reflective of the quality of the commercial.

So, I think everybody else has covered the ground pretty well on the idea of the transportation corridor making the big impact. We know that the homeowners that are there now, the landowners have had it since 2017. If we feel like this is really the change from Criteria C, then the change is significant. But, if anything, in my opinion the change lends itself more towards neighborhood commercial being viable than it would have been say ten years ago.

And so, in that regard I think I'm willing to uphold staff recommendation. And I'm going to close out with the idea of if I can get someone that's willing to put forward a motion on how they would like it to go, approval of staff recommendation or denial of staff recommendation and I'm done.

SWINDELL: Ron, this is Matt Swindell. I'd make a proposal that we **accept** CPZ2021-00003 as presented by staff for **denial**.

ENGE: I'd like to second. This is Bryant Enge. I **second** that motion.

BARCA: Okay. We've had a motion to **support staff denial** and it's been seconded. Sonja, can I get a roll call, please.

### **ROLL CALL VOTE**

HALBERT: AYE  
ENGE: AYE  
VERANZO: AYE  
MORASCH: AYE  
SWINDELL: AYE  
BARCA: AYE

WISER: 6 to 0.

BARCA: Okay. So, the motion passes and I believe that concludes tonight's agenda. Go back to staff. Do we have anything else?

ORJIAKO: Planning Commission members, this is Oliver. I just wanted to quickly let you know you have been receiving update of your docket from Sonja and it changes from time to time because the timing of when we come to Planning Commission in terms of completion of our project keep on shifting due to staff resources and so forth and timing.

So just want to brief you that your latest docket that you received from Sonja indicated that you likely would have about six or five items or maybe four, so your October agenda is really full. I am suggesting perhaps December. Typically, we don't like scheduling work sessions and hearings in December, that's when we give you time off and rest with family members and planning your vacations, but we have the 2nd, and I believe this has been opened.

If you don't want your October agenda to be at least four or five items, we can move two items to the December hearing if you are available. So that's the only thing I wanted to add; otherwise, you know, we can leave the October agenda as is, your thought.

So, if I may, your October agenda now looks like you're going to have transportation improvement program, that is coming from Public Works. The parks and open space update also coming from Public Works. Then you will have I believe two or three annual reviews also scheduled for October, so you have about five items.

Some of this may go really quick, but I just want to let you know that October is really full, and if you don't mind dealing with it, if you prefer that we make your schedule light, we can have opportunity to go to December.

BARCA: Oliver, this is Ron, I would like to make the suggestion that you poll us in a formal fashion through e-mail, please.

ORJIAKO: Okay. We'll do that, sir.

BARCA: All right. That gives everybody an opportunity to look at their calendar and visit what you talked about vacation, that's an interesting thought process, vacation. Okay.

ORJIAKO: I know my staff go on vacation in December, sometimes I do, and that's also available to the PC typically in the past we used December to do our Council and/or the Board and the Commission having a dinner together, we no longer do that, so that's why we no longer we don't schedule hearings in December given that opportunity, but we will poll you, I will ask Sonja to do that.

BARCA: All right. I think that's the best way to go about that.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

None.

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

None.

### **ADJOURNMENT**

BARCA: Any other comments from the Planning Commission? Okay. Seeing none, we're going to go ahead and adjourn. Good night everybody. Thank you.

The record of tonight's hearing, as well as the supporting documents and presentations can be viewed on the Clark County Web Page at:

***<https://clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>***

Television proceedings can be viewed on CTVV on the following Web Page at:

***<https://www.cvtv.org/program/clark-county-planning-commission>***

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