



LANDERHOLM

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October 3, 2014

Board of Clark County Commissioners
1300 Franklin Street
Vancouver, WA
98660

Re: MAJ 139th and 10th Avenue
Previous approval: CPZ2008-00022 - NE 139th Street

Dear Commissioners:

On behalf of the Applicant, MAJ Development, we are requesting to amend the previous Annual Review decision identified as CPZ2008-22, approved under resolution 2008-12-15. While approving the change in zoning, the resolution also required that the property owners enter into a covenant limiting the total amount of trips from all five properties. The resolution does not mention a specific number of trips.

The property consists of 5 parcels which are adjacent to one another and identified as Clark County Tax ID #s: 185672-000, 185796-000, 185727-000, 185726-000 and 185700-000. The collective parcels contain 20.8 acres. These parcels are located at the northeast corner of 139th Street and NE 10th Avenue, immediately west of 1-205 and south of a mobile home park. See the attached map.

In order to adequately analyze the current request, an understanding of the previous 2008 proceeding is necessary. By way of background, five property owners collectively applied for a comprehensive plan amendment and zone change with Clark County in the fall of 2008. The property owners requested to change their comprehensive plan designations to General Commercial with Highway Commercial zoning. The underlying zoning for three of the parcels was Light Industrial and 2 parcels were zoned for Apartments (R-18).

The property owners were all represented by one attorney. This point is significant, because it was the cause of today's dilemma. That attorney has since been disbarred and has gone to jail for more nefarious acts. On behalf of the owners, the attorney negotiated a cap (462) on the number of PM peak hour trips that could be collectively generated for all of the properties as a condition of the zone change. There was no mechanism for allocation of the allotted trips amongst the properties. Additionally, the amount of trips "capped", would not allow any reasonable job producing development of the site as a whole. Thus, one property owner could

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have developed first and taken all of the trips. The other property owners would have been legally prohibited from ever developing their property under the proposed scenario.

After the hearings process was completed, Chris Horne, prosecuting attorney, requested that the property owners sign a restrictive covenant to be recorded against the property to enforce the trip cap. The covenant provided: *“Development or re-development of the Properties shall result in no more than 462 peak PM hour vehicle trips.”* When the property owners finally realized what had occurred, they all refused to sign concomitant agreements. All of this occurred six years ago in 2008. The property has been vacant since then and technically still retains its old zoning (ML and R-18); despite the Board changing it, due to the fact that the concomitant rezoning agreements were never executed.

That brings us to today. The Applicant and the property owners would like to develop this property with commercial uses. The Applicant has been approached by a variety of commercial users, who, if the County would amend the 2008 resolution to adjust the trip cap, would construct and operate significant commercial businesses. The current variety of interested users make up approximately 219,000 square feet of retail uses; would create approximately 675 permanent jobs; and, generate approximately 128 million dollars annually in sales tax revenue. There would be no “big box” development in conjunction with this request; the largest employer would be approximately 82,000 square feet. A conceptual site plan is attached depicting potential building locations.

Removal of the proposed trip cap would increase localized trips in the area. That is almost always the case with commercial uses. The number of trips within the transportation system does not increase, as the same number of gallons of milk or loaves of bread will be consumed by the Clark County public. With the addition of more commercial, trip lengths are shortened as consumers do not have to travel as far to acquire goods and services, but traffic does increase at intersections close to larger commercial development.

In this case, the Applicant’s transportation engineers (Mackenzie) have performed an extensive comparative analysis between the uses allowed with the proposed change to commercial zoning and the previously proposed trip cap in order to determine what effects adjustment of the trip cap would have on local intersections. That analysis is attached. The analysis goes far beyond the normal concurrency analysis in that it analyzes the trip impacts through the year 2035. The analysis was also intentionally overly conservative. The analysis does not reduce the trip impacts by the numbers of trips that are currently generated from the property, which would normally be done in a routine concurrency analysis. The analysis also does not reduce trip impacts for diverted trips (trips already on the area’s road system that divert to the new use)

In summary, the analysis finds that the additional transportation impacts resulting from the increase in trips from the proposed adjusted trip cap, would lower travel speeds in the 139th corridor by approximately two miles per hour (average of both directions). The increase in trips would also degrade certain nearby intersections. The analysis also finds that with certain identified mitigation (primarily improvements to the 10th/139th intersection; 23rd/134th

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intersection and the properties' primary entrance, the increased impacts will be reduced to levels that would have occurred under the existing zoning and the previously proposed trip cap.

The County has repeatedly stressed the importance of job creation and creation of tax base. If the previously proposed trip cap is adjusted as proposed in this request to amend the 2008 resolution, several hundred jobs will be created, significant sales tax revenues will be created and will be ongoing for the life of the project, the properties' assessed values will significantly increase, thus substantially raising the revenue the County receives from property taxes and property that has essentially been in purgatory for the last several years will be put to a beneficial use.

The Applicant looks forward to discussing this proposal with Staff, the Planning Commission and the Commissioners in the near future.

Sincerely,

LANDERHOLM, P.S.



RANDALL B. PRINTZ

RBP/ss

CC: Oliver Orjiako, P.O. Box 9810, Vancouver, WA 98666-9810
Jose Alvarez, P.O. Box 9810, Vancouver, WA 98666-9810
Chris Horne, P.O. Box 9810, Vancouver, WA 98666-9810

DEVELOPER'S

GIS

PACKET

Produced By:
Clark County Geographic Information System

For:
LANDERHOLM
Stacey Shields
360.816.2530

Subject Property Account Number(s):

185672000
185796000
185727000
185726000
185700000

PDF # 134810

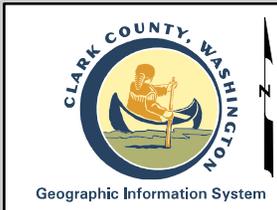
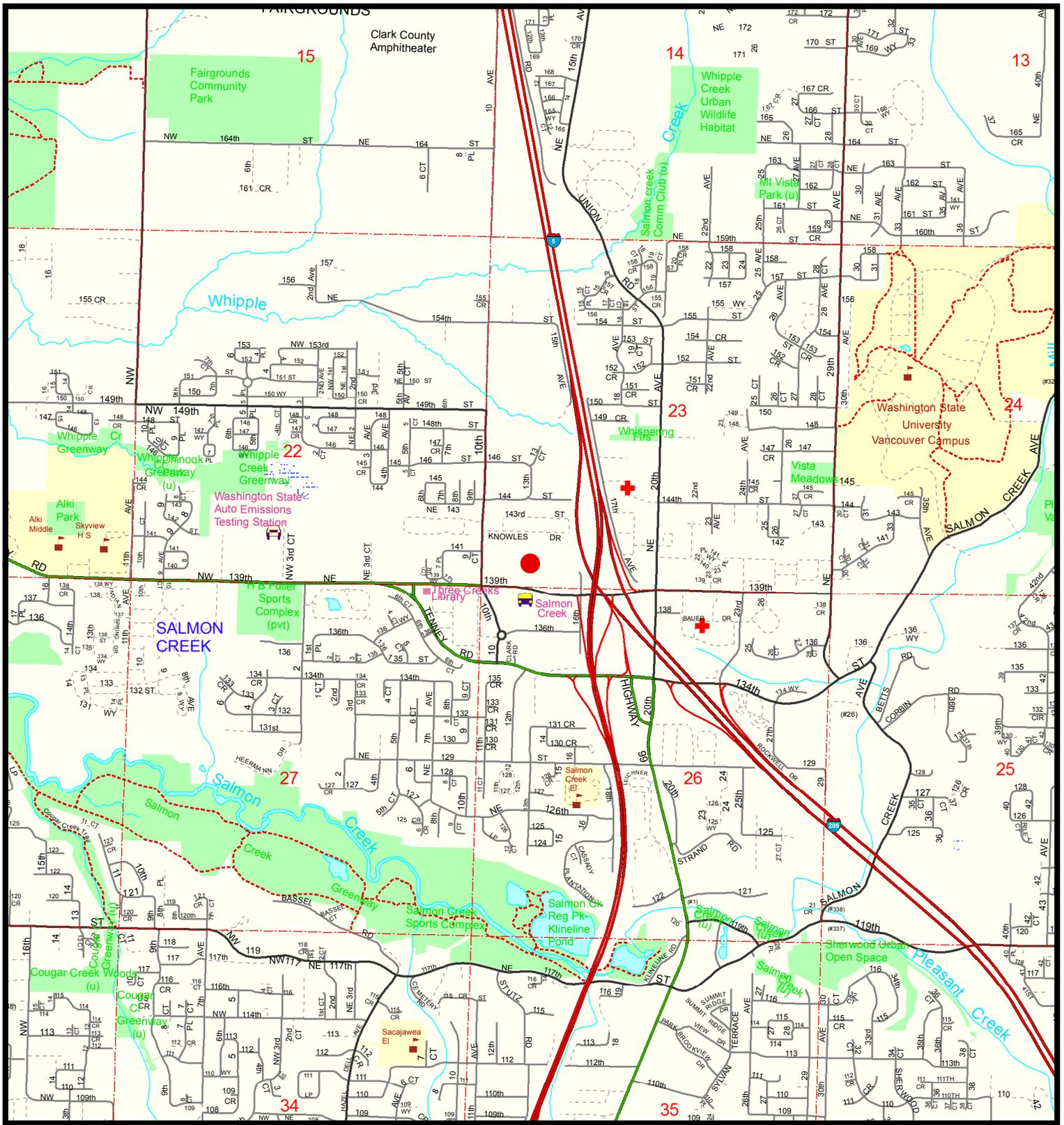
Printed: December 17, 2014

Expires: December 17, 2015



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Geographic Information System
1:24,000



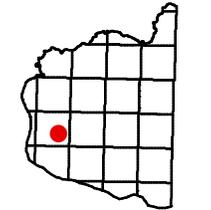
Developer's GIS Packet: Page 1 of 14

General Location Map

Account No: 185672000, 185796000, 185727000, 185726000
 Owner: MEYER CLAN LLC
 Address: 13914 NE 16TH AVE
 C/S/Z: VANCOUVER, WA 98685

 Subject Property Location

Printed on: December 17, 2014



Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

Property Information Fact Sheet

Mailing Information:

Account No.: 185672000, 185796000, 185727000, 185726000, 185700000

Owner: MEYER CLAN LLC

Address: 13914 NE 16TH AVE

C/S/Z: VANCOUVER, WA 98685

Assessed Parcel Size: 20.84 Ac

Property Type: Multiple Property Types

PARCEL LOCATION FINDINGS:

Quarter Section(s): SW 1/4,S23,T3N,R1E

Municipal Jurisdiction: County

Urban Growth Area: Vancouver

Zoning: IL, R-18

Zoning Overlay: No Mapping Indicators

Comprehensive Plan Designation: I,
UM

Columbia River Gorge NSA: No Mapping Indicators

Building Moratorium: Salmon Creek Moratorium

Late-Comer Area: No Mapping Indicators

Trans. Impact Fee Area: Mt. Vista

Park Impact Fee District: 10

Neighborhood Association: North Salmon Creek

School District: Vancouver

Elementary School: Chinook

Junior High School: Alki

Senior High School: Skyview

Fire District: FD 6

Sewer District: Clark Regional

Water District: Clark Public Utilities

Wildland: No Mapping Indicators

Historic Sites: No Mapping Indicators

ENVIRONMENTAL CONSTRAINTS:

Soil Type(s): CvA, 45.4% of parcel

GeB, 28.9%

GeD, 25.7%

Hydric Soils: Hydric, 45.4% of parcel

Non-Hydric, 54.6%

Flood Zone Designation: Outside Flood Area

CARA: Category 2 Recharge Areas

Liquefaction Susceptibility: Very Low to Low

NEHRP: D

Slope: 0 - 5 percent, 88.5% of parcel

5 - 10 percent, 11.5%

Landslide Hazards: No Mapping Indicators

Slope Stability: No Mapping Indicators

Priority Habitat and Species Areas: No Mapping Indicators

Priority Species Area Buffer: No Mapping Indicators

Priority Habitat Area Buffer: No Mapping Indicators

Archeological Predictive: High, 94.3% of parcel

Moderate-High, 5.7%

Archeological Site Buffers: Mapping Indicators Found

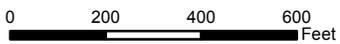
NOTE

This data is compiled from many sources and scales. Clark county makes this information available as a service, and accepts no responsibility for any inaccuracy, actual or implied.



Geographic Information System

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2014 Aerial Photography

Account No: 185672000, 185796000, 185727000, 185726000

Owner: MEYER CLAN LLC

Address: 13914 NE 16TH AVE

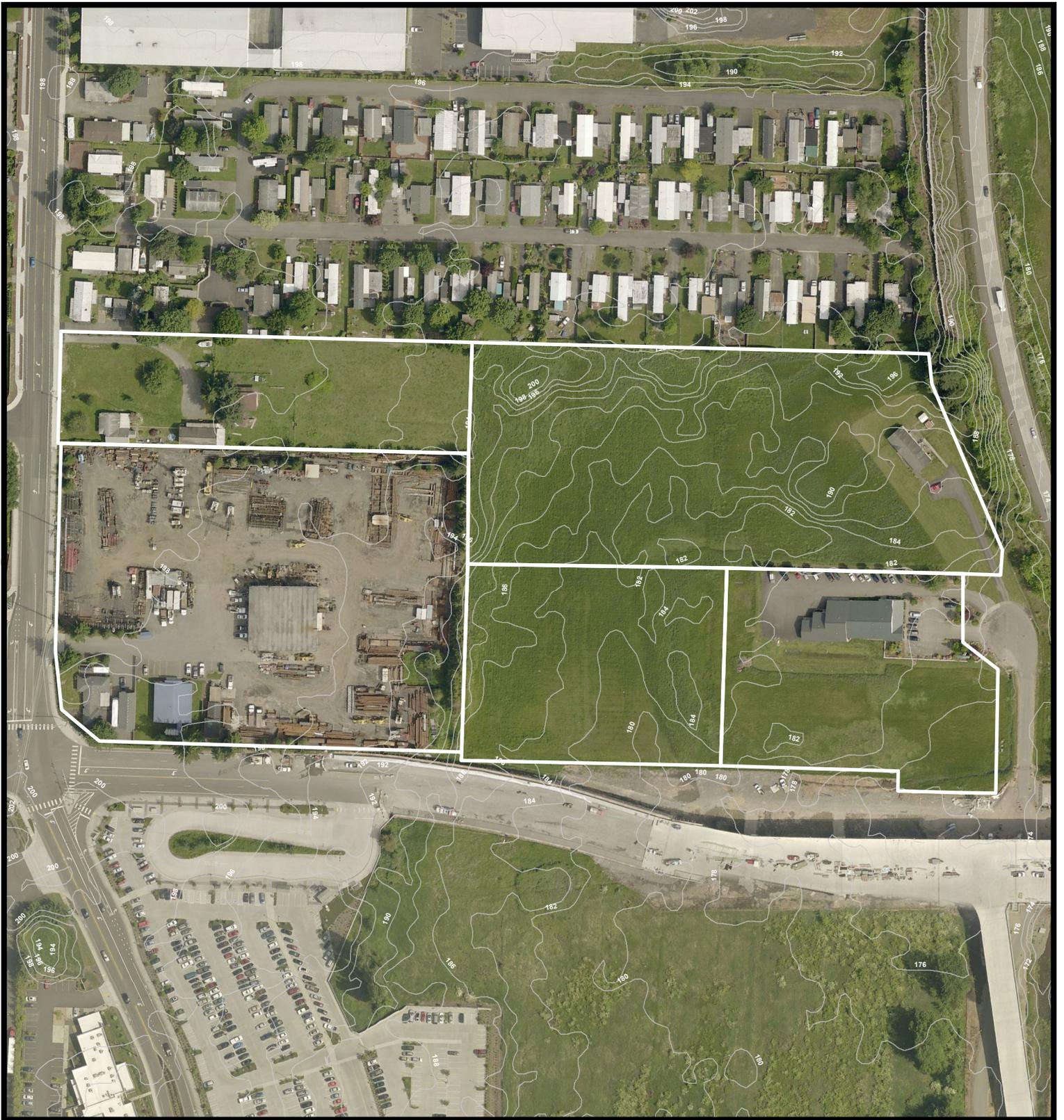
C/S/Z: VANCOUVER, WA 98685

Proposed Development Area

Printed on: December 17, 2014

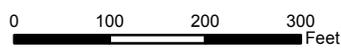
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Geographic Information System

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2014 Aerial Photography with Contours

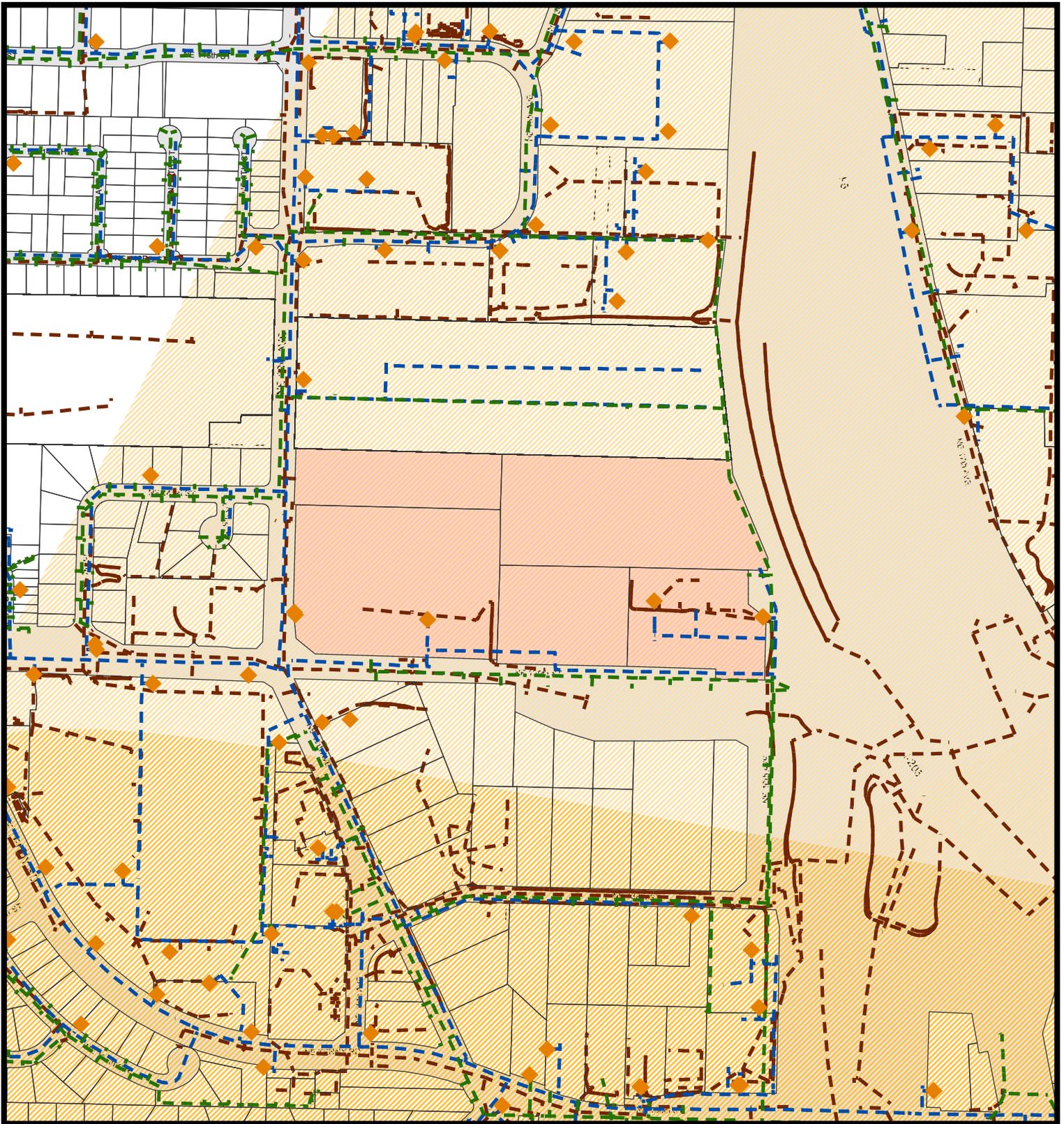
Account No: 185672000, 185796000, 185727000, 185726000
 Owner: MEYER CLAN LLC
 Address: 13914 NE 16TH AVE
 C/S/Z: VANCOUVER, WA 98685

- Proposed Development Area
- 2' Elevation Contours

Printed on: December 17, 2014

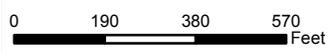
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Geographic Information System

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Water Sewer and Storm Systems

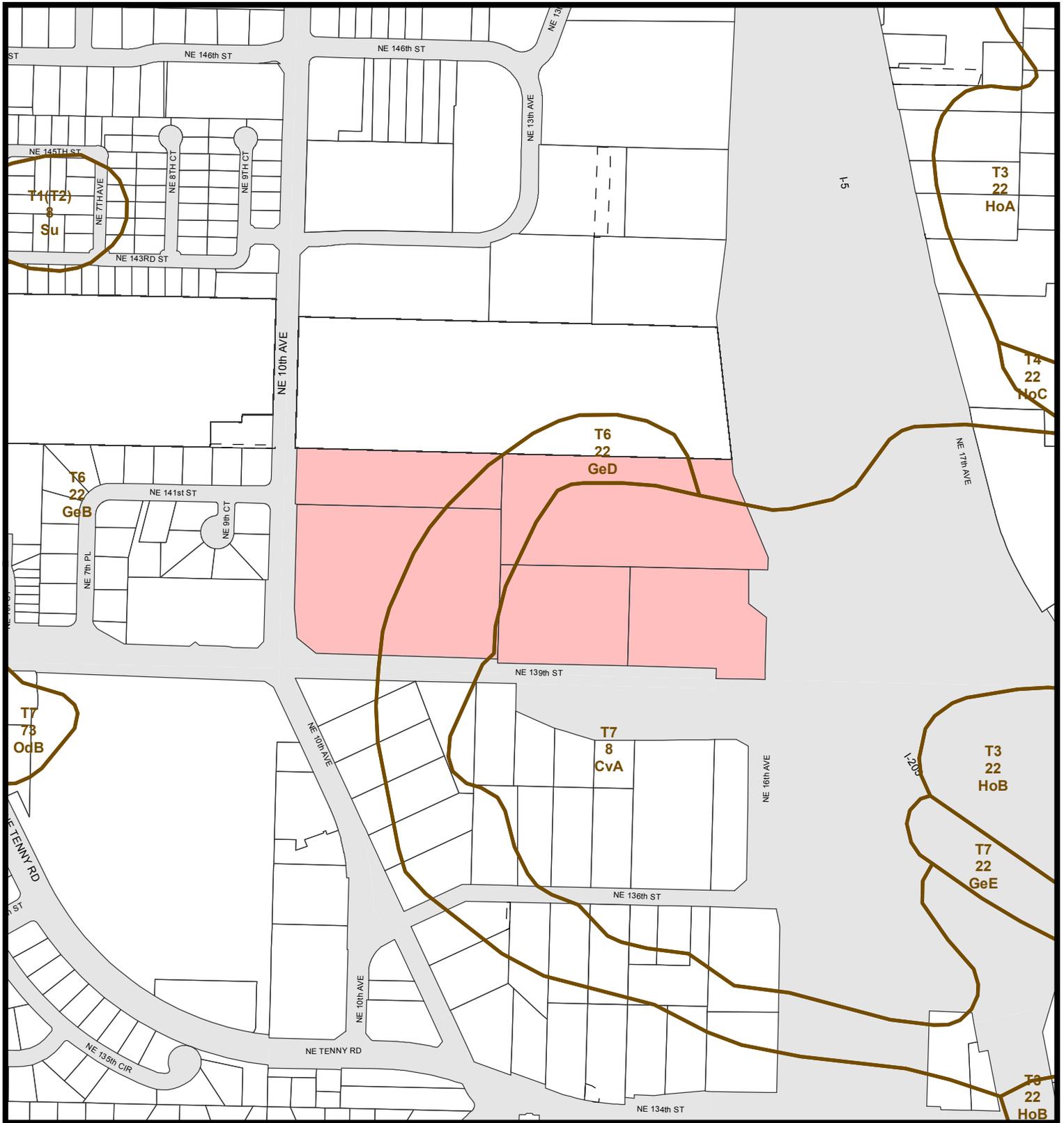
Account No: 185672000, 185796000, 185727000, 185726000
 Owner: MEYER CLAN LLC
 Address: 13914 NE 16TH AVE
 C/S/Z: VANCOUVER, WA 98685

- Subject Parcel
- Public Road
- Transportation or Major Utility Easement
- Storm Water Lines
- Water Lines
- Sewer Lines
- 1-year Wellhead ZOC
- 5-year Wellhead ZOC
- 10-year Wellhead ZOC
- Hydrants

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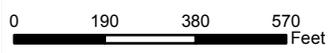
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Geographic Information System

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Soil Types

Account No: 185672000, 185796000, 185727000, 185726000
 Owner: MEYER CLAN LLC
 Address: 13914 NE 16TH AVE
 C/S/Z: VANCOUVER, WA 98685

- Subject Parcel
- Public Road
- Transportation or Major Utility Easement
- Soil Type Boundary

Printed on: December 17, 2014

31115	31114	31113
31122	31123	31124
31127	31126	31125

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NOTICE: DEVELOPER'S PACKETS CONTAIN THE UPDATED SHORELINE DESIGNATION MAP LAYER

Mapping of Shoreline Master Program (SMP) Shoreline Designations (SDs)

Clark County jurisdictions formed a coalition and worked together, with oversight from the Washington State Department of Ecology, to update their local SMPs and Shoreline Designation (SD) Maps. Updated shoreline designations have been mapped countywide and are now shown in Developer's Packets. However, because the coalition jurisdictions are proceeding individually toward local adoption and Ecology approval of their SMPs and SD Maps, their SD Maps will become effective at different times throughout the rest of 2012 and into 2013. Therefore, it is important to understand that some projects fall under the new designations and some are still regulated based on prior designations.

Interim and newly adopted Shorelines Master Program (SMP) Shoreline Designation (SD) Map layers can be viewed in MapsOnline until the SMP update process for Clark County jurisdictions is complete. The interim map layer entitled *Interim Shoreline Designations* applies to projects in jurisdictions where the newly adopted SD Maps are not yet effective. The *Shoreline Designation* map layer applies to jurisdictions where the newly adopted SD maps have become effective.

It is important to review the SMP status for the jurisdiction in which your project is located to determine which map layer and shoreline designations apply.

The appropriate shoreline map layer and a link to each jurisdiction's SMP website is listed below:

Clark County - As of September 12, 2012, newly adopted shoreline designations are represented in the Shoreline Designations map layer in Developer's Packets

http://www.clark.wa.gov/planning/land_use/shoreline.html

Vancouver and Camas – As of September 24, 2012, new SMP designations took effect for both Camas and Vancouver. New Shoreline Designations are represented in Developer's Packets.

Vancouver - <http://www.cityofvancouver.us/environmentalOrd.asp?menuid=10463&submenuid=10487>

Camas - <http://www.ci.camass.wa.us/index.php/planning/planningcurrentissues>

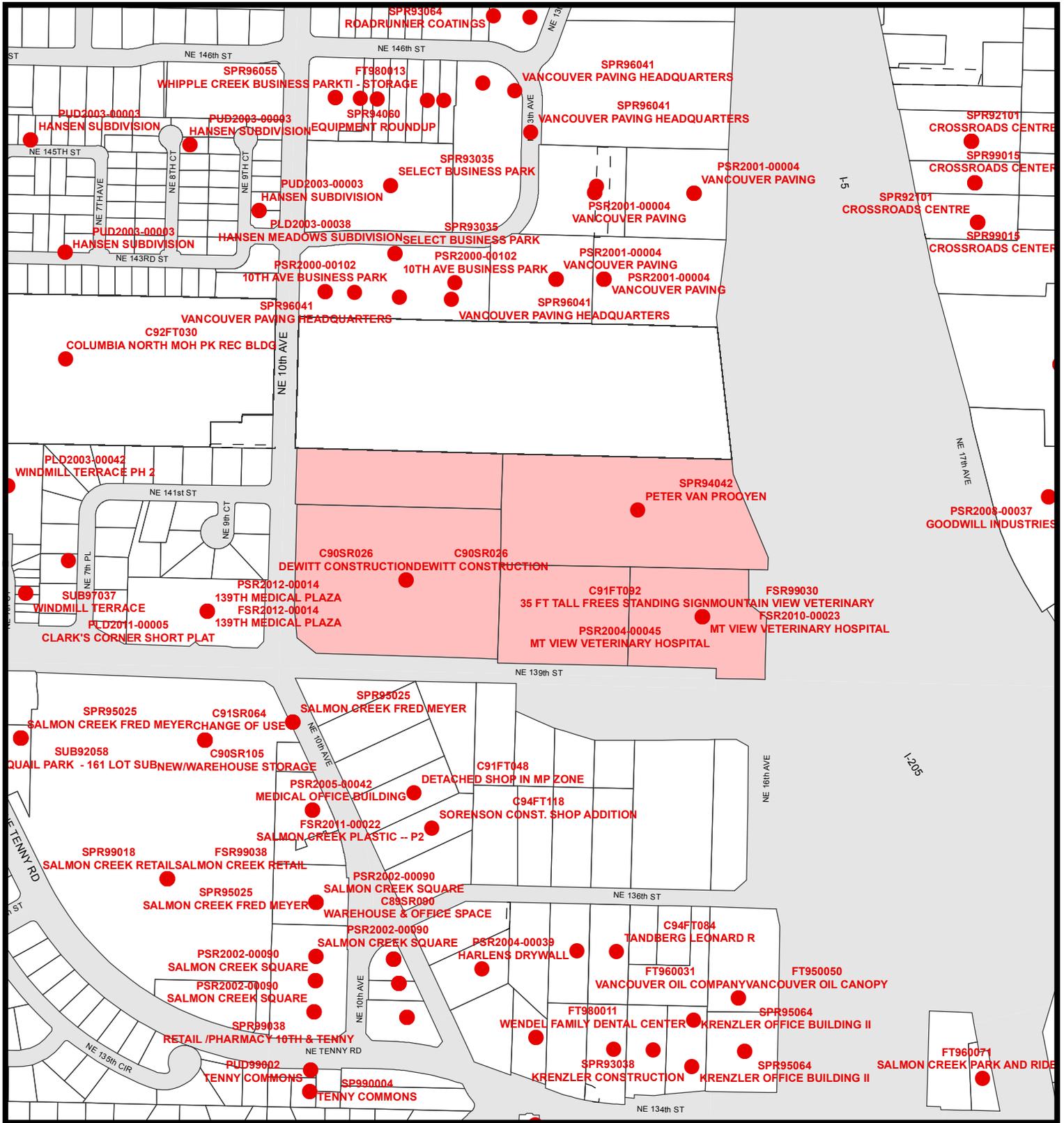
Other jurisdictions – Refer to the Interim Shoreline Designations map layer in MapsOnline until the updated Shoreline Designation Map becomes effective, at which time the Shoreline Designations map layer will take effect.

Battle Ground - <http://www.cityofbg.org/index.aspx?nid=374>

La Center - http://www.ci.lacenter.wa.us/city_departments/city_planner.html

Ridgefield - <http://www.ci.ridgefield.wa.us/resources/documents/SMPAdoptedApril122012.pdf>

Washougal - <http://www.cityofwashougal.us/city-services/community-development2/planning-division2/services/shoreline-master-program-update.html>



CLARK COUNTY, WASHINGTON

Department of Assessment and GIS

1:4,800

0 200 400 600 Feet

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Adjacent Development

Account No: 185672000, 185796000, 185727000, 185726000

Owner: MEYER CLAN LLC

Address: 13914 NE 16TH AVE

C/S/Z: VANCOUVER, WA 98685

- Proposed Development Area
- Public Road
- Transportation or Major Utility Easement

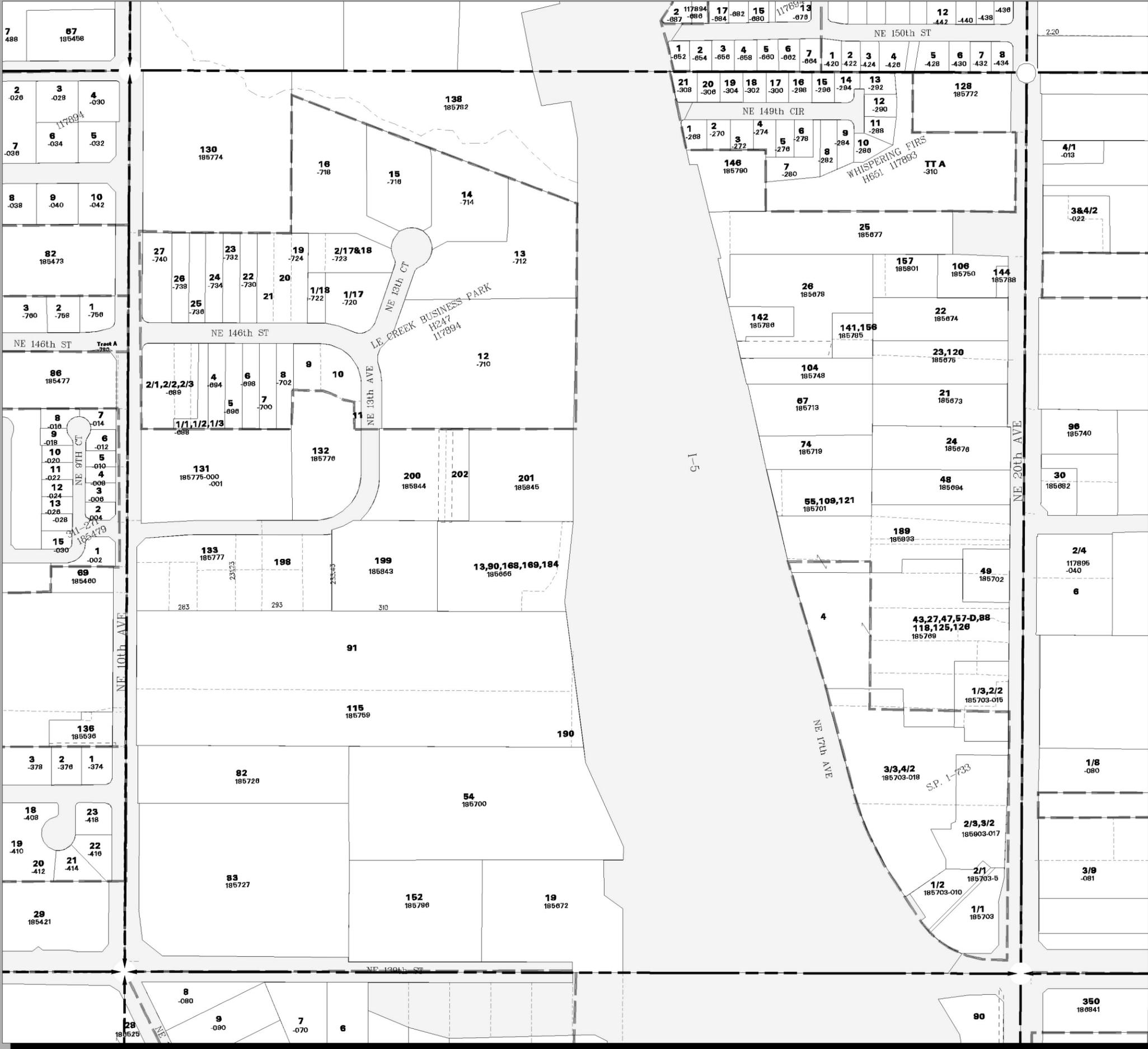
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Clark County Washington

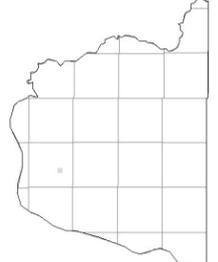
SW Qtr of Section 23 T3N R1E WM



Explanation

- Streams
- Subdiv Lines
- Tax Code
- Easements
- Donation Land Claim
- Control Lines
- History Lines
- City Boundaries
- Road Right of Way
Actual Road May Not Exist
- Water

Scale 1:3600
0 100 200 300 400 500 600 Feet

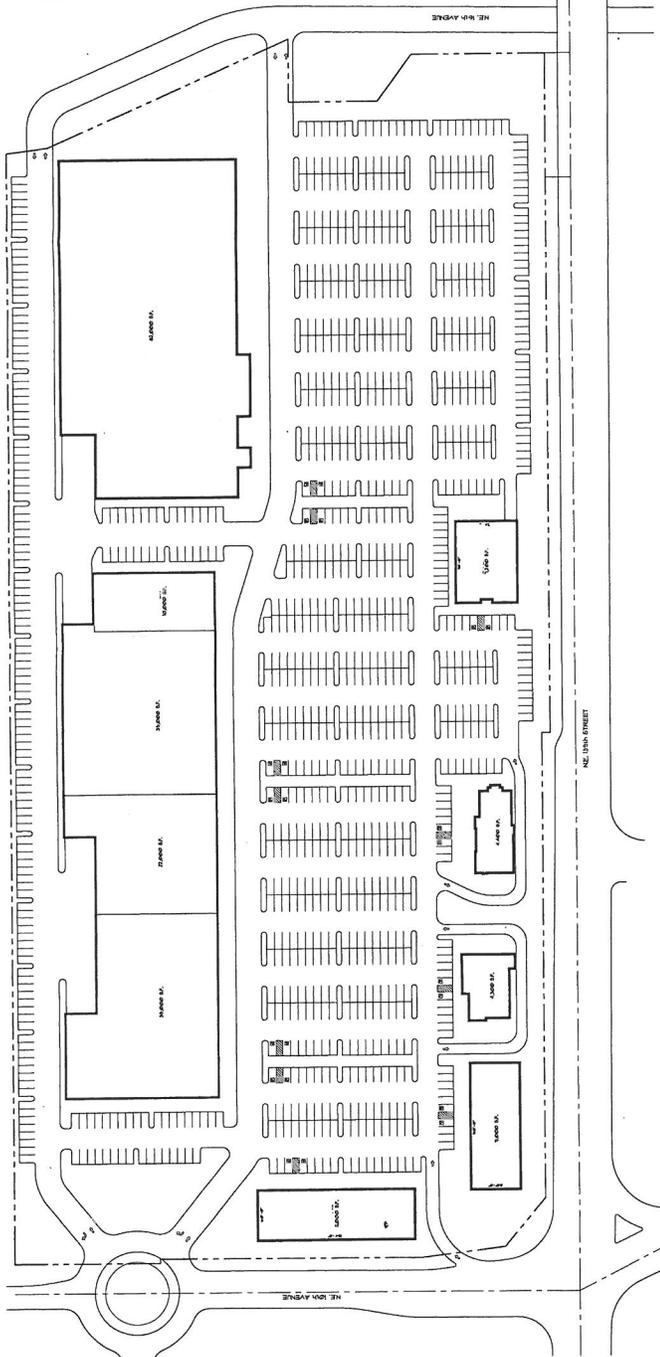


December 13, 2014

CAUTION: This map is based upon information furnished by local surveyors and information available from public records. This information has not been checked by Clark County for accuracy. Clark County expressly disclaims any liability for any inaccuracies which may be present in this map. Users of this map should themselves check any details for accuracy before relying thereon.

WILLIAM SCHMIDT ARCHITECTS, P.C.
 344 8th Avenue
 Portland, Oregon 97204
 Phone: (503) 228-2828
 Fax: (503) 228-2888

CLARK COUNTY, WASHINGTON
 MAY 13th & 10th AVENUE



PROJECT NO. 1481
 DATE 11/11/09
 DRAWN BY J. SCHMIDT
 CHECKED BY J. SCHMIDT
 TITLE SHEET

SITE PLAN- OPTION B
 SITE INFORMATION:
 LOT TOTALS 100,000 SQ. FT.
 PARKING TOTALS 275 STALLS
 BUILDING AREA 48,800 SQ. FT.
 PARKING RATIO 488 / 1,000 SQ. FT.

SP
 4b