

COMMISSIONERS PROCEEDINGS
WEDNESDAY, FEBRUARY 4, 2009
CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Mielke, Stuart, and Boldt, Chair, present.

PUBLIC MEETING: MASK ENTERPRISES APL2008-00012 (appeal of PSR2007-00070)

Held a public meeting to consider an appeal of the Clark County Land Use Hearing Examiner's decision in the matter of a Type III appeal of the Director's Preliminary Site Plan approval for a paving and excavating business on a 2.6-acre site zoned Light Industrial (ML).

The Board of Commissioners did not take public comment, oral or written, at public meetings.

[Verbatim Transcript]

Marc Boldt: Good afternoon. Welcome to the Clark County Board of Commissioners for a land use appeal. This appeal deals with a development, Mask Enterprises APL 2008-00012 (appeal of PSR2007-00070). For the record, I have read the pertinent parts of the record.

Steve Stuart: I would also certify that I have read the pertinent parts of the record.

Tom Mielke: I also certify that I have read the pertinent parts of this record.

Boldt: Thank you. I believe we have come to a discussion of an agreement, Mr. Horne?

Chris Horne: Good afternoon, Commissioners. For the record, my name is Chris Horne from the Clark County Prosecutor's Office. This appeal presents some interesting issues for the board and in part resulted from some new facts that came into existence after the factual record closed. So procedurally there were a couple of ways to handle it and this seemed the most practical. We discussed with council the significance of those facts and the effect was that the applicant has agreed to provide right-of-way dedications as required by the examiner. The improvements along 99th Street that would have been required would be TIF creditable, but will also be paid because [they] would be paid back in any event and in this case we are requesting that the board remove those conditions in part because there is a proposed project that is shovel-ready and Public Works plans to do those improvements. It makes more sense to do them as part of a single project rather than in pieces and since the money would be paid back in any event, the net capital outlay remains the same. The changes in the condition for frontage improvements to 124th really result from in part a change in the driveway location. The original driveway was to be on 124th and provided some authority for the improvements along that area. The driveway under the proposed resolution would be back on 99th Street and a basis for that really is

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new information that became available. Our Engineering staff reviewed it and found that a modification was justified based on the new information that came to light.

Given that fact and that the access is no longer needed for 124th, the county is recommending that while they're dedicating right-of-way they would not be required to do frontage improvements. We didn't think we could defend that from a rough proportionality standpoint in light of the driveway relocation. So the conditions would be that there be right-of-way dedications along 99th and 124th, but no frontage improvements on either road. The driveway will be aligned with a southerly private road, NE 126th Avenue. There is some additional engineering that they have committed to doing. The only other issue related to landscaping and impact fees, we've indicated that we can't accept their impact fee analysis because it's not consistent with the technical document that was adopted by the Board of County Commissioners and they have agreed with that. On the landscaping, our code authorizes landscaping as the code requires and then alternative approaches that are approved. All we have substituted in this case is a requirement for two fences—one fence on the parameter, with a second fence on top of a berm. What we have said is if you move a single fence with a berm to the parameter, you'll actually get a better visual barrier for the neighbors because of the potential visual conflicts; you'll have actually a better visually barrier. It's cheaper for the property owner and a second fence under those circumstances would not serve any real purpose. So we are recommending in everybody's interest that it makes sense to go ahead and authorize this as an alternative plan. Planning has agreed with that also. So this is the resolution we're presenting to the board for your consideration.

Boldt: Very good. Any questions?

Stuart: No. good work.

Mielke: Good job.

Boldt: OK, thank you. I think we're ready for a motion.

Stuart: I would move approval of Resolution 2009-02-05 relating to land use and zoning regarding an appeal of the Hearings Examiner's decision requiring applicants to relocate their driveway, construct fencing and other landscaping, dedicate right-of-way and make frontage improvements along NE 99th Street and NE 124th Avenue, and pay impact fees.

Mielke: Second.

Boldt: It's been moved and seconded to approve Resolution 2009-02-05, as stated by Commissioner Stuart. All in favor say aye.

Mielke: Aye.

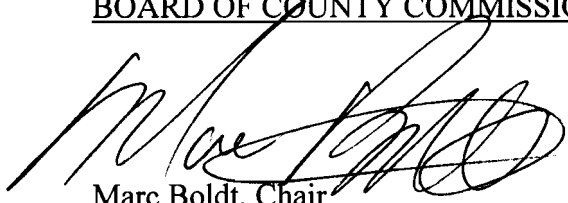
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Stuart: Aye.

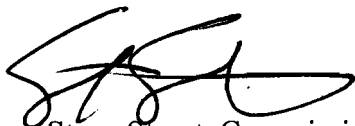
Boldt: Aye. All opposed. Motion carried.

Adjourned

BOARD OF COUNTY COMMISSIONERS



Marc Boldt, Chair



Steve Stuart, Commissioner

Tom Mielke, Commissioner

ATTEST:



Clerk of the Board

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