


STAFF REPORT AND RECOMMENDATION TO THE BOARD OF COUNTY COUNCILORS

TO: Clark County Board of County Councilors

FROM: Clark County Planning Commission
Marty Snell, Community Development Director

PREPARED BY: Marty Snell, extension 4101 

SUBJECT: Amendment to the Rural Center Residential Districts (RC-1, RC-2.5)

HEARING DATE: March 8, 2016

REPORT DATE: February 29, 2016

I. SUMMARY

A change is proposed to a use section of Clark County Code (CCC) Title 40 as follows:

- 1) Amend the Rural Center Residential Districts' use section (CCC 40.210.030) to conditionally allow Residential Care Facilities on parcels greater than 5 acres.

II. BACKGROUND

A private non-profit corporation, Daybreak Youth Services (Daybreak), approached the Board of County Councilors (Board) in November of 2015 to share its unique opportunity to open a residential treatment facility in the Brush Prairie area of Clark County. Prepared with facts regarding either the lack or complete absence of space for substance abuse treatment for boys/young men and girls/young women, the non-profit discussed with the Board the idea of amending the Rural Center Residential Districts code to allow the operation of a residential care facility. With a commitment to acquire and re-purpose a newer, abandoned church, Daybreak sought a code change so that they could apply for some kind of approval by the county.

The Board directed staff to prepare a permanent code amendment to the use table in CCC 40.210.030. With caveats that residential treatment facilities require at least five (5) acres and approval of a conditional use permit, the Board addressed the issue that this proposed code amendment will not likely have wide-spread effect. The permanent code amendment would also prevent the possibility that an approved Daybreak operation becomes a legal, non-conforming use.

III. PROCESS

The Board of County Councilors adopted an interim zoning ordinance (see attached Resolution No. 2015-11-12) on November 18, 2015, amending CCC 40.210.030 to conditionally allow Residential Care Facilities on larger parcels. The Board directed staff to present a permanent code amendment to the Planning Commission in early 2016.

The Planning Commission held a public hearing on the proposed code amendment on February 18, 2016. After hearing a few interested parties testify, the Planning Commission discussed the amendment, deliberated, and made a recommendation that the proposed code amendment, as amended by the Planning Commission, be advanced to the Board of County Councilors.

The modification the Planning Commission made was to change the acreage qualifier from 'larger than 5 acres' to '2.5 acres and larger'. A second motion was made that the Board of County Councilors consider, in effect, a comprehensive review of 'staffed residential homes', 'residential care homes' and 'residential care facilities', in order to provide more opportunities for these uses to be allowed.

IV. COMMUNITY OUTREACH

Daybreak held a neighborhood meeting at the former Bethesda Slavic Church in Brush Prairie on November 30, 2015. Notification and letters went out to property owners near the church to discuss the possibility of a residential care facility being allowed in the Brush Prairie Rural Center. A two page meeting summary of that event is attached. County staff did not attend the meeting.

Approval of amended development regulations are subject to SEPA review. As such, a SEPA determination of non-significance was published in the "Reflector" newspaper on February 10, 2016. An environmental checklist with the potential ramifications of these code changes was sent to SEPA agencies, with a SEPA comment period deadline of February 17, 2016.

A legal notice of the February 18, 2016 Planning Commission public hearing was published in the "Reflector" newspaper on Wednesday, February 3, 2016.

IV. RECOMMENDATION

The Planning Commission considered this proposal and made a recommendation to the Board of County Councilors to adopt the following code amendment.

Note: proposed new text is double underlined; text proposed to be removed is ~~struck through~~

40.210.030 Rural Center Residential Districts (RC-2.5, RC-1)

A. Purpose.

The rural center residential zones are to provide lands for residential living in the rural centers at densities consistent with the comprehensive plan. These districts are only permitted in the designated rural centers. Natural resource activities such as farming and forestry are allowed to occur as small-scale activities in conjunction with the residential uses in the area. These areas are subject to normal and accepted forestry and farming practices.

B. Location Criteria.

These zoning districts are only permitted within the designated rural centers adopted as part of the Clark County comprehensive plan in areas with a comprehensive plan designation of rural center residential.

C. Uses.

The uses set out in Table 40.210.030-1 are examples of uses allowable in rural center residential zone districts. The appropriate review authority is mandatory.

- “P” – Uses allowed subject to approval of applicable permits.
- “R/A” – Uses permitted upon review and approval as set forth in Section [40.520.020](#).
- “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit as set forth in Section [40.520.030](#).
- “X” – Uses specifically prohibited.

Where there are special use standards or restrictions for a listed use, the applicable code section(s) in Chapter [40.260](#), Special Uses and Standards, or other applicable chapter is noted in the “Special Standards” column.

Table 40.210.030-1. Uses

	RC-1	RC-2.5	Special Standards
1. Residential.			
a. Single-family dwellings and accessory buildings, including 1 guest house	P	P	40.260.010
b. Family day care centers	P	P	40.260.160
c. Adult family homes	P	P	40.260.190
d. Home business – Type I	P	P	40.260.100
e. Home business – Type II	R/A	R/A	40.260.100
f. Bed and breakfast establishments (up to 2 guest bedrooms)	P	P	40.260.050
g. Bed and breakfast establishments (3 or more guest bedrooms)	P	P	40.260.050
h. Country inns of historic significance	C	C	
i. Garage sales	P	P	40.260.090
j. Residential care homes	C	C	40.260.180
k. Temporary dwellings	P	P	40.260.210
l. Staffed residential homes	C	C	40.260.205
<u>m. Residential Care Facilities (on parcels 2.5 acres or greater)</u>	<u>C</u>	<u>C</u>	<u>40.260.180</u>
2. Services, Business.			
a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials	P	P	

b. Roadside farm stand	P	P	40.260.025
c. Agricultural market	P	P	40.260.025
d. Veterinary clinics	C	C	
e. Commercial kennels on a parcel or parcels 5 acres or more	R/A	R/A	40.260.110
f. Private kennels	P	P	40.260.110
g. Animal boarding and day use facilities	P	P	40.260.040
h. Dental and medical offices	C	C	
3. Services, Amusement.			
a. Publicly owned recreational facilities, services, parks and playgrounds	P	P	
b. Neighborhood parks	P	P	40.260.157
c. Private recreation facilities, such as country clubs and golf courses, including such intensive commercial recreational uses as golf driving range, race track, amusement park, paintball facilities, or gun club	C	C	
d. Golf courses	X	X	
e. Equestrian facility on parcels less than 5 acres	C	C	40.260.040
f. Equestrian facility on parcels 5 acres or greater	P	P	40.260.040
g. Equestrian events center	C	C	40.260.040
h. Outdoor public entertainments, amusements and assemblies	R/A	R/A	Chapter

			<u>5.32</u>
4. Services, Membership Organization.			
a. Churches	C	C	
5. Services, Educational.			
a. Public or private schools, but not including business, dancing or technical schools	C	C	40.260.160
6. Public Service and Facilities.			
a. Ambulance dispatch facilities	C	C	40.260.030
b. Government facilities	C ¹	C ¹	
7. Resource Activities.			
a. Agricultural and forestry, including any accessory buildings and activities	P	P	40.260.080
b. Silviculture	P	P	40.260.080
8. Other.			
a. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines	P	P	40.260.240
b. Solid waste handling and disposal sites	C	C	40.260.200
c. Wireless communications facilities	P/C ²	P/C ²	40.260.250
d. Cemeteries and mausoleums, crematoria, columbaria, and	X	X	

mortuaries within cemeteries; provided, that no crematoria is within two hundred (200) feet of a lot in a residential district			
e. Temporary uses	P	P	40.260.220
f. Electric vehicle infrastructure	P	P	40.260.075
g. Medical marijuana collective gardens	X	X	
h. Marijuana-related facilities	X	X	

¹ *Government facilities necessary to serve the area outside urban growth boundaries, including fire stations, ambulance dispatch facilities and storage yards, warehouses, or similar uses.*

² *See Table 40.260.250-1.*

D. Development Standards.

1. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Tables 40.210.030-2 and 40.210.030-3, subject to the provisions of Chapter [40.200](#) and Sections [40.350.030](#) and [40.550.020](#).

Table 40.210.030-2. Lot Requirements			
Zoning District	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
RC-2.5	2.5 ¹	100 ²	140
RC-1	1.0 ¹	100 ²	140

¹ *Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines and telecommunication facilities may be permitted on newly approved lots of less than the minimum parcel size.*

² Unless a greater width shall be required by the Clark County fire code.

Table 40.210.030-3. Setbacks, Lot Coverage and Building Height						
Zoning District	Minimum Setbacks ⁴				Maximum Lot Coverage	Maximum Building Height (feet)
	Front ⁵ (feet)	Side Street ⁵ (feet)	Interior (feet)	Rear (feet)		
RC-2.5	25	25	10, 50 ¹	10, 50 ²	N/A	35 ³
RC-1	25	25	10, 50 ¹	10, 50 ²	N/A	35 ³

¹ Side Setbacks. Minimum side setback on each side of the residential dwelling and incidental buildings shall be ten (10) feet, and fifty (50) feet for accessory buildings used for agricultural purposes. Side setbacks from abutting property zoned for natural resource or surface mining uses shall be a minimum of fifty (50) feet for all structures.

² Rear Setbacks. Minimum rear setback shall be fifty (50) feet when abutting property zoned for natural resource or surface mining uses.

³ For all structures.

⁴ Setbacks for nonconforming lots shall be those as set forth for conforming lots except in cases where the standard setbacks will result in the buildable area of the lot being reduced to less than ten thousand (10,000) square feet. In these cases setbacks may be reduced to achieve a building envelope of at least ten thousand (10,000) square feet, however in no case may they be reduced to less than twenty (20) feet for the front setback and five (5) feet for the side and rear setbacks.

⁵ *Setbacks in rural centers are measured from right-of-way, and not from public sidewalk easements; provided, that setbacks to garage and carport entrances shall maintain a minimum eighteen (18) foot setback from sidewalk easements.*

2. Previous Land Divisions.

The remainder lot of a previously approved agriculture or forest district “cluster” land division or the remainder lot of a reconfigured land division may be further divided only if the total number of lots in the previously approved “cluster” land division is below the density permitted in the existing zone. An example is a previously approved “cluster” short plat of three (3) one (1) acre and one (1) seventeen (17) acre remainder which is now zoned for five (5) acre lots. The original parcel was twenty (20) acres, divided by the current two and one-half (2.5) acre minimum lot size equals eight (8) lots. Since four (4) lots were already created, the remainder parcel can be further divided into not more than four (4) additional lots.

3. Signs. Signs shall be permitted according to the provisions of Chapter 40.310.

4. Off-Street Parking. Off-street parking shall be provided as required in Chapter 40.340.

18 January 2016

Good Evening Commissioners,

My name is Mark Gawecki. I live at 17706 NE Homestead Drive in Brush Prairie, WA

Thank you for the opportunity to address the commission this evening on the topic of Residential Care Facilities on large parcels. I'd like to start by giving you some background information on this topic.

On November 18, 2015 County Commissioners Madore and Meilke approved an emergency measure to allow the Daybreak Organization to proceed with an application for a forty bed Drug and Alcohol Rehabilitation Facility in Brush Prairie. The existing zoning limited such a facility to ten beds which was inadequate for their needs. The normal procedure in this case would be to apply for a zoning change with the Planning Commission and then a review with the Board of County Commissioners before such an application could proceed to the next step.

Daybreak argued that they didn't have time for such a process. They explained that they had found a facility that they were negotiating to buy, but just learned that the zoning was only for a ten bed unit. The seller was pressuring them to buy. The Daybreak Board of Directors was meeting that evening and Daybreak officials wanted to tell them they were on a path for approval of the project. Their earnest money was in jeopardy.

The County Commissioners asked what public outreach had been done to get community support for such a facility? The answer was none. Daybreak wanted to make sure they had changed the zoning to allow the plan to proceed before alerting the community of their intentions. After some pleading on the part of Daybreak, the County Commissioners relented and decided to call the situation an emergency. They then granted Daybreak an emergency interim zoning ordinance, a temporary change in zoning, so that the application could proceed. Daybreak was granted a sixty day window to have an application deemed complete. This emergency change was made without public input, avoided a formal review by the planning commission and eliminated the need for the County Commissioners to have a formal hearing. There was no attempt to contact the other rural centers in the county that would be affected by this decision. There was no emergency. Daybreak simply wanted to get the zoning changed any way they could or they stood to lose their earnest money. Please listen to the tape recording of this meeting to hear what the emergency was all about. Money!

I found out about this meeting in early December of 2015 and attended the next scheduled County commissioner's meeting and complained about this emergency process. My objections were dismissed by Commissioners Madore and Mielke. Commissioner Madore reminded me that now all it took was a majority of two commissioners to make this decision. In 2016 it would require three to uphold this

decision. I was about to be excused when Commissioner Stewart said she had a question about the day of the November meeting. She recalled that she was out of town on county business when the Daybreak meeting took place and staff was well aware of her scheduled absence. She also recalled that she had a phone call urging her to stay out of the project. She questioned whether the emergency procedure was appropriate in this matter. She questioned whether the action could be rescinded. She was told it was not likely. Councilor Stewart made the observation that this emergency interim ordinance applied to all the rural centers in the county, not just Brush Prairie.

Please view the video of this meeting at www.cvtv.org/vid_link/17525. You can hear my testimony followed by Councilor Stewart's questioning the procedure used to push this emergency measure through. (See timeline 1:50:02)

The 2015 three member Board of County Commissioners set in motion a procedure to make the emergency zoning ordinance a permanent code amendment. This amendment will have a wide spread effect. This would allow residential treatment facilities throughout the county, with at least five acres, to have similar forty or more bed facilities. This is the measure before the planning commission at this time.

The Planning Commission can recommend to the 2016 Board of County Commissioners to approve or reject this permanent code amendment. I recommend that the amendment be rejected and the zoning on these facilities remain ten bed units. Unfortunately this will do nothing to stop the establishment of the proposed Daybreak Facility in Brush Prairie, but it will prevent further such facilities in Clark County and perhaps restore some trust in County Government.

Thank you for allowing me to testify.

Included with this memo is a transcription of the November 18, 2015 meeting.

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Mielke: Port time Wednesday November 18th 1:31 , 2015

Background noise

Madore: Welcome, welcome we have lots of visitors here today and we can, we got one simple thing to do here which is approve the minutes first we'll just get by that is there a motion to approve the minutes.

Mielke: I make the motion we approve the minutes October 24th and November 4st.

Madore: OK I second that motion, any discussion?

Mielke: No sir

Madore: All in favor

Group: Aye

Madore: motion passes

Madore: The next item 2.1 and that's the item Counselor Stewart wants us to delay. Yes that's fine we will delay that.

And now we jump right into Daybreak Youth Services and with that I've invited the proponents that know about this more than we do to help us understand this project and (I give you the floor. (1.03 on tape)

Mr S (?) OK If I go into too much detail stop me I don't want to waste consulators time here today. Daybreak Youth Services provides drug and alcohol treatment for addolecents in Spokane and Vancouver.

Madore: Can you speak up a little bit we're trying to record.

Mr. S Oh yea, I have a problem speaking low yes In Vancouver and in Spokane we started in the late 70's in Spokane with a \$3400 grant, we hired an executive director and a counselor rented the basement of a church and started an outpatient program with 6 patients. And grew to a 40 bed facility in Spokane inpatient plus an outpatient clinic ah currently that operaton in Spokane is 100% girls.

Madore: Oh (impressed) what year was that formed? (2.01)

Mr. S. That was in 1980

Madore: And you've been with them that long?

Mr. S. No. No I've been with Daybreak as a volunteer board member since _____ for about 5 years now.

Madore: OK

Mr. S. But it was started by 5 people who knew nothing about current drug and alcohol treatment but had a calling from God and got put together by a Presbyterian minister, (they) didn't know each other but they all had the same calling at about the same time and they all contacted this minister and the minister got (them) together and they spent two or three years trying to understand what that calling meant and eventually started Daybreak Youth Services.

Madore: Umm Great (2.39)

Mr S: Of course we're not profit and we have an all volunteer board. We have 16 bed I guess I'll go on to Vancouver, we have a 16 bed facility that's all boys. And um we used to be boys and girls in Spokane but switched to all girls when we realized that there was such a shortage of beds in our state for girls. At that time there were um Annette correct me if I'm wrong but there were about 240 beds throughout the state for adolescents and 40 of those at that time were for girls. Available for girls, so we converted our facility in Spokane to 100% girls and went from 20 to 40 so in one fall swoop we upped the number of beds for girls in the state by 50%.

Madore: Great (3.29)

Mr. S Here in Vancouver we started in about 15 years ago. We were invited to Clark County by Clark County and asked to come over because there was nothing here. We came over and started a facility, rented a location and that still where we're at and it's the same place. We have 16 beds all for males (3.56) We have no no capacity in Clark County at this point for girls.

So all of our girls get exported and a bunch of our boys because we don't have enough beds to even you know the boys we have quite a waiting list at both locations.

So we have been looking for a location to put a bigger facility in the Vancouver area Clark County area since...at least for 3 or 4 years now. It was contemplated earlier than that. In that search we've found one location so far, this church that that would work for us. Ah if the church doesn't work we may have to look at ah a new facility which would be much more expensive and we may not be able to proceed with something that expensive.

Annette: I think what's important to understand is that we began vetting this property a year ago right, so the department of health has been there, I mean we've done significant do diligence on this particular location (5.08) for a year um and so ah we went through ah just really you know making sure that all systems were go and then it was only about 2 weeks ago that it was brought to our attention because of course the very first question we asked was is it zoned for the appropriate use and we were told yes. And then 2 weeks ago we realized that there was a mis-interpretation regarding the zone that it's zoned for a ah a treatment home right? Which is what the (5.38) treatment home would include a

treatment facility but they are different right? So it was only 2 weeks ago that we realized that there this, that it's actually not going to fit the zoning requirements. Right? And we, and we've already received a 1.5 million dollar appropriation from the Washington State Legislature because from the Canadian border to the Oregon border there are only 58 treatment beds for the entirety of western Washington (6.04) and um 3 to 7 percent of young people having severe substance addiction we have a significant need there's about 20 % of young people having severe substance addiction we have a significant need there's about 25000 young people in any given day that are in our schools or in our neighborhoods, they are on our streets they are mostly every day um and that the need for treatment does work the earlier we can catch them the treatment the greater likelihood that they won't be living on our streets homeless in downtown Vancouver or in our neighborhoods.

(6.40)

Mielke: Is your facility a voluntary or involuntary or for minors?

Mr. S. It's both because the majority of our kids are sent by the state. The justice system but we also have ah insurance kids that come in and we also have kids that don't have any way to pay. They come in and we treat everybody that comes we get in everybody gets on the list (7.01) The other important thing to know is that ah insurance kids aren't usually paid, the insurance pays for 21 or 28 days our program usually takes 45 to 55 days plus kids get to complete 2. We that's one of the things Daybreak was that to start with they go on the list just like everybody else weather they can pay or weather they can't pay. And so we exist by payments from the state for the state sent kids which is not enough on a daily basis to cover our costs. With the insurance payments that we get that a lot of times just don't cover the amount of days that the kid actually stays in treatment. And through philanthropy if it was not through philanthropy we would not be able to exist. 9

(7.52)

Annette: Maybe the other thing is most the far majority 80% of our kids if they are referred through the justice system it is because of their drug use. Right, so they're not these are not violent kids right who have...committed...you know major offences that have gotten them into the justice system who happen to have a drug problem these are kids who have they are sent to us I mean fortunately we live in a state right where are, are judges understand that kids don't get better in jail. You know.

Madore: Yea (8.26)

Annette: And it's expensive \$390 a day right and our treatment _____ so it's much cheaper to get them treatment at 1 \$188 a day than to lock them up at \$390 and they don't get any treatment they don't get better, so that I think is the one thing there's always going to be the one thing the miss conception that there's dangerous kids coming in and they're going to break out and

break into our house and these are not the kids we have. We have kids um that are with us because they've been using drugs at school right?

Mr S 188 that's what we get paid that's not what it cost us

Annette: No but there's a difference. It's cheaper for our government to treat them than (9.03) it is to lock them up for sure.

Mielke: so you say you've been looking at this property for a year.

Annette: Un hun

Mielke: What public outreach have you done to the citizens around the proposed facility.?

Mr. S We haven't done any until now because we just signed the purchase sales agreement. We just got to the point where we could do that, and in fact we got to the point where we had to do that because there was we were trying to work out a situation where we could get under contract and be able to cover under the time periods it would take under a normal process to get all the things we need to get done. Which we know now is a code change_ for the zoning and then a conditional use permit. And we never got to the point where we could get that negotiated (9:45) and then what happened lately was that there was another buyer showed up and then, then people we were negotiation with got much more difficult to negotiate with. And because we were there first they told us we'll still honor you being there first, but here are the terms. There wasn't any negotiation. We're in kind of an onerous contract but we're still in the game

Yep Un Hun

And so once we got, got the sales agreement signed which has only been a couple of weeks ago (10.20) then, then we could think about public outreach but before that we're going to be waisting peoples's time

Annette: And there are the board also knew financially we could not look forward until we were insured the appropriation by the state and as you know they didn't pass the capital budget until July and then we've been kind of scrambling to see if it was viable (10.44) because we didn't start out reach because it didn't appear it was necessary until we actually knew we were moving forward in the projet

Mr. S So just yesterday we went out and , and knocked on doors (11.00) with a letter and a couple of pieces of paper for a flyer, a map that showed where it was at a letter that explained briefly and some talking points about the problem. And we were able to make direct contact with 2 or 3 of the neighbors and then we were able to leave flyers for the rest of them. The ones we did contact made contact with were ah positive. Knew something needed to be done and would support us. From the flyers we received one e-mail and it was(11.41) on the negative side. So that's what we've done so far. We going

to send out invitations tomorrow for a community meeting at the 30th 11:30 and 6 or 7 at night probably at 7 at the church location so we can show them exactly what we're planning we can talk about the clients that we treat and the problem.

Milke: What do you need from us today and why? (12.09)

Mr. S. For Daybreak to stay, stay in pursuit of this property we need the emergency ordinance passed today. If it's not passed today we're gonna have to pull out. We cannot afford to lose the earnest money without anything without something in place that's going to shorten the amount of time it takes to get through this coaching process and this conditional use permit.

Mielke: I'm going to turn to my legal staff (12.41) and ask of them what is the normal procedure that we would go through.

Woman's voice attorney(?) Normally this would occur ah ah, um, it must happen at an open public meeting. Umm This is couched in terms of an emergency and so a public hearing is not required. However, the emergency ordinance that might be adopted would only be good for 60 days, within which time it would have to go through a duly noticed planning commission hearing and a duly noticed board hearing and have findings adopted by the board. (13.48) that justify it. So it could be adopted and effective as of the day of adoption.. Now I have, I have something labeled draft in front of me and I assume I assume that that is...that council has it as well.

Mielke: What would be the recourse of the neighborhood if we were to adopt it today?

Woman Attorney: Umm the same sort of recourse (14.21)

Milke: Would it be a temporary thing?

Woman Attorney: Yes it's temporary it's 60 days unless within that time the planning commission and the board of councilors hold duly noticed hearings and act upon it. Because this is an amendment of title 40, so it has (under GMA??) it has to go through that but something that is adopted on an emergency basis can be good for 60 days without going through that.

Mielke: So

Woman Attorney: And the county has done that in the past

Mielke: Yea, so it's something we've done in the past. What would stop it from going forward? Is a code change (15.08) that much different than what is already there?

Woman Attorney: Yeah it's not an allowed use in the zone.

Mr. S. A home is which is which is 10 or fewer ...

Woman Attorney: A home which is 10 or fewer...voice override here man speaking a facility is greater than 10.

But a facility is not umm

Mielke Copy 15

Woman Attorney. No 40 beds Looking at the use table on page 4 of the resolution packet you can see that "L" is staffed Residential Homes that's already a conditional use in the zone but what's new is this new "M" that allows residential care facilities on parcels greater than 5 acres. So....

Mielke: Is this parcel greater than 5 acres?

Annette: 8 acres

Woman Attorney: It's 8 acres so unless you want to limit it to 10 beds it can't go forward without this code change.

Madore(?) And you have no other viable candidates (16.10)

Annette: We've been looking for 3 or 4 (years?)

Madore: So a county would simply loose the capacity that you would...

Annette: YES

Madore: provide (background Mr. S. It would be 3-or 4 years before we could find something else)

● Woman Attorney: Can I inquire is this not something that can be done on Tuesday?

Man's voice; Tuesday

Woman Attorney: Yes next Tuesday

? Madore: In terms of the timing ordinance

Man's voice: I suppose it could be

Mielke: That would not preclude you from proceeding?

● Annette: It would be helpful to do it today because we have a board meeting this evening right, un, and our board wants some assurance (16.52) that we're (not) losing earnest

money. \$25,000 dollars __ (will be lost??) _ December 6th and we want to have some certainty that we can move forward with this project.

Mans voice: Um hum (as if in agreement)

Mr. S. We're not a wealthy non profit. We operate under a _____ budget and we 25,000 and then 50,000 a month later are really important to us. So we, we can't afford to loose money and we CAN'T afford to proceed on the property and not get across the finish line because if we do we will put the (rig??) out of busines and we won't have any of our beds.

Mans voice: Yes I think _____ asked the question (17.31) to allow for public testimony

Mans voice And noticing

Woman attorney: In general with an emergency ordinance we would not have public testimony at that time but we might have a fuller board and it would generally be a larger venue it would be televised, so forth and so on.

Mans voice: In this case if the emergency ordinance is granted and they put down earnest money that they would subsequently loose if we were not to permanently change our code. I mean we're almost committed to peramanently change the code if we do the emergency. (18.14)

Woman Attorney: Well if the emergency is done my assumption would be that an application would be submitted which would then vest the applicant to the code in effect at the time of the application. So they're probably not loosing their earnest money. But Tuesday's irrelevant for the permanent Tuesday would be the emergency and and because you need to have duly noticed planning commission and then board hearings.

Mans voice: For a permanent change

Woman attorney: For the permanent change

Mans voice: Yeah

Mr S: One comment, we're really kind of at the end of our rope with this. We have very little time to do anything _____ late and the harder it.....

Woman Attorney: The board does hold it's meetings in general on Tuesday. Which is 6 days from now.

- Mans voice: (Trish??) I'm not so concerned about that I'm concerned about giving the neighbors ample time to understand what we're doing and voice their opinion or concern and then that would come back to a conditional use as to what kind of conditional uses we may have to put on this code change. (19.53). So umm ah normally we allow a longer

period of time for the posting and the notifying people within a certain radius that this may take place.

Womans voice: well

Man's voice: and we would like to see it go forward but I (20.10) but I'm afraid that there could still be surprises and unh (I'm) concerned about that.

Woman Attorney: We would not post on a property that we're going to change the ordinance because this ordinance is generally applicable in the zone. Now that would be published it would be public notice and it would be on the Grid and so forth and so it would be on the Planning Commission Grid and on the Board of Consulators Grid and usually you know that's a matter of a month or more because you do 15 days with a Planning Commission hearing to follow and 15 days with the Board of County Counsulators hearing to follow.(20.55) Umm

Mans voice: Could't Chris, couldn't we go back to the emergency period.

Chris: Yeah

Man's voice: You said that if they file an application during the 60 days of the emergency period they're vested and their rights survive the expiration of the emergency ordinance.

Chris: Yes

Madore: Is there it, if this was a window of time that was only open for 60 days is that sufficient time to submit an application do you have what you need? (21.21) Will it succeed in that time.

Woman's voice: Yes

Mr. S. I think that we would be pushing it too thin much shorter than that toward the don't we have a "C" through?? submission Or notice to do too?

Womans voice (Chris?): No one has show me what your application is so I can't advise you as to what the requirements are

Annette, right right right yes, yes we would submit the application as soon as (lots of overtalk here)

Mr. S. ...checking..the interior of the building

Mans voice: Are you adding on or altering

Annette: No it's....

Mr. S: Not right now but we haven't got all that planning done. I would say today we don't think we need to but we haven't gone through all the architectural work and all the detailed layout. Right now we don't think we have hardly anything to do outside other than fencing and some things like that. There's no environmental type issues. The other thing I might mention too is we still have to go through even with the coaching, we still have to go through the conditional use permit and that has a public hearing too (22.24)

Annette: Yes

Mr. S. With that and so that has to happen after the coaching so there is quite a period of time...probably till April or something at least before this thing could be done

Madore: If I understand that process the co-change amendment wouldn't necessarily guarantee that that application would be successful. It opens the door for other possibilities and then all the conditions that address the concerns of the neighbors would then have to satisfy ah, ah, ah and then we have to make a decision on that. Right?
(23.00)

Annette: Exactly

Madore: Or is it the hearing examiner (Annette is over talking here) Chris: That's the hearing examiner, that's not the board.

Madore: So there is process that includes all the const...addressing of those concerns.

Annette: Absolutely, yes and this is the emergency, we have to get started on the process.

Madore: Umm hum

Annette: Right

Annette: We cannot afford to lose any more any more time.

Madore: Yea

Milke(?): So I can't see a whole lot of difference if we do it today and umm and it gives them peace of mind and we can still address it and public comment in the weeks to come ah that gives them some certainty something to be grounded like you said you knowjust the start up process is a whole bunch down the road

Annette: Right, exactly

Mielke: And so I'm saying in the interest of not necessarily coming back we could take those actions today for the emergency part of it.

Madore: OK So in other words the ordinance amendment is prepared to sign today and the that would open up the opportunity for the application for you to continue to continue to work with your neighbors. Have some degree of not certainty but at least half forward that looks like it could be successful and then that would pave the way for the conditional use address issues to be addressed for the future.

Annette: (overtalking) Exactly

Madore: OK Alright well that's

Mielke: Do you want to make a motion?

Madore: You're welcome to....what would that motion be Chris?

Chris: Ahhh I have no idea what number this has been given

Madore: We can refer to it whatever way we want

Chris: But I will would assume that the motion would be to adopt that resolution (24.44) Umm and you could read the

Madore: Oh we have a number

Chris: Ah ha

Madore: There you go

Chris: Good work

Madore: Tm do you want to make a motion

Mielke: OK I will umm so I think it's a good time that I make a motion to accept an emergency ordinance, amendment to change in the code

Chris: As set forth in resolution

Milke: As set forth in resolution identified by 2015-11-12

Madore: I second that motion, any more discussion?

Mielke: No

Madore: Hearing none, all in favor

Mielke/ Madore Aye

Madore: Motion passes. Thank you (25.28)

Milke: Good luck you've got six months of work

Laughter

Annette: Thank you

Madore: I want to say thank you very much because your hearts are in it that's why, you're not going into this because this is a great career that's going to enrich you this is caring about girls in particular that, that the reason this is an emergency they are not being cared for at all. IN OUR COUNTY!

Mielke: For boys or girls?

Madore: This is for girls. There's no girls being served in this way in this county and I thank you also for your freedom to be able to speak, your motivation, you believe that our Creator who cares about these girls puts that in your heart and you're following the best you understand. That's, thank you for communicating that, that transparency.

Unknown female voice: I don't believe that either of the Daybreak advocates introduced themselves. It would be great to have their names.

My name is Annette Kleinfelter and I am the executive director at Daybreak.

Madore: OK

And I'm Tom Scoro and I'm the vice president of the Daybreak Board

Madore: OK Great Thank you both

Annette: (jubilant) Thank you and we really do look forward to really engaging the community in the conversations, umm and one of the things that has been lovely about the work we've been able to do is getting is getting our girls out helping in the community (there's no facilities in Vancouver, how is she getting the girls out?? Is she referring to the Spokane girls?) That's the right way for them to heal.

Madore: It is it is

Annette: To be of service, that's a big part of our mission so we're looking forward to being able to expand the service that we're able to reciprocate with the community.

Madore: Very Good

Hand shaking all around

Annette: I have some brochures that I brought. And do not hesitate, anyone to be in contact. And we'd love to sit down and visit with each and every one of you and talk about what we do and so you can learn about our kids.

Mr. S. We hope to see you up there at our community meeting on the 30th

Madore: On the 30th and you think it's going to be at 7 o'clock (unintelligible)

Mr S. We'll send you an invitation

Madore: Very good, Thank you so much

Annette: Thank you

MOVING ON TO CONSULOR REPORTS

Wiser, Sonja

From: Hunters Greens <huntersgreens@spiritone.com>
Sent: Monday, February 15, 2016 7:54 PM
To: Wiser, Sonja
Subject: Comment on Code Change Regarding Residential Care Facilities

As tax payers and law abiding citizens; people who contribute to the welfare of the environment and community - we have the right to expect transparency and honesty from our elected officials -- in every instance.

David Madore and Tom Mielke have repeatedly thumbed their noses at due process and the laws put into place to protect poor communities.

The "temporary" zone change an appropriation of Federal dollars to refurbish a structure without public input or voice is not acceptable. I wish to register my disgust and indignity at this deceitful tactic.

We are organic farmers that wish to feel safe as we go about our work. Brush Prairie has become a dumping ground for asphalt plants, rehab facilities and de-designated agricultural land -- from agriculture to light industrial.

Place these offenders on the fringe of residential homeowner neighborhoodss, not in their midst!

Diane Hunter
11116 N.E. 156th St.
Brush Prairie, WA 98606
360 256-3788

Wiser, Sonja

From: Hunters Greens <huntersgreens@spiritone.com>
Sent: Monday, February 15, 2016 8:07 PM
To: Wiser, Sonja
Subject: Comments on zone change for residential care facilities in Rural Center Zone

Comments to The Planning Commission

Upon researching the zone change proposed to allow residential care facilities I find the following concerns.

The condition placed on the citing of a residential care facility is that it be "compatible with the surrounding neighborhood." In the existing code only smaller care facilities housing ten or fewer residents are allowed in the rural center zone.

Given the lower population density of the rural center zone, by the very nature of the larger number of residents allowed, the use is not compatible with the surrounding neighborhood, and therefore this zone change should not be approved.

Residents living on acre sized parcels in a rural setting do not buy property with the expectation that 40 - 50 youths may be recreating on a daily basis across the fence of their back yard. The uses are incompatible and fundamentally change the character of the neighborhood.

Respectfully,

James E. Hunter
11116 N.E. 156th St.
Brush Prairie, WA 98606
360 256-3788

