

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

1

The Board convened in the Councilors' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Councilors Temple Lentz, Julie Olson, John Blom, Gary Medvigy, and Eileen Quiring, Chair, present.

PUBLIC HEARING: 2019 ANNUAL REVIEWS AND DOCKETS

To consider 2019 Annual Reviews and Dockets amending the 20-year Growth Management Comprehensive Plan Text and Map, Zone Map, and Clark County Code (Title 40).

QUIRING: Moving on to the public hearing, Annual Review and Dockets, CPZ2019-00002, N.E. 152nd Avenue.

ALVAREZ: Good evening, Councilors. Jose Alvarez with Community Planning for the record.

As the Chair stated, CPZ2019-00002, N.E. 152nd Avenue. The first two items hearings are located on 152nd Avenue, so the map just shows both of them, it's just the general vicinity of the area. Let's see. So this is Padden Parkway in orange, 99th Street and then Ward Road.

So the proposal is for this seven into eight acres that's currently community commercial to go to residential R1-6. The Fly For Fun Airport is adjacent to the south. We did meet with, or I had a conversation with the owner of the airport as required by WSDOT, they were not opposed to the change. They did have a

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

2

recommendation that when the time for a subdivision came, there would be a notice on the plat to let the potential new buyers know that they'll be locating next to an airport.

There were some comments that were rec- -- that you should have received in the last couple of days from the City of Vancouver, David McDonald representing Friends, essentially about the decision to support this to be commercial -- to be residential, staff supported the recommendation, the Planning Commission approved this 4 to 1.

At our work session there was a question about sort of the distance the commercial around that area, so I wanted to show you essentially this one-mile buffer. So the circle is a one-mile buffer from this property. Here is the commercial VBLM. So the gray is Bill, this is the Albertsons property that's been vacant for quite a while now. Along Ward Road there's a partial development, the rest is vacant as roughly the same size as the parcel that's being proposed and then there's a smaller parcel on 99th and 137th that's commercial.

So part of the calculus for us was looking at these existing commercials that are underutilized at the Albertsons that are vacant here that are actually in better locations off of the main

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

3

roads to serve commercial as opposed to this 152nd which is a collector and is proposed to be improved as part of the six-year transportation improvement plan but it's still going to be a two-lane collector, it may have a center-turn lane and bike lanes, but it's not going to be widened for any additional capacity, these roads have more just kind of drive-through traffic. And then our criteria it seems like this location isn't the most ideal, we would like it to be either more at a corner at the intersection, so that's some of the rationale.

And just outside of this area, outside of the mile barriers of Fourth Plain and there's a lot of commercial here, there's the Safeway, Walmart, out here is the Fred Meyer and then to the north at 119th is WinCo, so all of those things are really within two miles of the site.

I think in one of the comments the City had talked about a conversion that they had done from residential to commercial, that area actually was in the county and was annexed and it's this 33-acre piece and was zoned mixed use. So under the mixed use zoning at least 20 percent of it had to be commercial which was roughly the eight acres. When they annexed it, the zoning was changed to commercial and R-18 I believe.

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

4

I have a recollection that the property owner wanted to do commercial development with a drive-through facility which isn't allowed in our mixed use code, so that's what instigated their conversation to annexation to the City, so just wanted to give you some context for that.

Do you have any questions?

QUIRING: Are there questions? I was going to comment, the commercial piece that's on Ward Road and where Padden, I mean that is not completely vacant, you mentioned --

ALVAREZ: Right.

QUIRING: -- there is a portion of it that's vacant --

ALVAREZ: Yes.

QUIRING: -- but that's a Walgreens --

ALVAREZ: Yes.

QUIRING: -- and several other businesses there.

ALVAREZ: Yes. But the portion that is vacant is the same size

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

5

as --

QUIRING: Okay. As the one --

ALVAREZ: Yes.

QUIRING: -- that you're proposing.

ALVAREZ: Right.

QUIRING: So, in other words, there's space.

ALVAREZ: Yes.

BLOM: But they came in and tried to rezone last year; correct?

ALVAREZ: Correct.

ORJIAKO: That's true, and they later did withdraw, yes.

ALVAREZ: The neighbors were not happy with the proposal to a higher density.

OLSON: I have a question. You talked about the Albertsons

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

6

parcel, that you mentioned a couple of times that you said it was undeveloped or developed, what's the status of that particular parcel?

ALVAREZ: So this southern piece is where the Albertsons is and I think it's been vacant for quite a while and I was looking at our property information center to see if anyone had tried to go in there, I haven't seen any tenant improvement to try to do anything within the shell of the structure there. So it's essentially a commercial building that doesn't have anything going on inside, on the north side there's smaller retail that is viable.

OLSON: Do you know how long it's been vacant?

QUIRING: Almost five years, maybe more.

ALVAREZ: At least five years.

OLSON: If you're not a grocery store that would be a difficult property to redevelop it seems to me I mean.

ALVAREZ: It could be. I know that there are -- this isn't unique to Clark County, a lot of commercial space is being, just sitting vacant and sort of there's other uses that are coming that are being

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

7

used more for sort of a larger mall type of facilities, but I'm not sure what the ownership is trying to do, if it's just a corporate.

OLSON: Yeah. I guess I'm just trying to, I mean I'm thinking from a development standpoint if --

ALVAREZ: Right.

OLSON: -- I'm looking at a piece of property or a parcel and there's a building on it that I have to deal with versus a piece of property that has nothing on it if it's inside the urban growth boundary and has all the services and a lot of people around it.

ALVAREZ: Right. And it just kind of depends on what you're wanting to do if you need something that already has a shell and structure, then you can do that because it can be expensive to build from the ground up also.

QUIRING: Councilor Medvigy.

MEDVIGY: I'll just make a random comment about that since you brought it up, I mean that was a good building proposal to the sheriff as a potential site for a substation to reuse that space

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

8

that had been vacant for so long, just throw that out there because you questioned it and I mean it's beginning to look unsightly in that area because it's unused. My question though goes to the airport, the property that the runway itself resides on, is it the same owner?

ALVAREZ: Yes. Yes. But there's two properties.

MEDVIGY: So there's --

ALVAREZ: Yes.

MEDVIGY: (Inaudible).

ALVAREZ: Oh, no. No. So do you mean the owner of the airport? No, they're separate. Yeah. So the airport takes up these two properties and the --

MEDVIGY: It's not the same owner?

ALVAREZ: And it's not the same owner, correct.

MEDVIGY: But there is an airport overlay there because I mean this is classic put houses there, airport's forced to close.



CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

9

ALVAREZ: The airport's been there a long time and the development around that has been going on for a long time as well.

QUIRING: It's grass, it's a pretty hard landing I would imagine. And I would just say that there are houses all around there.

ALVAREZ: Yes.

QUIRING: Now you might think that would make sense then to have something commercial, but I, you know, this is right across from the elementary school, the other piece that's right across the street is an elementary school so, yeah, it's been sitting there vacant for some time.

ALVAREZ: Yeah, since '94 brought it into the urban growth boundary I think.

OLSON: '04 in the urban growth boundary.

ALVAREZ: Oh, yes, 2004.

QUIRING: 2004.

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

10

OLSON: Is that right, '04?

ORJIAKO: '04. '94 didn't extend to this, yes.

QUIRING: Any other questions? Okay. Well, let's go forward then with public hearing. I'm going to call all three of you up at the same time. Dave Weston, LeAnne Bremer and Bryan Snodgrass.

BREMER: I'm going to cut ahead of him though, but he's with me. For the record, LeAnne Bremer representing the applicant with Dave Weston of AKS Engineering who also worked on the application. Thank you for this opportunity to address you this evening.

As you heard from a very thorough staff report, and I'm sure you've read the materials which were pretty extensive, we have a staff and Planning Commission support for this request and it makes sense for a lot of reasons as has already been revealed through your questions and comments.

This is a small commercial piece and I believe it has been zoned commercial since 1994. It was -- that was what was in your staff report and it was C-3 at one point and then it converted to community commercial for 25 years as a vacant commercial parcel and there is a current approved RV storage use that's vested that the owner

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

11

could develop out as, but would prefer not to and that's why we are seeking the rezone to residential.

It is across the street from a school, it is on N.E. 152nd Avenue, a collector, and it better meets the County's policies for residential than it does commercial. And, in fact, the most important one is the locational criteria for community commercial properties, one of the criteria is that commercial should be on arterials and this is not an arterial and it's not going to be an arterial.

And also that it needs to be a parcel that serves a two to four-mile radius and it's not a type of parcel and the location it is where folks four miles away are going to drive to it for a commercial. So for a lot of reasons, and it's really well detailed in the staff report, all the policies that this proposal meets and satisfies and very consistent with the Growth Management Act and the comprehensive plan.

We do not have any objection to the conditions that the airport requested that there be no interference with airport operations and that there be a note on the plat that there is an airport next door, although I think it will be obvious. And as mentioned, there is already a lot of residential around the airport; in fact, there

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

12

will be, there are already currently houses closer to the airport than will be with the new proposal.

There was an economic study done and I think from the questions and the discussion that's occurred so far, I think you have recognized that there's a changing nature of commercial, unfortunately we're getting away from a lot of brick and mortar development and a lot of E-commerce is happening, we have an economic study that supports that. Is there a --

QUIRING: Yes.

BREMER: So the commercial is still important, it's still important to have go to a place to shop but it's not a question of whether we do, but where is that going to happen and there's other places in the county where that's better suited. So thank you very much.

QUIRING: Thank you.

BREMER: Oh, did I check the boxes?

WESTON: Yep, all the boxes are checked. Thank you.

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

13

QUIRING: Bryan.

SNODGRASS: Good evening, Chair, Council members. You obviously have the September 11 letter, I won't go through all that, other just to hit and few high points and particularly those issues that didn't come up at the Planning Commission discussion recommendation which we can take partial responsibility for, we did submit a letter for that but we weren't able to attend the hearing.

And just in terms of City interests, and there is no annexation currently planned for this area, but given that the decisions, and particularly the type of development that could come from the rezone maybe there for decades certainly within that kind of a time frame, annexation is more likely.

As you know the main concern from the City's perspective is the removal of scarce land in an employment and particularly a local shopping land in an area that at least from our perspective has little of it. If you look at the northern corner of the VUGA, sort of the several square mile area, this is the only commercially zoned land there is. There's the BP land which is also before you tonight, but this is the only commercially zoned land and there's currently no commercial services.

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

14

So what the implications of that are is that properties particularly north of this site would have to drive probably if this becomes permanent probably a mile or more to commercial services which may not it be the end of the world and it may work, but within today's traffic climate as the area inevitably gets a lot busier it would be more problematic.

There is a County Policy, 1.41, we would just encourage you to look at, that wasn't part of the plan discussion, it doesn't have a number associated with it, but it does talk about the desire to have related uses locate closely to each other. And the letter talks a little bit about some of the policies that were discussed I think from our perspective. The concern is less how far apart should the community commercial zone and place be from the next of the same zoning district, it's more how close should commercial be to residents in your view in this area and for a long-term perspective.

So the economic development and community service issue surrounding the commercial obviously are dependent on the ability of the property development and, yes, it has some challenges, but I think there are some relative strengths which didn't, weren't really part of the Planning Commission discussion.

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

15

As far as it's not developing so far, one partial reason, certainly not the only one, is that the area has developed rapidly recently. Commercial we understand often typically follows the rooftops of residential, and up until the last decade, there haven't been as many within this area. Similarly, the site is located on at least, by an urban standards, unimproved roadway. Obviously there's an improvement plan to rectify that, and if you look at the vacant lands in the area, even a lot more development is likely within the area.

A couple of modest strengths in terms of the parcel itself for commercial development for compared to most parcels in this kind of situation, it's not buffered or it is buffered rather by roads and an airport. So there's less of a problem in terms of the interface with abutting residential. Unlike the Albertsons site, it doesn't require a would be developer to teardown or renovate a site, and certainly in at least in our observation, we're not land use economist, eight acres we've seen many commercial properties be successful at that range.

And I think the example that Mr. Alvarez was talking about was the case of the rezone. We recently feel that where the applicant had actually requested eight acres, it wasn't just a willingness to

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

16

settle for what was there, that's what they wanted as they approached us.

So certainly E-commerce is a factor here. As the letter indicates some of the overall commercial numbers that we have, I think the applicant's study cited regarding the retail sector are still holding steady overall, not to say that it won't be an issue in the future, just that in commercial sectors it will hit different commercial activities differently and it's still a very fluid situation at least as we understand it.

Certainly the property also could be developed if it remains in its current zoning for RV storage. I think the applicant to their credit indicated in the Planning Commission testimony some of the concerns about that, but certainly there are things worsening in terms of the saturated commercial, or excuse me, RV market and new facilities within the area.

So I think to, in summary, it's not as if we're suggesting the site is a Tier I commercial site or it's without problems, but just that at this stage quitting on the property from a commercial standpoint is probably premature, and obviously it seems like there's some other properties within the general area to the south that are also undeveloped so far or partially developed, and so we would suggest



CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

17

that the comprehensive plan update is a chance to look at not just this particular site but also the broader question of commercial viability, how close in your view you would like to see commercial services to residents in this area, not just now but in the long-term.

QUIRING: Thank you.

ORJIAKO: Councilors, for the record, Oliver Orjiako again. I would like to make a correction. I was thinking about the property immediately to the north, that came into the urban growth boundary in '04, this one did come into the urban growth boundary in 1994, so I stand corrected.

QUIRING: Thank you. Any other questions of the Council?  
Discussion?

OLSON: Do we have deliberation after a motion?

QUIRING: Yes, we can discuss after a motion. Would somebody like to make a motion?

LENTZ: No.

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

18

QUIRING: Well, for the process of moving forward, I would move approval of CPZ2019-00002, N.E. 152nd Avenue, approving the proposal to amend the Clark County Comprehensive Plan and Zoning Map from Commercial to Urban Low or R1-6 on one parcel of 7.68 acres. No second? Okay. I guess we'll deliberate.

OLSON: I've been back and forth on this for weeks and I think, I think Mr. Snodgrass from the City probably explained it better than anybody, but I just have a concern about our kind of ready at the, ready at the trigger to rezone commercial land to residential land, and I appreciate the staff work that was done and I know you've probably wrestled with this as well, and the fact that it is inside the urban growth boundary I think we should consider Vancouver's position on this as well.

I understand also the need for housing. I would consider some mixed use potentially, but moving it for me from commercial to residential right now, I just think we, I just can't support it and it doesn't bode well for the next one either, but I think we need to hold to our plan and I think the best opportunity to look at this is when we update the Comprehensive Growth Management Plan in the next couple of years. We can look at whether this does make sense, should we -- I just -- but for right now, I can't, I can't support the rezone, so...

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

19

QUIRING: Councilor Medvigy.

MEDVIGY: I more or less wanted to just make a couple of comments because following along some of those, same as my initial reaction to some of this rezoning that's before us tonight, and I guess ultimately I'll put the bottom line out front, I think we should really wait to vote on this because we have another parcel that will have a change that will have some mixed use within the sphere of influence, if you will.

I think all the points were aptly made by Vancouver and the advocate for the redesignation, you know, there -- may be there is some argument that if it does fill in with homes that may be it will put some more pressure on that other commercial development that I would consider somewhat failing because it's been vacant for so long.

You know, the road system is problematic throughout that entire area and we are behind, I mean the improvements to Ward, I mean we heard from the former Proebstel neighborhood on some of those intersections that have had a lot of pressure because of all of this residential development.

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

20

So the other flip side of this is my initial reaction to this was, you know, I've got so many rural property owners out there who really have been greatly impacted by some of the zoning and comprehensive plans from previous years and we have, I haven't been successful at getting any of them much relief yet and that was my first comment to county manager about this, you know, the developers have the wherewithal, they've got the lawyers, they know how to use the process to have these, the rezoning done where our individual property owners out there who are suffering and not able to make use of their land haven't had much relief.

I mean, I'm anxious to see us open the aperture in the next comprehensive plan to make some of these changes, but also to help the individual property owners not the developers necessarily to achieve the use, best use of their own lands, I mean it's property rights.

On the other hand I don't want to deny someone who's owning this property from moving forward and using their land the way they would see fit which is to build houses and hopefully starter homes of some kind, not mid or high-level homes, we need affordable housing, and I guess I didn't, I should have asked that question.

What is planned, what kind of homes are planned there? I mean,

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

21

are they starter homes? Are they mcmansions? I mean, what are we talking about on this parcel?

ALVAREZ: So the proposal is for R1-6 which is 6,000-square foot lots. In the market analysis I think the prices in this area are mid-300,000.

QUIRING: A little higher than that.

ORJIAKO: More than that.

QUIRING: I would say 4 to 550, in fact I was shocked to see -- anyway, yeah. Councilor Lentz.

LENTZ: I also am hesitant to give up commercial land for the sake of turning it to residential. The area is developing very quickly and I can understand the push to do it; however, agreed this was zoned for a reason and now that the area is finally beginning to achieve some of the density that may be able to support commercial there, turning away from it does seem premature.

Further, we've heard about and we talk about the changing nature of commercial, but also I want to bring some attention to and thought about the changing nature of urban residential living and

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

22

planning and think about the quality of life and amenities for those who are living in this area and especially being so close to a school, having the ability to have something to walk to.

I think that the comparison to defunct grocery store isn't entirely apt and there are -- while we are seeing big-box stores go down and E-commerce come up, there are a lot more smaller developments of locally owned, individually owned retail and commercial that are coming up in residential areas and this area may now finally be approaching the density where that would make sense and I would hate to give up much needed jobs land in order to put up more houses.

QUIRING: Okay. Go.

BLOM: So the problem with waiting till last to talk is everyone says everything you were going to say in advance. I would just echo that, yeah, the idea that we're comparing it to Albertsons, I was in that shopping area this last weekend and almost all the small spaces are occupied, there may be one or two vacancies, but those smaller spaces there is a need for that, particularly in this area and as you look at the growth that is happening. There's three or four large subdivisions up 152nd Avenue, there's several hundred homes each and there's more in the works there and it's only going to drive higher demand for commercial property of the types that

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

23

Councilor Lentz was talking about.

We just made a very large decision very heavily based on the idea that commercial follows rooftops and I believe that and so I can't now go back and make this decision to convert this land, it's like that would be in direct contrast to the logic and rationale that we've used on some big decisions recently, so...

With that I would, since there was no second, I would make a motion to deny CPZ2019-00002.

LENTZ: Second.

QUIRING: Okay. So I didn't have a chance to speak yet. So I would like to speak because I drive this road multiple times a day actually when I'm in the area, I mean I live in this area. This is not conducive to walk to, you'd get hit with a car if you were walking along that road to get to some commercial development there.

When the idea of an RV storage place is suggested there, that does not sound good to me at all for all of the development that's around there. I think probably it's been held because there's an airport there, you would never know that is an airport, it looks like a grass field. And so I'm sorry to hear that you don't want to change

CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

24

this.

To me it's very, very much conducive to having it be residential since all of the space around it is residential and we still have some space over here on Ward Road near other commercial developments as well as the Albertson's. I mean, they could build some other strip type little stores. The ones that are occupied right now it's possible I suppose to create more of those as well, but apparently I'm by myself on that, but I just thought I would take the opportunity to speak on it, so...

OLSON: And this is not an easy decision, this is probably one of the hardest decisions I've had to make because I can see both sides very, very clearly and there's potentially a benefit to both, I just I think we have to continue to plan.

QUIRING: Yeah. I just wonder what kind of jobs are going to be in this seven-acre parcel, I don't see it. But at any rate, we have a motion and a second. Is there any further discussion? Okay. Call the roll, please.

LENTZ: We're voting to deny so AYE

OLSON: AYE

BLOM: AYE



CLARK COUNTY COUNCILORS  
MINUTES OF Sept. 17, 2019  
ANNUAL REVIEWS & DOCKETS

25

MEDVIGY: AYE

QUIRING: NO

QUIRING: Motion passes. Okay. Item Number 2, CPZ2019-00003, Riverview Asset.

ALVAREZ: Okay. Councilors, so this parcel is just north, it is 60 acres approximately. The proposal is for 50 acres to be rezoned from industrial to urban low R1-10 which is 10,000-square foot lots and 7 to 10 acres along the frontage to go to commercial.

The Planning Commission took staff's recommendation to deny the request unanimously. This was before the Planning Commission and Council in 2017. We had the same recommendation. Council wanted to consider this maybe in the future, didn't think that would be in a year and a half, but that's where we are and it's just a large piece of land for employment that we don't have anywhere else. The infrastructure isn't where it should be at this point but looking long-term the recommendation was to keep it as is.

QUIRING: Where is the infrastructure right now?

ALVAREZ: So this is 152nd Avenue and 99th Street, it's in the 20-year plan, it's not in the six-year capital facilities plan.