



NAPAVINE PLANNING COMMISSION MINUTES
June 2, 2025 6:00 P.M.
Napavine City Hall, 407 Birch Ave SW, Napavine, WA

CALL TO ORDER:

Commissioner Graham opened the Public Hearing meeting at 6:00 PM

ROLL CALL:

Planning Commission present: **All Present**

Commissioner Graham read the meeting procedures.

Paul Dennis with Jackson Civil provided a presentation of the project and timeline. (begins at 1:20 mark)

As mentioned today, we have a subdivision application that's before the city and a boundary line adjustment. So we have two concurrent applications that are going on. First, the boundary line adjustment really is reconfiguring the three parcels, making the first parcel to the West, reconfiguring that so that becomes phase one of the project and the other two parcels really start to make up phase two of a future planned phase. It's 195 lot subdivision. What you're considering right now is phase one, which is just 56 lots. The applicant has submitted a number of studies throughout the planning process. The pre-application was held back in December of 2023. In May of 2024, they submitted their boundary line adjustment application. And a number of documents, including a preliminary plat application in June 20th, 2024. From that a number of other studies were submitted for supplemental documents. We ended up calling the application technically complete as of August 20, 2024. And then did a Notice of Application and SEPA determination in August 2020, August 22nd, 2024. the SEPA determination was a mitigation of determination of non significance and what that means is it wasn't insignificant. The project is going to have an impact on the community. But what that's saying is the impacts that are projected from this development can be mitigated. They have the ability to mitigate, and you'll hear a lot about the impacts here during the public testimony from the school district and from the applicant. We ended that comment period September 16th, 2024. We ended up placing a hold on the project based on the agency comments. We received about 49 comments in total from the public that included eight agencies and 41 citizens at large on this project.

DAHP (Department of Archaeology and Historic Preservation) asked for a cultural resource studies to be done on site. DAHP gave the applicant the ability to do both phases one and two or just split the phases up. The applicant elected to do an archaeological study for phase one.

WDFW (Washington Department of Fish and Wildlife) and Department of Ecology (and possibly core engineers) were on site to verify the location of the wetlands and location of the stream and the buffers to see if they were appropriate and so forth. Department of Ecology asked the applicant to resubmit a site plan and identify wetland D, it was identified in the CAR (critical areas report), but not on the site plan. That is a phase two impact.

From there we accepted documentation from the school district. They had an independent third party, individual or firm that assessed what the potential impacts from this development is on the school district. But the school district conducted their own facility analysis and determined that they had a number of in-house students and that a project of this size would create additional in-house students as part of that. They looked at different capital improvements to accommodate those students and came up with their own mitigation fee. The mitigation fee was just north of \$13,000 per housing unit. There's a couple of ways to mitigate the impact of the school district. You can do a senior housing project, they can still be the same product, it's just age restricted and it has a covenant. Or they can enter into a voluntary agreement with the school district and negotiate what the mitigation fee should be.

You essentially have two alternatives for this project, you can either deny the project and if you do so, you'll have to have some findings of fact of why it didn't meet merits of your own code. Or you have the ability to approve the project but with conditions. Once again, our SEPA determination was mitigated determination non significance, which means there's not a third option where you just approve the project without conditions. It's just there's enough just on the environmental side alone going on that you're going to have to have some conditions of approval and some mitigation that occurs.

Received 13 written comments (part of the record) regarding opposition of the project that had to do with utilities, transportation and schools.

Commissioner Haberstroh (begins at 14:38 mark)

One thing I didn't find clear was Woodard, Rd. I don't know if any as far as any improvements on Woodward Rd.

Paul Dennis with Jackson Civil

It was part of this staff report. They will have to do street improvements, but those street improvements will be commensurate with each phase. Also on the sewer side, they do have a planned sewer pump station upgrade that's part of their phase two development, but phase one there isn't much. Phase one is one intersection, one entrance coming through with limited street frontage. If they decide to do phase two, they will have to do other street improvements and there are some wetland impacts that will be commenced.

As part of our land use process, when you own more than one parcel and you have a large project, almost every jurisdiction in Washington state asks that they show future phases so that you can get a sense of how big the projects going to be, and what's the scope of that project.

Parker Howell – Napavine School District Attorney (begins at 17:00 mark)

We're here today to ask that the Commission make an important decision, which is to uphold the recommendation that was included in the staff report regarding conditions that should be placed upon this development, if it is approved, that would require the developer to either make the roughly 195 units senior housing, or in the alternative have the developer enter into a voluntary agreement which is permitted under state statute with the school district to effectively have a per unit monetary fee to fund at least some small portion of the costs that are going to be imposed upon the school district by this development. Now the facts are well established in the record, as alluded to by staff. The district did bring in a third-party consultant to describe what the temporary costs would be in terms of continuing to house students in portables. Many are already housed in portables as talked about in that report, but also to describe what the actual costs of funding permanent housing in terms of long-term capital facilities needs would be for the district even to hold in temporary facilities. We're talking several \$1000 per unit would be necessary and it goes far beyond that. If we were going to actually discuss the permanent costs of potentially 10s of thousands of dollars as described in that report, now the district is not asking for that full amount.

As you're all probably aware, the city as well as the county do not have impact fees currently on the books for schools, which is an option that the district would like to impose and look into going forward with the cooperation of the city. However, state law is clear both in the SEPA statute and the subdivision statute that the city must make adequate provision for schools, and it's essentially undisputed, where I would argue it's not disputable, reasonably, that the district's existing facilities are at or near capacity in a variety of respects. And it's also not disputable that there is going to be an impact on the districts facilities by an influx in students coming from these roughly 200. There's two legal points I'm expecting that the developers attorney is likely going to talk about tonight the 1st, and I think both of those are legally incorrect.. The first is an allegation that the city's code is somehow deficient and doesn't allow you to impose reasonable measures to deal with school facilities and the impacts. That's incorrect, and I'd be happy to provide briefing to the Commission or to the city on that point, but take, for example, Napavine municipal code section 18.04.070, subsection B subsection four. That's just one example of a place where the Napavine municipal code incorporates by reference the underlying cipher statutes that define what the impacts on a school district could be, and I submit to you that that would allow you to rely on those and other portions. Additionally, there are arguments about proportionality and whether, as a constitutional matter, this would be an undue burden on this particular developer, when perhaps other developers haven't been required to pay mitigation fees. Again, I would submit to you that the district is only asking for a small portion of the actual and established costs that are either equal to or less than the proportional impact of these particular units that would be developed here. Finally, I should mention that there's an unpublished court decision in the division. Two of the Washington Court of Appeals that allows exactly and precisely the type of contingency that the staff has recommended and that the district asks you to uphold here, and that is this idea of having the developer either enter into a voluntary mitigation agreement or on in the alternative designate to senior housing.

Finally, I should mention that there's an unpublished court decision in the division two of the Washington Court of Appeals that allows exactly and precisely the type of contingency that the staff has recommended and that the district asks you to uphold here, and that is this idea of having the developer either enter into a voluntary mitigation agreement or on in the alternative.

Parker Howell – Napavine School District Attorney (begins at 22:10 mark)

Now finally I should mention that we have had negotiations with John Mastandrea, the developer on behalf of Enzo Holdings and with Miss De Leon, the attorney now appearing on behalf of the developer. We look forward to continuing those discussions. There's been some back and forth about what those numbers are, notably the developer reduced the amount it was willing to pay per unit after negotiations got started and we have yet to respond to that. But we believe on behalf of the district that it is reasonable for the developer to bear its fair share of the costs to make sure our students have an effective, safe and useful place in order for them to learn. So thank you. I appreciate your time.

Commissioner Morris – (begins at 22:53 mark)

Has the developer not offered the school anything?

Parker Howell – Napavine School District Attorney (begins at 23:00 mark)

Initially the developer proposed basically building a middle school building on behalf of the district. And so we proposed a formal agreement in draft that would have allowed that to occur in the district. Appreciated the developer reaching out and making that type of a proposal. Unfortunately, there's a number of legal complexities to building a school where you try to have a private developer do it on behalf of the district. And it makes it much more expensive complicated project then if you just wanted to go build the building on behalf of a private party. So as a result of that, the developer kind of made a counter proposal which was a \$4500 per unit fee. The district then countered with \$6000 per unit fee. And most recently, the developer countered at 4000. So we're we believe that 4000 is far short of what would be necessary to even have additional students be in portables given every portable cost about 500,000 or more could go north of that with tariffs and everything else we're facing right now.

Commissioner Morris – (begins at 24:05 mark)

So the school didn't want a middle school and there not happy with \$4000?

Commissioner Haberstroh –

I think just the cost was going to be prohibited by the time you do prevailing wage and everything for the developer.

Parker Howell – Napavine School District Attorney

So the district again offered a formal agreement. It was many pages long that would have allowed that sort of process to happen, their developer rejected that offer and countered with \$4500 per unit. The district then countered with \$6000, which again is less than the known temporary or anticipated temporary costs and now in what we would in labor negotiations, call an regressive offer, the developer has gone to \$4000.

Commissioner Haberstroh –

That payment would be required as the building permit was being pulled, or as a lump sum for the package?

Parker Howell – Napavine School District Attorney

The proposal that the district would have for any future negotiations would be at the time of building permit being pulled.

Paula Sandirk – 621 Forest Napavine Road W (begins at 26:11 mark) (Provided a letter, is part of the record)

This development of 195 homes is in the wrong place for this community. The city has just spent time and money on the new 25 year comprehensive plan. One of the land use instructions in that comprehensive plan is that to maintain the quality of life for the existing residents. Woodard road currently has about 40 families living on a farm to market road with no shoulders and minimum size of any lots there is about 3/10 of an acre with most of the residences on over an acre. 7500 square foot lots do not fit with the demographics of the rest of Woodard. In that whole thing (site plan) there is no plan for any recreation area in the development. That is next to the school grounds is totally inadequate and that the development will only add about 110 students to the district. I question that, 195 homes when that's something the state average I think is like 1.6 kids per maybe 110 kids for the first 56. The district doesn't have room for that number of added students and the development developers are really pretty reluctant to step up to the plate and do what they need to do. The development will use up about 1/3 of the sewer capacity that the city has right now. I think the sewer capacity is for like 1500 homes and there are 900 homes on it. So that leaves 600. That means 1/3 of the city's sewer capacity is gone in one fell swoop. The water situation is not that good. We did have 4 wells. Two of those wells have been shut down due to PFAS and there's not been a good way to solve that PFAS problem or to get more water. You know, most people don't water their lawns in the summer because they don't want to pay the water bills. But we do like to water our flowers and we like to water our garden. If we only have two wells and another 195 homes, then are we going to be on summer water restrictions because we don't have the capacity.

Paula Sandirk – 621 Forest Napavine Road W (continued)

The traffic flow study is questionable. They say that only 110 cars will leave there in the peak morning hours and they will use exit 71 to get to the freeway. I mean, it's a farm to market Road. It's about 12 foot lanes. There are no shoulders. Yes, the developers are going to build a sidewalk in front of along their front edge. But that leaves all the rest of Woodward Rd. to fend for itself. You know the financing for this proposed development is coming from Naperville, IL where 150,000 people live on 25,395 acres. The profit from this will not stay in Lewis County, but the headaches of increased demand on roadways and utilities impact all of us, it is our job to protect ourselves from the impractical encroachment of people who do not care and are only interested in the profit that they can take.

Mark Morlan – 247-44 Woodard Road (begins at 30:32 mark)

I own the 20 acres of land immediately east of the proposed division. My wife and I sent letters objecting to this proposal and I want to make sure that it's acknowledged that these letters are in, they contain 39 signatures that we contacted this morning in person. (confirmed received by Commissioner Graham) They are all against this subdivision and very similar to the last speaker. It's about quality of life. These units are inconsistent with the rest of the area. The area has one acre lots to five acre lots and these are 7500 square feet or something. It's we don't want them there and we don't agree with the lifestyle that it brings with it. Not to mention the financial burden that it brings. I am pretty sure that my property that is zoned for one house on five acres is not going to be worth much after this division is next to it. Because who's going to want to build a house next to this kind of subdivision? I think it's obvious the overburden that it's going to bring on traffic on sewer and water, on education and it's an overcrowding of the lifestyle. I don't think the public wants it, and I really think the public should have something to say about it.

John Serl – 282-28 Woodard Road (begins at 33:13 mark)

I've been a resident at 282-28 Woodward Rd. for the last 27 years. I've submitted comments for the first session recently revised, extended my comments today. I'll let the other my other set of fellow citizens talk about the quality of life issues this development could create, but my profession is a fish biologist. I've got a end of a 30 year career and I have a Master of Science degree for the University of Washington, so I want to talk about my fish concerns for Allen Creek. I believe that the SEPA document was inaccurate when it said the South fork of Allen Creek is a non-fish bearing stream. I personally observed coho salmon spawning in Allen Creek in November of 2024. As we know, lots of chemical runoff and sediment can come from paved areas. Especially this development will have a lot of paved areas. Particular chemical of concern was found in 2020 by the University of Washington is called 6 PPD quinone. It's a chemical from the breakdown of tire dust. So I would hope that any mitigation measures for the wastewater being treated, the runoff being treated from these roadways in this development would account for that chemical and be properly treated. And that your SEPA document would be revised to say this is a fish bearing stream and all appropriate mitigation buffer measures would be taken.

Kerry Serl – 282-28 Woodard Road (begins at 34:51 mark)

I'm sorry that this development will change the character of the neighborhood. I'm concerned about the environment, the groundwater, traffic and the schools. I also wanted to say thank you, Planning Commission. I know you're up like a volunteer group and I appreciate that you've taken your time to help us with this. I'm concerned, I understand that the first iteration that the slope of the top of the hills would be changed because right now as you're going down the road and you're cresting that hill down to the dip it's blind, you cannot see over the edge and if anyone is going too fast like they do every single day. You can't see if there's an deer or a dog, a kid, they're not going to see that. And I understand that that was going to be changed in this iteration. I would like to see it happen again that we change that slope, so that it's not a blind spot. I understand that the plan instead was to change the speed limit and I don't think changing it by 5 miles an hour is going to make a difference. So right now I think people take it at 50 miles an hour quite frequently. And if they don't change the slope, if maybe it maybe signage that says the blind spot was upcoming might be helpful. I'm hoping there's all caution taken to prevent particulates and sediment from entering Allen Creek for the sake of the coho and the Newaukum- Chehalis rivers. And it sounds like you were not going to give us steep slope variance, I hope that continues. That riparian zone is just a great wildlife area. I am a bird watcher and there's just a lot of birds and animals in that area. I am really concerned about the effective traffic right now. I can walk a mile down the street and a mile back and not pass any cars sometimes. So 200 houses worth of people is going to make a big difference. There is no alternative route out of there. There are 40 or so of us past the developments that have no other way out. Also during construction, are we going to have like half hour, one hour wait times to leave the neighborhood like they did when they were paving the road? Is there any way we can mitigate that? And then Mr. Morris was very helpful to me last week and he said there was waste from the former chicken ranch that may impact the groundwater. So since there is currently a well I've seen on that property is that well like 40-50 years old? Could there be a broken seal on that? Should we be worried

that we should have our groundwater tested for nitrates from those of us who live around that area? I don't know if you guys know, maybe we need to talk to the health department. And whatever the schools want, I'm all for that.

Jeremy Johnson – Refused Address- Woodard Road (begins at 38:19 mark)

I'm a lifelong resident of Woodard Road, I am hesitant to give my address since I've had members of this Planning Commission snooping down by my property on a gravel dead end road this week. So I'll leave that at that so. Anyway, so we'll leave that for another time because I understand the purpose and its meaning is to address our opposition to this project. Well, I've been up here for two years, two years I've been talking about my opposition to this project. I've mentioned everything from the traffic to the crime that it will bring to the salmon bearing stream. I've mentioned to the mayor when he first got elected, I think in his first term I remember sending him a Facebook message and he's acknowledged this about there being salmon spawning in that creek. I've watched my entire life for 30 years, I've watched the salmon come up and spawn in that river, in that Creek, and this come and spawn right up by the road. We saw thirty of them in November 24th and then in springtime I went down there and I saw a little tiny baby salmon. Video evidence, yes, I do. And so to say that it was rezoned and, oh, it was not a fish bearing stream, that is ridiculous and it's just another example of the dishonesty that has gone into this project, I feel like from this Planning Commission and from the City Council and the mayor and everybody involved in this. In no way is this project not going to affect those spawning salmon, and every time I've addressed or brought this up, planning commissions, Council, they've all danced around the issue. It's the same with the schools, everyone said it until blue in the face. I mean I've been beating this horse to death. You know the poor the middle school is the same portable buildings I was in 20 years ago. They're ramshackle, they're falling apart. And we added housing developments after housing developments already, duplexes and triplexes and everything else, it all affects the school. It all affects my kids. I have 3 kids going to that school. Got one kid going to that school and two kids getting ready to go into it and they're crowded in there enough. We got some out of town developers here that they don't give a damn about the community. They don't give a damn about our small town way of life. They don't give a damn that we've been down there for years and years. We bought those places for a reason. We're down there for the peace and quiet. And I know Bryan said before. Oh, well, if you want to have a place like that, you got to go out to Curtis. No, that's not the case. That's not the case. My dad's built everything on our property with his own two hands as our homestead down there. I've been laughed at and mocked when I said that before. But it's a fact and you know I've been coming up here for two years, I've got nothing but disrespect, passive aggressiveness. And I've been given complete run around and everybody just wants to point fingers. It's totally ridiculous. So I've put in letter after letter. I've been coming up here for two years. I'm going to say it again. For the record, we are opposed to this development. It is a safety concern. The road is not wide enough. 2 trucks cannot pass along that road. If you have a trailer behind you or if there's a garbage can on the side of the road, you are hard pressed not to clip them mirrors of the truck going next to you. There's no amount of sidewalks or road widening that is going to fix that. Not to mention trying to get out of there at 8:00 in the morning when everyone's trying to go to school. Everyone's trying to go to work and you're sitting there with a one lane road in and out trying to get all these people to come in and out. They're going to be backed all the way up to my place, at the end of the road. It's not the right place for it. We've said it time and time again. The public doesn't want it, but this Planning Commission, the City Council and everybody that I've had interactions with around here do not seem to give a damn, and that's been my take away and I'm extremely frustrated. I'm extremely aggravated. This is my home. This is where I'm trying to raise my children and I get laughed at, mocked, ridiculed, spied on.

Commissioner Haberstroh – (begins at 42:58 mark)

Could I interject one minute with due respect? I'm appalled that you're saying everybody up here. OK. I've went out of my way to be nice to you. OK. I'm not perfect, but I think the people up here are donating their time. If someone you have a beef with do not generalize to everybody. If you got photos, I would recommend they get there. I'm not saying there is, or there isn't. But if there's proof we need the proof of the fish and stuff. I think that's important. *(Executive Assistant Katie Williams stated that John Serl has pictures of the fish included with his letter)* Need to get together whether we're local, or not local, we need to all get behind and support bonds for this school.

Jeremy Johnson – Refused Address- Woodard Road

And I will say for the record Arnold that I have had good interactions with you, and I have never had interactions with you. For the record.

Dan Mikota – 194-20 Woodard Road (begins at 44:39 mark)

Found out about the meeting because the neighbors that are within 300 feet of the property. My folks also own the property that's 100% of the north boundary of this property, so we've got naturally some concerns on what goes on next door regards to the fish. My grandfather, if he was alive, could tell you stories of picking salmon out of the creek with a pitchfork. And on my phone there's a video of my driveway, so I'm above Woodward Rd. by two properties and we had a couple dozen fish make it this year. It was great year for the coho. I can say as my childhood memories we went out picked them up, took picture and then put them back. So they've always been there and they're doing well. In fact Napavine school science class has been releasing coho salmon into that creek, except for the last couple of years because the tank failed, so they lost the batch. So there is definitely fish there and the Fish and Wildlife came to my house this year, asked permission, walked the creek, did their documentation whatnot so.

I'm on the school board, we all want a middle school. The concern is it's a big promise. When we went out to bid for the middle school, I think it was like \$8 million. The proposed construction was about \$600,000 or something. It was in the hundreds of thousands, nowhere near that so. The loopholes to get there, there's a lot of insecurities around that. The board wanted some assurance that if this goes sideways and we have a foundation and nothing more, how do we finish? We want it bonded for what it takes for us to finish it. And that's where this conversation turns a little bit that that's a big ask and we understand that, but we don't want a halfway done project with undue burden then on the school to come up with additional money that we don't have and bonds that we can't pass. Because even those that support don't always vote yes because they can't afford even if they do support. So we just don't have that. And without high dollar homes in the area, we're not going to bring affluent people to the area that want large lots and whatnot is kind of the feel for what might bring that.

Mikota shared a video on his phone of the fish at his home that was taken November 2024.

Paula Anderson – 266 Woodard Road (begins at 47:44 mark)

I think that it's natural for Napavine to want to grow our community. If you have a nice community, the community wants to grow and people want to live there. As a parent with children in schools one of the reasons that we moved to this community was for good schools and a good quality of life for our children. And I think that people coming to our area would want the same thing. And so if you look at some of the other school districts in the state of Washington, some areas that have had tremendous growth have really great school districts. And that's the key is a parent. What we're looking for is a really great school for our kids. And when you have a good school, then you can have a good community and then you bring people in looking specifically for a good school district. So if we're building family homes and we're wanting to grow our community, I think we should be growing our school. Let's put the horse in front of the cart and not the cart in front of the horse. We don't build the homes, we need to build the school because the second we have a great school, just like Camas Washington, they will all come to us. So, I think with this development, we're not necessarily looking at building our community we're just building a housing or a subdivision. So, what if we look at building our community? I know Chehalis just put in housing development off of Rush road, and one of the things that they did in that development is they actually set some lots aside for community spaces. So they have a park area, they have other things like that to build community. I have no problem with growth. I don't necessarily want 195 houses right across the street from me. I don't think it fits with the Woodard Road area. But I think as a community, if we are going to grow and build money for our Community, just like the previous speaker said, we want really nice houses and a wonderful school because when we have those things, the people will come. So, I just want to say thank you very much for opening this up for public comment so that we could come and talk about that.

Ron Johnson – Woodard Road (begins at 49:55 mark)

Yeah, I'd just like to repeat a little bit about the Allen Creek and the salmon run. It's a real thing and it is not a drainage corridor as it's been called. It is a real salmon bearing creek. You guys can do whatever you want and dig whatever ponds and retention ponds from this pond to that pond you want. But that water is only going to sit in them ponds until the pond gets full and then it's going to run right over the top and out of the pond. It's going to do nothing just like this pond that's down here at the Stadium Heights, it holds mosquito water all summer long. OK, the ground doesn't suck up the water. It goes in the pond. When you got a bucket, it's full of water. You put a cup in, cup comes out. There's only one corridor right now, it's a creek. And that's Allen creek. It's not a drainage corridor and all that water coming off them 195 houses up there is going to hit that creek. It's just going to destroy the creek. And I'm kind of confused right now because Fish and Wildlife is doing an investigation on that Newaukum river, there's a \$75 million grant, I believe, to restore the new Newaukum River,

Ron Johnson – Woodard Road (continued)

and that's about to begin. And I would think that if Fish and Wildlife was really concerned about restoring the salmon runs like what was in the article in the Daily Chronicle the other day, a couple weeks ago. They would be concerned about the creeks, the tributaries to the river because the salmon don't spawn in the direct river. They go up to the creeks and the creeks are all destroyed. They're destroyed by beavers, they're destroyed by all kinds of things. When we lose 1 little creek, that's just one other tributary that's feeding. That's salmon back into the Newaukum river, so I hope the Fish and Wildlife does their job and they figure that one out because there's a lot of salmon trying to spawn up that thing. And that Creek is a mess. It's all plugged up and and and it can't drain properly. The Beavers, since we've not been allowed to trap them. Not just destroy all these crooks around if you don't believe it. Look at the Dillenbaugh Creek. I can show you the whole thing. Beaver dams everywhere. There's only one way down that hill for that stormwater, and that's Allen Creek, not another drainage corridor. I rest my case.

Aaron Anderson – 266 Woodard Road (begins at 53:07 mark)

Was wondering if his address was going to change. He thought this project was moving the city limit lines, got this project mixed up with another project.

Jeremy Johnson – Woodard Road (begins at 55:00 mark)

How is it not a conflict of interest to have the wife of the head of the Planning Commission on the Planning Board?

Commissioner Haberstroh – (begins at 55:10 mark)

I would think that probably needs to be taken up with the City Council, that has nothing to do with us.

Jeannie Johnson – 282-23 Woodard Road (begins at 55:23 mark)

I don't have a prepared statement, but I do want to just say that growth is inevitable. It's going to happen and you can't stop it. But I really don't think that Woodard Road is the right place, the road is narrow. We live in a community of people I feel like I can say for everyone that we like how it is. We like our road and we like the peace and quiet and we enjoy the birds and the deer are going through. We really, really like that and like to keep it that way. But like I said, you can't stop growth, but if there was another spot, we'd be happy to shove them over to somebody else.

Kelsey Graves – 277 Woodard Road (begins at 56:29 mark)

I've lived there about 17 years and raised my 8 kids there and we have thoroughly enjoyed it because of the space that is there and the ability to go on walks and feel safe. We previously had permission to walk that property, we call it the chicken farm, so all of our kids have enjoyed spending time out in nature and the gift that it is. But beyond the personal joy of it and just the livelihood that we enjoy there. I am very concerned about the traffic and safety issue that it's going to bring. I still have a young daughter with a disability, and I have grandkids that live on that road now too. I also am concerned, as everyone else for the school and just the impact that it's going to have on our town alone. It doesn't seem like just our town can handle that much traffic. And the backup that we already have a little bit of on Rush Rd. exit there, so thank you for hearing our concerns and allowing us to speak and hopefully we can make something work that will benefit everyone.

Nicole De Leon – Applicant's Attorney – CairnCross&Hempelmann Attorney at Law (begins at 58:43 mark)

Because I think as you heard from staff presentation, this is about phase one. This is the preliminary plat for phase one, which as stated in the proposal, it's 56 homes. It is true that there is a vision for the full build out of 195 lots for the full phase one and phase two. But what's before you tonight is Phase 1. Again, this project has gone through very detailed review as you saw from the outset, there was a timeline that staff presented where we've been at this for about two years now. As you've heard numerous, you know, staff reports, agency reports, numerous agencies have been involved. We heard members from the public talk about Fish and Wildlife. They've been involved, also Department of Ecology. This has gone through a pretty exhaustive review at this point. I have with me at this table are one of our experts who's the project engineer. He'll speak to a lot of the issues. We also have our wetland biologist as well as our traffic engineer here too. So we'll be talking a lot of these issues and do our best to answer the questions from the community. I encourage you all to get involved in the Comprehensive plan because that is the root policy document that then leads to all of the development standards that guide growth. And this project, our sole question that we have here today is does this project comply with the code and the applicable regulations. It's not about is it appropriate given you know trajectory of. This Planning Commission, the Community, have already answered that question in the comprehensive plan. So I just wanted to clarify that just to provide that introductory, because I do think it's really important to frame the conversation.

The Q & A between the applicant's attorney and experts are simplified, the recording is more detailed and verbatim. She provided the experts resumes to the Planning Commission (part of the record.)

Andrew Harris – Project Engineer – Momentum Civil (begins at 1:04:53 mark)

He is the principal engineer from momentum civil and is the project engineer for this plat. Himself and staff under his direction prepared the documents presented for roads, utilities, proposed lot lines, buffer, and road widening on Woodard Road. I've He has been a professional engineer for 17 going on 18 years. He's worked on many master plan communities. Many plats of this size and many street and utility improvement projects.

Nicole De Leon – Applicant's Attorney – CairnCross&Hempelmann Attorney at Law (begins at 1:06:43 mark)

Asked questions for clarification below to Andrew Harris.

- 1) Does the project documents refer to stream one. Could he clarify the issue of stream 1 Allen Creek and whether it has been categorized as fish bearing?
- 2) Please describe the stormwater system.
- 3) Are there currently any pesticides on the property that you know of? Any stormwater treatment on the property currently? So would all the stormwater in the future is actually being collected and then treated before being discharged into the stream, is that a net positive?
- 4) Can you describe what the actual build out on Woodard Road looks like for this project?
- 5) We did hear from Miss Serl, she had a question regarding the curvature of the road, and I just wanted to clarify, does this issue pertain to the scope of the project for phase 2 as opposed to phase one?

Andrew Harris – Project Engineer – Momentum Civil (begins at 1:06:49 mark)

Response to questions above.

- 1) He stated in the SEPA documents and in the critical areas report stream 1 is Allen Creek and that is described as a Type F fish bearing stream as shown on all the documents by the Department of Natural Resources, the fact that it is fish bearing has not been disputed and the standard buffer of 150 feet is what was held as the basis of the project design. There is provisions in the Code of the City of Napavine for a reduction in the buffer with mitigation, and that mitigation has been added to the plans and a 110 foot buffer is what is shown on the preliminary plat.
- 2) The field is currently a grass field, and the Department of Ecology has requirements that when we go about a project like this where we actually, unless we can prove that it has always been grass and that it was historically a Prairie, which we cannot, we are supposed to model it as if it is a forest, a mature forest. And the existing condition of a mature forest will form the basis of our runoff file that we need to provide out of the pond. So the model that has been run mathematically using the Western Washington hydrology model, which models rainfall for decades. This has been run through the pond file and what it shows is that we were able to capture all stormwater from this development, including its roads and roof surfaces, capture them in a pond and then treat that stormwater prior to its outfall to Allen Creek. So the treatment standards are the basic water quality treatment standards, which are required for residential properties. That is what we are following and what is proposed.
- 3) Yes, that could be said.
- 4) So at this time, what's proposed for Phase 1 is a street improvement that looks like a sidewalk along the north side of Woodward Rd For the length of the project and improvement, and then running West all the way to connect to existing sidewalk, so it will have safe pedestrian connectivity along Woodard Road from phase one westward into town and to school. And then in addition, the road will be widened northward for the project frontage, so that that lane from center line N to the curb line will be 17 feet plus the width of the gutter pan so you end up with 18 feet plus the existing S lane on Woodward Rd.
- 5) During the sight distance analysis for Phase 2, sight distance deficiency was identified along the horizontal curve. That is a phase 2 issue.

Nicole De Leon – Applicant's Attorney – CairnCross&Hempelmann Attorney at Law (begins at 1:14:18 mark)

Provided a resume to the Planning Commission for Aaron Van Aken, Traffic Engineer for the project.

- 1) Please describe your role with the project.
- 2) Can you briefly describe your education and professional credentials?

- 3) Did your traffic impact analysis cover both phase 1 and phase 2? But we are just talking about phase 1 right now, correct? Can you discuss fundamentally what the level of service standard means?
- 4) What is the level of service standard again for the city and Washington state? Based on all of the data you collected, will the project fall under and meet the level of service D?
- 5) Did you also evaluate whether additional mitigation like left turn lanes or anything like that would be warranted by the amount of traffic generated by the project and what was the conclusion?
- 6) And I just want to be really clear here, this is scientific. These are these are numbers, there's not a whole lot of discretion that you have here. This is you collect information, you collect the data, you run it through the models and the numbers are what the numbers are.
- 7) So based on your traffic impact analysis, does it conclude that particularly for phase one, the project does not generate significant impacts, meriting additional mitigation? And does it comply with all level of service standards, and any other standards?

Aaron Van Aken – Applicant's Traffic Engineer – Heath & Associates (begins at 1:14:18 mark)

- 1) I'm a licensed engineer in the state of Washington, and I'm a principal engineer at Heath traffic. We conducted the traffic impact analysis for this project, and I was the the lead engineer on the project.
- 2) I've got an engineering license and a degree, and I've been a principal at the firm for about 10 years now and total about 13 years of experience.
- 3) Yes, So level of service is a metric that we use in traffic engineering and it is a measure of the roadways, capacity and efficiency and it's graded like a report card that goes A through F where A is basically you go up to an intersection, you experience no delay where F is extreme congestion, where you don't get through a signal on the first cycle. And so that would be over saturated or what's considered a failure. And so the city of Napavine as well as WSDOT have a level of service D standard, which means in the peak hour, which is typically defined between 3:00 and 6:00 PM, you're looking at the busiest hour of the day and you're measuring that level of service. And once it exceeds D, so where if it goes to an E or an F then you start looking at mitigation or improvements to fix that deficiency.
- 4) D – D as in dog. Yes, It does, and that's in aggregate. We didn't break out phase one independently, so yes.
- 5) We did, the conclusion we looked at left turn lanes at Woodward Rd at the site access along with the main intersection at Washington and Woodard Road, and both of those did not meet the minimum thresholds, as set by the WSDOT warrant nomograph, and that's all documented in the report.
- 6) Correct, and the turn lane as a threshold based on the arrival rate, and it's just a clear line, if you exceed it or you don't exceed it. So it's pretty cut and dry.
- 7) Yes, it does.

Nicole De Leon – Applicant's Attorney – CairnCross&Hempelmann Attorney at Law (begins at 1:20:17 mark)

Introduced Timothy Haderly, the wetland biologist and provided the Planning Commission his resume.

- 1) Please state your name for the record, and briefly give the Planning Commission just a summary background regarding your education, your credentials?
- 2) You said you're the project biologist, can you just describe what that entails for this project?
- 3) And is it your understanding that a critical areas report was prepared for this project? And can you explain what is a critical areas report?
- 4) And is it safe to say that it is prepared by and typically by an experienced biologist or scientist? Is it performed in a scientific manner?
- 5) Did you by chance have any interactions with any state agencies in connection with this project?
- 6) Are there any wetlands located within phase one?
- 7) In this case, is Stream 1 the same stream that we've heard being referred to as Allen? Is that identified in all documentation as a fish bearing stream? And that is known as a type F stream?
- 8) How does the code address the fact that it's a type F stream and that there is a need to protect the type F stream?
- 9) So the code therefore requires a create area of protection, meaning a more significant buffer?
- 10) You mentioned mitigation measures, referred to as enhancements. What are those in regard to this development?
- 11) So the enhancement work you just discussed, you said there will be, is it right that there will be restoration of native plantings and other ecological functions that will improve the wetland?

- 12) Is it accurate that Fish and Wildlife is very much aware of this project and has been involved?

Timothy J. Haderly – Applicant's Wetland Biologist – (begins at 1:20:17 mark)

- 1) Timothy Haderly, I am the project biologist. My degrees are in terrestrial biology, chemistry and freshwater studies, and I've been consulting for approximately 36 years.
- 2) For this project, I was tasked to evaluate critical areas, including wetlands and streams, evaluating potential impacts. If there were impacts, developing a mitigation plan to mitigate for those impacts.
- 3) Yes it was. Critical Areas Report is basically a document that outlines everything that's on the site according to city code and it includes wetlands, streams, any other potential habits or species that could be of concern.
- 4) Yes, it's required to be prepared by somebody that has the qualifications. Yes, I did not do the critical areas report on this project. It was done by a previous consultant, but I reviewed it and I agree with the report.
- 5) Yes, I had e-mail correspondence, telephone, and I walked the project site with both Fish and Wildlife, and Ecology. The end result was they agreed with the critical areas report the project as designed and a proposed mitigation.
- 6) Yes, there is a corridor wetland associated with the fish bearing stream. That is identified on the plans as Wetland A, the fish bearing stream is identified as Stream 1.
- 7) Yes, it's definitely a tributary of the Allen Creek watershed. Yes, it is identified as a Type F, fish bearing stream.
- 8) Typically, the codes the higher quality of stream gets a wider buffer. So if it's a seasonal stream with no fish buffers are typically smaller in width.
- 9) Yes, that's correct. The buffer is typically 150 ft, but the buffer being provided is 110 ft. With exceptions, the 110 feet says that you have to mitigate for the impacts to reduce the buffer. We have a unique situation here. We have both a fish bearing stream and a wetland one in the same, so you always use the most extreme buffer associated
- 10) Providing enhancement of areas that are now grass field, we will be planting trees and shrubs so the pink areas are actually areas that are going to be wider than the 110 foot buffer and in some areas they're actually greater than 200 feet. So we're actually going above and beyond the 150 ft.
- 11) Yes that is correct.
- 12) Yes, very much. I walked the site with the Fish and Wildlife Staff member and we agreed that this stream is a fish bearing stream has fish in it and needs to be protected.

Bryan Morris – Director of Public Works/ Community Development (1:30:42 mark)

Asked Mr. Haderly if the cities wetland code has been reviewed and adopted by Department of Ecology?

Mr. Haderly stated yes all city codes with respect to critical areas are reviewed and approved through ecology and other agencies through a process.

Dan Mikota (1:31:26 mark) – Raised the fish concern with the pumped sewer laterals that will be included in phase 1. Also the sight distance was an additional concern.

Ron Johnson – Wanted to know the treatment of stormwater. And what percentage would you say that it purifies the water?

Drew Harris (1:34:04 mark)- State of Washington Department of Ecology has a process. It's called the tape process and it's quite rigorous. And in order for a stormwater treatment device to be approved under that process, it needs to be tested and tested and tested again, and the place that they do that is under the bridge in downtown Seattle, where it's testing highway runoff from Interstate I-5. That's the tape process for stormwater quality treatment and when devices are being developed, they get run through the process where the influent and the effluent are measured and the efficacy of the treatment is able to be shown through a study. So for this development, we propose to use not only a detention pond which does allow for sedimentation to occur as the water goes in and sits, it settles. You have a lowering of total suspended solids during that process, but then subsequent to that it will be run through a filter system and those filters normally include a combination of sand media, granular activated carbon and other mechanisms that reduce the load of pollutants. Significantly, that would be going into the creek. The percentage depends on the type of pollutant. There's different types of parameters of concern that are measured

and zinc is one of the pollutants total suspended solids, turbidity. These are the types of pollutants and the percentages are normally in the 90 to 95 percentage, but it depends on the parameter of concern.

(In regard to Dan Mikota's question above) The sewer lift station is required to be able to pump sewer effluent from this development, either from phase 1, or phase 2 the sewer cannot be extended through gravity to feed this development, so it will be installed under phase one. But the grading around that will be specific just to the lift station pad area and that's shown in the phase 1 documents so that the whole road will not be widened at that time, but the lift station pad will be constructed and all the lots in phase 1 will have sewer that will drain and then a pumped main will go connect to the existing city sewer.

We have stated on the documents that further study of road curvature and mitigation if required, will occur under final engineering design and that's noted under the preliminary plat documents. It's common that these items are figured out during the engineering design phase, not at the preliminary plat phase.

Kelsey Graves – 277 Woodard Road (1:40:40 mark) Stated that D is not a good grade for a traffic report. It may be passable, but not something that she would be excited about for the town.

Nicole De Leon – Applicant's Attorney – CairnCross&Hempelmann Attorney at Law (begins at 1:41:37 mark)
Spoke regarding the school capacity issues.

I first want to acknowledge not only to the school district, which I think has been acknowledged by the applicant, but also to the public, that we fully are aware and understand that school district has been experiencing overcrowding and needs funding to address these existing deficiencies. There are several methods and options to address this issue. I think the Commissioner's comment is very well taken that one option is for the Community to get really behind the school district and go forward with the bond and to own that issue and really get to the heart of the funding problem. I understand that that's been proposed and unfortunately it has not passed. So that's one of the reasons why unfortunately the community is experiencing this issue at a more local level. It's also been mentioned that the city could adopt a formal impact fee. But again, that also has not been successful. And again that's one option for the city to consider. The Council for the school district mentioned SEPA and exercising the city's jurisdiction, their substantive authority under SEPA to impose SEPA conditions. Before you, you have what I believe is exhibit 28 and I'll get into this a bit more in this circumstance and I stand by and I know the unpublished case that Council referenced. The city unfortunately does not have the ability to exercise sepa authority in this situation because there's not a stated policy adopted in code. The code that was referenced by counsel is a very general reference to resources. The case that is referred to by Council again, it's unpublished and it does not actually address the issue of whether a broad policy regarding resources actually captures school funding under the environment. If you look at the WAC, the Washington Administrative Code, specifically one 197-11-444 that specifically delineates the elements of the environment, there is a definition for resources. And then there's a separate definition for public services. Resources are things like energy, physical resources. Public services includes school funding and things like that. The city's code references resources, it does not reference school funding or other public services. So again. And I would argue, and you know, unfortunately we might have to argue at a litigation level that unfortunately the city just doesn't have the ability to exercise that SEPA authority in this instance. All of that being said, we do acknowledge that this problem exists and the applicant does want to be a good community partner here. You heard Council talk about that there was a negotiation, there was willingness by the applicant to build a middle school building, again ongoing negotiations about numbers and things like that. Hit a curveball when this report was produced by OAC. I assume you know at some point, if you haven't already, that the Commissioners will read that report. And fundamentally, the critical problem with the report is it analyzes, it assumes impacts from 195 lots and from on that basis it goes into all sorts of calculations based on overcrowding and various, you know, data points that the school district is putting forward. We don't have a project before you for 195 lots. We have a project before you for 56 lots. Again, the calculations, the cost estimates, all of the overcrowding data, it's based on an assumption that we are going to build 195 lots. Your scope, your authority right now is to condition the project for 56 lots. OK, reading the OAC report and even the supplemental report. And again, I'm a lawyer. I don't dabble in numbers purposely because that was not my calling in life. However, my read of the OAC report are there are two categories of overcapacity concepts here. There is in section 3.1 in enrollment capacity issue where they identify that the high schools over capacity by 59 students, they also acknowledge that the elementary school still has capacity. Then the report gets into what I'm going to call physical capacity issue and in that context they say that the school district is over capacity by 110 students at junior and high school level on that basis, they used the 110 student capacity over capacity issue to generate that calculation. Again a calculation based on 195 lots, not 56 lots, 195 lots. Then the consultant submitted a supplemental report, I think tried to explain this difference in overcapacity data and bridged the gap there. That supplemental report explained that the 59 student enrollment over capacity number it's based on that lower number it's based on objective third

party data from the office of Superintendent Public Instruction and it's based on information that doesn't actually reflect how the school district puts children in classrooms and how they organize their classrooms and things like that. That's how that 59 over capacity numbers reach. The 110 over capacity number is, however, based on the data provided by the school and those real world internal decisions about where they place children in classrooms. There's a delta there. I don't know how to really bridge that delta, but it seems to imply to me that to some degree there are decisions that are being made by the school district that result in children being placed in over private classrooms to a degree, to a degree, I don't understand why a third party, you know, state sponsored institution would come up with a lower capacity number. Again, we fully acknowledge that there are impacts, but the report at least calls into question what the calculation should be. And it calls into question the fact that it severely overestimates, if not more than doubles the amount of impacts, because it's based on 195 lot buildup as opposed to the much more limited project that's before you, which is for 56 lots. So with all of that, again acknowledging that the applicant does want to be a good community partner, we are, you know, still trying to find a solution here. We acknowledge that staff drafted a condition regarding that voluntary agreement. We understand that that effort was, you know, to try and bring the parties together and I'm going to say candidly kind of push the issue back to the school district and the applicant to figure it out. We understand the rationale behind that. The problem is, is that there's a basic tenant in permitting and land use law that conditions have to be implementable, they have to be achievable. That condition as drafted that we just have to go and try and get a voluntary agreement is fundamentally, unfortunately flawed because we have no way of guaranteeing that we can reach an agreement with the school district. So that condition is a huge legal risk and problem. That's why we drafted the condition that we sent to you last week, I assume in your packeting your record for the \$4000. It's a straightforward condition. It's a significant amount of money. There's certainty there. It provides for the impacts from the actual 56 lot development that's before you. And we think it's an honest and good fair proposal. So with that, we respectfully request that you do advance this proposal that you adopt staffs recommendation for the most part with that revised condition and we request that you advance this to Council.

Parker Howell – Napavine School District Attorney (begins at 1:50:47 mark)

Again, there are a number of factual and legal arguments that I wanted to address that the developers attorney has raised. First of all, this school district hasn't received a copy of a proposed amendment to the staff report or the conditions that would impose a \$4000 per unit fee. (Provided the letter to him at that moment) The district would certainly be in favor of the Commission imposing a per unit fee. You know, without negotiations, in which case we'd ask that you impose the \$6000 fee that we had proposed in negotiations. I have now received a copy, which I'll briefly read over here. To the extent that the developer through this submission, is admitting that there's authority of the Commission to impose a per unit fee, we would suggest that a \$6000 fee is more appropriate. It's still less than the over \$7000 that's calculated per unit based on what OAC did in its third party analysis. And even that 7000 is based on the cost of temporary, temporary facilities, in other words, putting continuing to put students of the Napavine community into portable buildings, rather than having a long term solution of a new middle school or whatever the necessary facilities would be. Now Council for the developer would have you believe that the solution is a magic bullet of passing a bond. We all know what bond passage rates are in state of Washington, but that argument dodges the key point and the key point is under state law, both SEPA and the subdivision statute, it's incumbent upon the city as a legal duty to provide for what is in the state constitution. The paramount duty of this state, which is adequate schooling, which is facilities in this case. Developers, as they develop, owe to the community they're responsible proportionate share. The developer has further tried to cloud the issue about the OAC report and say it's uncertain what the quote delta is between what OSPI, the state agency overseeing public education, says should be the number of students that you have for facility planning purposes versus the number of students, suggesting that there's mismanagement somehow by the school district that's resulting in Overcrowd. Members of the Commission that is simply not the case. OSPIO, the state agency that oversees education uses that number that was first referenced by council for purposes of how much money they're going to give school districts and state construction assistance programming, or SCAP funding. So it's a rote formula that doesn't deal in everyday realities. But rather comes into play when the state is trying to figure out if you're generally going to house X number of students, how much square footage and how much cost is that going to entail. The higher number, the roughly 110 that Council referenced and admitted is in the report. On the other hand, is based on real world, on the ground reality, and that is that there's a large number of students who have to be housed in portables. Council also attempted to call into question how many students are going to be generated by this development, saying that it's inappropriate to base this on 195 units when this is phase one for 56 Units. Earlier in her presentation, Council, though, admitted that it is appropriate in the SEPA context to look at the total impacts of the entire development, which is what this report has done. Further, there is no reason to distinguish between the 195 units and the 56 units in terms of what that per student impact is going to be. Every additional student is generated when the facilities are for all intents and purposes, full, is going to generate an impact. Further, we're not asking the Commission to impose the more than \$20,000 per unit it would cost likely to actually house these students on a

permanent full-time basis going forward. We're just asking for the roughly less than the 7000 that's actually needed on a temp basis. We're asking for the 6000. Now going to the issue of the code, there is case law that exists that discusses the fact that even references that are somewhat oblique and incorporations by reference of the SEPA policy into Napavine Municipal code are sufficient. The fact that the case in Division 2 is unpublished doesn't change the fact that at least one court has looked at the method that was proposed by staff and said that that was a lawful method, that being the senior housing or reaching a voluntary agreement. And it's certainly not impossible for the parties to reach agreement. That said, it would be much simpler again, with the understanding if the developer believes that this Commission has that authority, the right thing to do here would be to impose the \$6000 per unit fee, and that's what we asked you to do today to make sure that all of the students of this community have an adequate place to study and learn.

Commissioner Morris – (1:56:22) - Asked if the school is overcrowded now?

Parker Howell – Napavine School District Attorney (begins at 1:56:31 mark)

So according to OSPI SCAP school Construction Assistance program, formulas have to do with the money that the state sends. If you pass a bond, for example they would say that the elementary school has capacity, but not at the high school. In reality, the issue is that there are dozens of students every day, largely at the middle school, from remembering the report correctly, who are learning in portables. No school district in the state of Washington considers having students in portables as permanent housing. So in that sense, there is overcrowding as it exists currently. The district also uses, as most places do, a formula to figure out how many students can be assigned any classroom. There are collective bargaining agreements with the teachers union that dictate that as there are in most school districts, and so if even if the district said somehow fire code would permit us to 50 or 60 students per classroom. The teachers agreement wouldn't allow that. So yes, the districts facilities are full as it stands currently, and it's incumbent on this particular developer to not pay for everything but pay for its fair share of the facilities that are needed. We're just asking on a temporary basis. even with more portables.

Commissioner Morris – (1:57:51) – How many out of district students are actually in Napavine now?

Parker Howell – Napavine School District Attorney

Referred that question to Mr. Schutz, he stated 92 out of district coming in, but have 136 students that are going out to other districts.

Director Morris – (1:57:51) – Stated that he's all for the schools and is it fair to say that you cannot split a SEPA? And that the law says that the city will give consideration to the school, and does it not say at an adequate level? Who makes up the definition of adequate and consideration?

Nicole De Leon – Applicant's Attorney – CairnCross&Hempelmann Attorney at Law (begins at 1:41:37 mark)

Stated it is true, that and that's what we were reflected here that under SEPA, but you are not supposed to or allowed to piece meal environmental review, which is why the phase 1 and Phase 2, all that information was provided so to the extent that phase 2 does proceed, which again don't know but to the extent it does proceed, those environmental impacts have at least been flagged under the SEPA authority.

Paul - Jackson Civil - What you do here under phase one from a land use standpoint, when you do hear from a phase one standpoint sets the stage for how we approach Phase 2.

Nicole De Leon – Applicant's Attorney – CairnCross&Hempelmann Attorney at Law (begins at 1:41:37 mark)

But under a fundamental, you know, just permitting perspective, the only thing that's before you is phase 1. So the only conditions that can be attached are with respect to phase 1.

Commissioner Haberstroh – It's not my call on y'all's negotiation, but I think that's something that you guys aren't too far off ought to be able to come up with some type of solution there.

Nicole De Leon – Applicant's Attorney – Requested a 5 minute recess at 8:01 pm.

Meeting resumed at 8:09pm

Nicole De Leon – Applicant's Attorney – (begins at 2:09:08 mark)

For the record, this is Nicole DeLeon, the land use attorney for the applicant. After conferring with the school district and council for the District, I have some good news, which is that we have reached a specific condition and amount. It is a version of what was submitted to you with some modification. I'm going to read it aloud into the record and then I think Council and I can ultimately submit a co-authored letter or e-mail with the formal language, but I'll at least read it to you just so that you're aware of the verbiage that's been mutually agreed upon. And so if you're referring to the letter that we submitted last week, that would be revised to read. The applicant shall pay a voluntary school mitigation fee of \$6000 per dwelling unit with payment required prior to issuance of each individual building permit and paid to the Napavine School District in consideration for school impacts from phase 1 and phase 2. The school district in council and the applicant have agreed to that voluntary mitigation condition. We think that satisfies the school districts concerns regarding impacts to schools from this project on the grand scale. And again, we'll provide that language so that hopefully the Planning Commission can incorporate that into its recommendation to council. So thank you for the nudge and I think we got to the finish line on that particular issue. That concludes our presentation.

Discussion continued on how to provide the recommendation to council between city consultant, Planning Commission, and city attorney.

ADJOURNMENT 8:12 pm

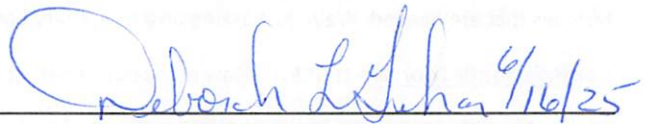
Commissioner Graham closed the public hearing at 8:12 pm.

These minutes are not verbatim. If so desired, a recording of this meeting is available online at <https://fccdl.in/D5zYlvz5Dm>.

Respectfully submitted,



Bryan Morris, Community Development/Public Works Director



Planning Commission Chairperson