

BARCA: Okay. There's been a motion and it's been seconded. Okay. Do roll call.

ROLL CALL VOTE

JOHNSON: AYE
GRIMWADE: AYE
SWINDELL: AYE
TORRES: AYE
BARCA: NO

BARCA: And motion passes 4 to 1. And we are going to move on to the next agenda item which is Riverview Assets, CPZ2019-00003, staff report, please.

PUBLIC HEARING ITEMS, continued

B. CPZ2019-00003 Riverview Asset

A proposal to amend the comprehensive plan and zoning, on two parcels totaling 60 acres, from Industrial (BP) to Urban Low (R1-10) on 50 acres and Commercial (CC) on 10 acres.

Staff Contact: Jose.Alvarez@clark.wa.gov or (564) 397-4898

ALVAREZ: Thank you, Chair Barca. So the next item is a request just north of the last on NE 152nd north of 99th Street.

The request here is to amend the comprehensive plan on 60 acres from industrial with business park BP zoning to urban low density residential with R1-10 zoning on 50 acres and commercial with community commercial zoning on 10 acres fronting NE 152nd and I will show you a map of the proposal.

Again, this is 99th Street, 119th Street, NE 152nd and the site here is here. The aerial, the property to the north is 40 acres is also zoned industrial and this property is approximately 20 acres also zoned industrial and is owned by the Battle Ground School District.

So to the west the property is zoned R1-5, to the east across 152nd is zoned R1-6, AG-20 to the north, northeast, so we're at the edge of the urban growth boundary, and then to the south is R1-10, I believe that's Cherry Park.

So the applicant submitted a similar request in 2017 to amend the current designation to urban low R1-6 on at that point included the school site and then the 60 acres and I think there was a proposal for one acre to remain commercial to try to have some employment opportunity.

The Commission, the Planning Commission and Council denied the request in October 2017. County Council discussed the potential change in the future if the site could not be developed for employment as intended. The applicant submitted a pre-application in 2018, November of 2018 to consider this proposal. There's been a lot of discussion from the applicant about Councils' decision and direction.

A couple of things have happened since then, one being we have two new Council members and also we've seen an increase in the request for commercial to be changed to residential in this area, you know, concurrent with what we -- the application that was just before us. Last year there was another proposal on 162nd and Ward Road to go to a higher density multi-family which was, which the Commission, the Planning Commission requested denial and then was subsequently withdrawn.

The property in this request was brought into the Vancouver UGA in 2004 as the part of our comprehensive plan update, it was designated employment center with an urban holding overlay and was the urban holding overlay was removed in April of 2007 as part of a development agreement for the lifting of urban holding of the Orchards subarea.

The Battle Ground School District purchased the tax parcel, the 20 acres in September of 2016. The Columbia River Economic Development, you should have received a letter from them as well, we had the staff work publish, they hadn't submitted a letter yet, but there was an analysis that they were performing in 2016 on parcels greater than 20 acres to try to have an inventory, those are the parcels that when they're shopping around for potential employers they like to have an inventory of those, this property wasn't listed. I think the idea was that there was going to be a proposal to change the zoning so it wasn't included as part of that and then in the recent letter that they submitted, they just requesting caution in removing employment land and converting employment land.

So staff's recommendation is to retain the business park zoning, we don't feel the applicant has met all of the criteria for the map changes particularly with the policy in our comp plan that we consider rezoning of employment center lands to non-retail or business park.

If the proponent can show that the zone change would accommodate unforeseen and rapidly changing commercial development needs and that the proposed designation is more suitable than the current designation given the land site-specific characteristics and that the proposed zone change will generate jobs at a higher land, higher density than the current comprehensive plan zone allocation, there's a limited amount of business park land, the Councilors, the Commissioners asked for a map of that and I provided that to you all.

Two of the areas are in the 179th Street overlay. There's this area and then another area in along 50th Avenue behind WSU where there's some large pieces of land there that there have been on again and off again negotiations with the University to maybe have an incubator or

some sort of employment development there, but that area along 50th Avenue does need some infrastructure improvement and there's no sewer in that area either. So with that, that concludes staff's report and recommendation. Do you have any questions?

SWINDELL: You mentioned sewer, how close is sewer to this?

ALVAREZ: It runs along here and here to serve this property, so sewer is in 152nd.

SWINDELL: So it is, it's right there?

ALVAREZ: Yeah.

TORRES: Are there any proposed upgrades or forecasted upgrades for 152nd there up to 119th?

ALVAREZ: No, not at this point, but recognizing someday that would need to happen in order for that really to work.

SWINDELL: Where is this piece located relative to the Albertsons we were all talking about? Can we see it, is it even --

ALVAREZ: So the, yeah, that should be --

SWINDELL: It's on the corner, isn't it?

ALVAREZ: Yeah.

SWINDELL: Padden and 152nd.

ALVAREZ: Yeah, that's the Padden one.

SWINDELL: That one right there, that's where Albertsons is?

ALVAREZ: Oh, no, that's 117th -- that's 137th.

SWINDELL: 137th?

ALVAREZ: Yeah, that's right here.

SWINDELL: Right there.

ALVAREZ: The Albertsons is right here. And the other commercial is here I believe.

TORRES: Right there.

ALVAREZ: Yeah, Ward Road and 162nd.

BARCA: Just to be clear though, we're talking Business Park versus commercial, so...

SWINDELL: I understand. I'm just trying to get, yeah.

ALVAREZ: Lay of the land.

SWINDELL: Yeah.

BARCA: More questions for staff? All right then. At this time we'll open it up for public testimony. We're going to start with Thomas Thorpe.

PUBLIC TESTIMONY

THORPE: I just signed in, so no comment, and ditto for Suzy.

BARCA: Okay. And ditto for Suzy. All right. Sherry Fitzpatrick.

FITZPATRICK: I just signed in too.

BARCA: All right. Just a sign in. All right. Armand. Yes. Will you make sure you give your last name and spell it.

RESTO-SPOTTS: Absolutely, yeah. Armand Resto-Spotts, applicant representative for Riverview Asset on this application.

BARCA: And the spelling of your last name is?

RESTO-SPOTTS: R-e-s-t-o hyphen S-p-o-t-t-s.

BARCA: Thank you.

RESTO-SPOTTS: Good evening, Commission. Thank you for offering the opportunity to provide comment. Not intending to rehash our application materials or the response that we submitted in the staff report, which I believe is in the record, but just want to reiterate our core points and our justification for why we're proposing this specific proposal as opposed to the one from 2017.

As staff had indicated and has made clear in the record, we were before this Commission, in front of City Council with the proposal in 2017 to convert this site completely to residential R1 through 6. It was recommended for denial by the Commission. The City Council eventually denied that request and at that hearing it was suggested that potentially going forward they would like to see a commercial element on this site to retain some sort of job producing land as opposed to converting that entire piece from business park to residential, that's what we are proposing this go around and that's why we've been flexible with a either a seven-acre commercial strip, a ten-acre commercial strip.

We look to be pretty flexible in this process. We don't have any necessarily proposed plans - thank you Jose - not necessarily committing to one another, but wanted to show that there are some options that what we could do with this site if indeed the direction is to have a commercial strip there. You know, from our perspective we were happy to continue with our 2017 proposal and show up again, but we didn't want to show up with the exact same suggestion two years later.

Having said that though, the critical point that we'd like to make is that this site as a business park has been completely incompatible with this area. It's been zoned this way for I believe approximately 15 years since it was brought in, there has been no interest on this site for a business park. The residential lands throughout that area are developing quite rapidly and clearly the highest and best use of this area is a residential use.

Again, that commercial strip element, I appreciate the question earlier with respect to where that Albertsons is located because we draw that out a little bit in our response that, you know, typically when you have an employment land it's either going to be with a commercial cluster nearby or either integrated within that. The closest commercial complexes to this site was the proposal that was just before you right now was off of 152nd, the next closest would be that Albertsons location or the other one to the southeast nearly two miles away. So we thought the commercial element would either, could serve the residential area up there and maybe provide some relief for residents that are traveling further for those commercial uses, but also to retain some job producing element if that's indeed the direction that the Council was interested in.

A couple other points. So like other business, unlike other business park sites this one in particular that I appreciate we talked about the improvements to 152nd to the south of 99th Street, this site is completely lacking in necessary transportation infrastructure to be developed as a business park in the near future and that's something that should be considered with respect to not only why this site has gotten no interest and has not developed as it's currently zoned but it's likely going to remain that way into the future.

Also in the record, and one of our I believe it's in one of the letters we had submitted during the land use review process, we had submitted a map showing some vacant industrial land within

the nearby region and in the larger region, and staff and as Jose mentioned in the memorandum that he provided following the work session kind of highlights other industrial areas in the area, I wanted to highlight as well, that we pulled up some vacant industrial land maps in availability in this area, off of 99th and at NE 117th Street, Padden Commerce Park, Olin Business Park, both have vacancies, plenty of vacant land. This business park in particular is not sitting here waiting to be purchased and developed in the past and hasn't since been currently.

I think the Commission should also keep in mind the ongoing 179th discussions that there is some anticipation of coordinating transportation improvements with development and then as well the railroad property to the north in the ongoing efforts to potentially open up that land for industrial uses.

At the work session there was a couple of comments from the Commissioners regarding that piece to the north, the business park zoned land right to the north of our property, I just want to highlight because I don't speak for those property owners and we haven't had discussions with them at all, I just want to highlight though if you do pull up any GIS info or any map of that area, there's upwards of 50 percent wetland complex on that site, highly unlikely to be business park worthy there, so I think that should be a consideration as well.

And finally, again the commercial piece was not something that we had anticipated two years ago proposing and again we propose at this time to accommodate for the comments that we got in the last go around and, you know, staff had indicated at that hearing that depending on how that site developed over the next year or so, you know, there may be better arguments for the use of this property.

Well, here we are, you know, two years later and the property is still not getting any interest and it's still not developing as a business park and so we think the highest and best use of this site is a residential zone that fits within that area and I'm happy to answer any questions here, I'm not the technical expertise on it, but to the extent that I can, I'm happy to, but otherwise thank you again for the opportunity.

SWINDELL: I have a question. You first propose changing it all to residential and hearing what the County Councilors said, hey, we'd like to see keep some jobs, you're now proposing a piece of it to remain that, but my question would be is that really what you want or would you really rather just have all residential and not have any of that commercial there?

RESTO-SPOTTS: We'd be open to either. I think if, you know, if we had, so our druthers is to have some residential on that site whether that's the entire site, whether that's the portion that's being proposed now, you know, we could quibble back and forth, but I could go back to the 2017 proposal and our position would be the same that we would be interested in that as well.

SWINDELL: Basically what you're saying is commercial won't work there though. So to propose commercial now really you're kind of setting yourself up for failure, you're saying that it's not going to work.

RESTO-SPOTTS: Right. I'm saying industrial is clearly not working on that site and with the prior proposal with this Commission now recommending to switch that to a residential zone, there's no commercial nearby in this area. So as we're proposing a commercial piece because Council had suggested and wished for that element, our argument would be that this could serve the area and we would keep it a small seven to ten-acre piece that might benefit that region, you know, and, but we've been flexible through this process that, you know, we're submitting that in response to comments and we're happy to work with staff and the policymakers on that, but our critical thing was that this site should so clearly be a residential property and we'd like to see it like that.

SWINDELL: Okay. Thank you.

BARCA: Other questions? Thank you.

RESTO-SPOTTS: Thank you. Yeah.

BARCA: Daniel Stumpf. Did I say it wrong? It looks like Daniel Stumpf. No Daniel Stumpf? 321 S.W. 4th Avenue. Okay. I didn't say it wrong. If there's anybody else from the audience that would like to come forward and speak on this matter without having signed up, that's fine, you're able to come forward and give any testimony. Is there anybody that would like to come forward? Okay. Seeing none, I'm going to close public testimony and bring it back to staff. Questions?

Return to Planning Commission

SWINDELL: I'd like to ask. This is 60 acres; correct?

ALVAREZ: Correct.

SWINDELL: And --

ALVAREZ: 59 point --

SWINDELL: And the previous one we looked at --

ALVAREZ: Seven.

SWINDELL: Seven acres. Significantly different in size. And -- okay. I just wanted to ask that.

BARCA: Jose, would you clarify for me the parcel to the north, the zoning of that, is that business park as well?

ALVAREZ: Correct.

BARCA: And the corner piece to the southwest, is that business park as well?

ALVAREZ: Business Park, correct.

BARCA: Okay. So we would be driving a large wedge between these two business park zonings if we --

ALVAREZ: That is correct.

JOHNSON: Also we got one to the south that you're on right there, that's owned by Battle Ground School District; correct?

ALVAREZ: That's correct.

BARCA: Not public facility though.

SWINDELL: Was that originally a part of that, was it an 80-acre piece and they carved out 20 to sell to the school district?

ALVAREZ: 2016 I believe.

SWINDELL: 2016 is when they did that?

ALVAREZ: Yeah.

BARCA: More questions? Okay. Always interested in hearing what you guys think.

TORRES: You know, my perspective is I look at this piece and I see it as a high value employment piece, right, and you're right, they are going to be compared to the one before this. You know, the challenge I have is seeing the location for a business park, you know, the comments that were made about it just not being feasible based on the location. I mean, it's a long way from any arterial main roads, much farther than the other piece was, it's kind of encased there in that residential area, but I struggle with the potential value of it in time, right, just because it's so large, the boundaries are on other business park zoned, so it's a tough one.

SWINDELL: I'm glad to say to that, to kind of build on that a little bit is that I grew up in Ridgefield, lived all my life, 50 years, and right now we're building a commercial development, a Rosauers and the whole entire commercial development on less acreage than that that I saw farm fields on for 50 years and we waited and waited and waited and the time was right and it's being developed now at the highest best use, and sometimes in a situation it's just best to hold on to it, and I know before in the earlier one that we were looking at that's seven acres in the middle of all these things and what happened in previous, I'm sure what happened previously there was commercial land around that and one by one by one by one the dominos fell until there's one little tiny little piece of the pie right there that doesn't make any sense anymore, 60 acres, 20, 30, 40 years down the road will make perfect sense and planning takes time, it's planning, we're looking out to the future and this is a piece that we've got to hold onto.

JOHNSON: Yeah. There are two different pieces and, you know, your 152nd comment right up the road, I'm one that says they are two different distinctly and must be looked at separately, so in this case it's a large piece, a valuable piece. I always wonder what Battle Ground School District is doing, but in this case I'm inclined to stick with staff's recommendations.

GRIMWADE: Yeah. I think this is one of those sites where while applicants may want to ride the wave that is currently occurring within the county, the fact that it's 40 acres, more than 40 acres, the fact that it's got two large adjoining pieces of land, the same zoning next to it it really lends itself for a very unique development, that unique development may not be around the corner tomorrow, it may be 10, 20, 50 years, but without being able to say we can replace that tomorrow, I would not want to give up that opportunity.

BARCA: Okay. Yeah, I think we're always under pressure to meet the demand of the market at this moment, but long-range planning isn't necessarily to react to the demand of the moment with foresight, it looks like we may be out of bed with what the economy is demanding and I don't know if there's really going to be enough available land to meet housing requirements, but once it's developed whatever choices you hoped for in the future that die is cast, so I appreciate the commentary about the size of the parcel and the strategic importance about it, I appreciate the CREDC's comments and the City of Vancouver weighing in about job generation and I think those are very, very important components for us to deal with in the long-range planning thought process. So everybody had a chance. If there's no more comments, I'll entertain a motion.

SWINDELL: Can I get clarification real quick?

BARCA: Absolutely.

SWINDELL: A motion and a vote in the positive is to go with staff recommendations to deny; correct?

ALVAREZ: Correct.

SWINDELL: So a **vote in the positive is to deny?** I just want to clarify that for everybody.

BARCA: To accept staff recommendation, yeah.

JOHNSON: Is that a motion?

BARCA: He's working on it.

SWINDELL: Oh, sorry. I'm looking for the number here. Sorry. Where's it at? You got it right there. There. Thank you. Make a **MOTION** we approve CPZ2019-00003 as staff recommendation.

JOHNSON: **Second** the motion.

BARCA: Okay. It's been motioned and seconded to accept staff recommendation for denial. Any more comments? Okay. Let's take roll call.

ROLL CALL VOTE

JOHNSON: AYE
GRIMWADE: AYE
SWINDELL: AYE
TORRES: AYE
BARCA: AYE

BARCA: And motion passes. And, let's see, on the agenda I know I have it somewhere, God bless you, that appears -- oh, sorry. We are at Item C, Clark County Unified Development Code Amendment, CCC 40.370.010, Jose, take it away. Thank you, Karl.

PUBLIC HEARING ITEMS, continued

C. Clark County Unified Development Code Amendments, CCC 40.370.010 (Sewerage Regulation) and CCC 40.210.010 (Resource and Rural Districts) as follows:

<i>Code Section</i>	<i>Description</i>
40.370.010	<i>Amend Title 40.370.010 (Sewerage Regulations) to allow extension of sewer to a school in the rural area.</i>
40.210.010	<i>Amend Title 40.210.010 (Resource and Rural Districts) to allow new cemeteries as accessory to an existing church in the FR-40 zone.</i>