



LANDERHOLM

Legal advisors. Trusted advocates.

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October 3, 2014

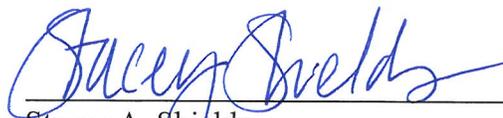
Oliver Orjiako
P.O. Box 9810
Vancouver, WA
98666-9810

**Re: NE 139th and 10th Avenue for MAJ Development
(Previously identified as CPZ2008-00022 - NE 139th Street)**

- The enclosed information is being sent to you without a cover letter in the interest of time.
- For your information and file.
- Please review and call to discuss this matter.
- Sign and/or complete and return to our office.
- Remit directly to the provider.
- Other:

Oliver, as per previous discussions with Randy Printz, please find enclosed the following documents for MAJ Development to support our request. If you have any questions, please do not hesitate to contact me at 816.2530.

- 1) Application form
- 2) Letter from each property owner allowing MAJ Development to file application
- 3) Supplemental sheet with property data breakdown per parcel
- 4) Client Check for \$4,312.62 (see attached fee breakdown from Oliver)
- 5) Letter and narrative by Landerholm
- 6) Traffic Impact Analysis by Group Mackenzie
- 7) SEPA
- 8) Site Plan
- 9) Aerial Photos
- 10) Signed Concomitant Rezone Agreement from 2008
- 11) BOCC recommendation for approval from 2008
- 12) Staff Report by the BOCC dated 10/23/08
- 13) Letter from Chris Horne to amend the Concomitant Rezone Agreement
- 14) Disk containing all documents listed above in PDF format.



Stacey A. Shields

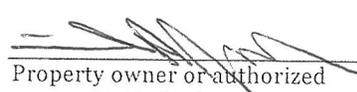
Development Application

Project name: NE 139th and 10th Avenue		
Type(s) of application (see reverse side): <i>Amending an annual review</i>		
Description of proposal: The Applicant proposes to amend an annual review decision referenced as CPZ2008-22.		
Applicant name: MAJ Development Corporation	Address: 300 W. 15th Street, Ste 200 Vanc., WA 98660	
E-mail address: mikej@majdevelopment.com	Phone and fax: 823-5125	
Property owner name (list multiple owners on a separate sheet): See attached sheet for details	Address: See attached sheet for details	
E-mail address: See attached sheet for details	Phone and fax: See attached sheet for details	
Contact person name (list if not same as applicant): Randy Printz	Address: Landerholm PO Box 1086 Vancouver, WA 98666	
E-mail address: Randy.Printz@landerholm.com	Phone and fax: 696-3312 (P) and 816-2531 (F)	
Project site information: Site address: See attached sheet for details	Comp plan designation: See attached sheet for details	
Cross street: NE 139th St. & NE 10th Ave.	Zoning: See attached Sheet	Parcel numbers: See attached sheet
Overlay zones: N/A	Legal: Section 23	Acreage of original parcels: 20.8 Acres +/-
Township: T3N	Range: R1E	1/4 of section: SW

Authorization

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request. This application gives consent to the county to enter the properties listed above.

 9-30-14
Applicant's signature Date

 9-30-14
Property owner or authorized representative's signature Date

For staff use only	Case number:	Work order number:
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Revised 6/14/12



Community Development
1300 Franklin Street, Vancouver, Washington
Phone: (360) 397-2375 Fax: (360) 397-2011
www.clark.wa.gov/development



For an alternate format, contact the Clark County ADA Compliance Office.
Phone: (360) 397-2322
Relay: 711 or (800) 833-6334
E-mail: ADA@clark.wa.gov



To Clark County long range planning:

The undersigned is the owner of real property located in Clark County, and more specifically identified as tax parcel(s) 185726000. We authorize Michael A. Jenkins, MAJ Development Corporation to apply for and process a request to amend the previous Annual Review resolution conditionally changing the Comprehensive Plan and Zoning designation of our property from R-18 to Commercial; and specifically, to amend the PM Peak hour limitation that was to be implemented through a future covenant.

HAG, LLC

Signature: _____

By: _____

Date: _____

Michael A. Jenkins
Member
9/23/2014



To Clark County long range planning:

The undersigned is the owner of real property located in Clark County, and more specifically identified as tax parcel(s) 185727000. We authorize Michael A. Jenkins, MAJ Development Corporation to apply for and process a request to amend the previous Annual Review resolution conditionally changing the Comprehensive Plan and Zoning designation of our property from Industrial to Commercial; and specifically, to amend the PM Peak hour limitation that was to be implemented through a future covenant.

T & S Family Properties, LLC

Signature: *Shelly Spier*
By: *Shelly Spier*
Date: *9-29-14*



MAJ DEVELOPMENT
CORPORATION

To Clark County long range planning:

The undersigned is the owner of real property located in Clark County, and more specifically identified as tax parcel(s) 185700000. We authorize Michael A. Jenkins, MAJ Development Corporation to apply for and process a request to amend the previous Annual Review resolution conditionally changing the Comprehensive Plan and Zoning designation of our property from R-18 to Commercial; and specifically, to amend the PM Peak hour limitation that was to be implemented through a future covenant.

T&J Meyer, LLC

Signature: Thomas F Meyer

By: THOMAS F. MEYER - MEMBER

Date: 09/22/2014



To Clark County long range planning:

The undersigned is the owner of real property located in Clark County, and more specifically identified as tax parcel(s) 185796000. We authorize Michael A. Jenkins, MAJ Development Corporation to apply for and process a request to amend the previous Annual Review resolution conditionally changing the Comprehensive Plan and Zoning designation of our property from Industrial to Commercial; and specifically, to amend the PM Peak hour limitation that was to be implemented through a future covenant.

Meyer Thomas F & Meyer Jean L

Signature: Thomas F Meyer

Date: 09/22/2014



To Clark County long range planning:

The undersigned is the owner of real property located in Clark County, and more specifically identified as tax parcel(s) 185672000. We authorize Michael A. Jenkins, MAJ Development Corporation to apply for and process a request to amend the previous Annual Review resolution conditionally changing the Comprehensive Plan and Zoning designation of our property from Industrial to Commercial; and specifically, to amend the PM Peak hour limitation that was to be implemented through a future covenant.

Meyer Clan, LLC

Signature: Thomas F. Meyer

By: THOMAS F. MEYER - MEMBER

Date: 09/22/2014

1. Parcel Information

Account Number: 185727-000 – (Trucking yard) - 6.82 acres
Property Location Address - 13909 NE 10TH AVE, VANCOUVER, 98685
Property Owner - T & S FAMILY PROPERTIES LLC - 360-574-7290
Owner Mailing Address - 11010 SE EVERGREEN HWY., VANCOUVER WA, 98664
Zoning – IL
Comp Plan – I

2. Parcel Information

Account Number: 185796-000 – (Vacant land) – 2.95
Property Location Address -no situs address available
Property Owner - MEYER THOMAS F & MEYER JEAN L - 360-574-7290
Owner Mailing Address- 13914 NE 16TH AVE., VANCOUVER WA, 98685
Zoning – IL
Comp Plan – I

3. Parcel Information

Account Number: 185672-000 (Existing Vet) – 2.95 acres
Property Location Address - 13914 NE 16TH AVE, VANCOUVER, 98685
Property Owner - MEYER CLAN LLC - 360-574-7290
Owner Mailing Address - 13914 NE 16TH AVE., VANCOUVER WA, 98685
Zoning – IL
Comp Plan – I

4. Parcel Information

Account Number: 185700-000 – (manufactured home) – 5.75 acres
Property Location Address - 14002 NE 16TH AVE, VANCOUVER, 98685
Property Owner - T&J MEYER LLC - 360-574-7290
Owner Mailing Address -13914 NE 16TH AVE., VANCOUVER WA, 98685
Zoning – R-18
Comp Plan – UM

5. Parcel Information

Account Number: 185726-000 – (residential house) – 2.37 acres
Property Location Address - 14019 NE 10TH AVE, VANCOUVER, 98685
Property Owner - HAG LLC – unknown at this time
Owner Mailing Address- 600 NE 78TH ST., VANCOUVER WA, 98665
Zoning – R-18
Comp Plan – UM

All of the above properties are under contract with:

MAJ Development Corporation
Contact: Michael A. Jenkins
300 W. 15TH Street, Suite #200 Vancouver, WA 98660
Phone: 360-823-5102 Fax: 360-823-1102 Cell: 360-281-9094
Email: MikeJ@MAJDevelopment.com

MAJ DEVELOPMENT CORPORATION
 300 W 15TH STREET
 SUITE 201
 VANCOUVER, WA 98660

FIRST REPUBLIC BANK
 947 SW BROADWAY
 PORTLAND, OR 97205

3922

11-8166/3210
 49

9/29/2014

PAY TO THE ORDER OF Clark County

\$ **4,312.62

Four Thousand Three Hundred Twelve and 62/100 ***** DOLLARS

Clark County

[Handwritten Signature]
 AUTHORIZED SIGNATURE

MEMO
 NE 139th Street & 10th Avenue

⑈003922⑈ ⑆321081669⑆ 80000683905⑈

MAJ DEVELOPMENT CORPORATION

3922

Clark County					9/29/2014	
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
9/29/2014	Bill		4,312.62	4,312.62		4,312.62
					Check Amount	4,312.62

MAJ Operating NE 139th Street & 10th Avenue 4,312.62

MAJ DEVELOPMENT CORPORATION

3922

Clark County					9/29/2014	
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
9/29/2014	Bill		4,312.62	4,312.62		4,312.62
					Check Amount	4,312.62

MAJ Operating NE 139th Street & 10th Avenue 4,312.62

Security Features Included Details on Back.



LANDERHOLM

Legal advisors. Trusted advocates.

Randall B. Printz
805 Broadway Street
Suite 1000
PO Box 1086
Vancouver, WA 98666

T: (360) 816-2524
T: (503) 283-3393
F: (360) 816-2529
E: randy.printz@landerholm.com

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

Re: MAJ 139th and 10th Avenue
October 3, 2014
Page 2

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

Re: MAJ 139th and 10th Avenue
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Page 3

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.

A handwritten signature in black ink, appearing to read 'RANDALL B. PRINTZ', written over a horizontal line.

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

ENVIRONMENTAL CHECKLIST

A. BACKGROUND

1. Name of proposed project, if applicable: **139th and 10th Avenue**
2. Name of applicant: **MAJ Development Corporation**
3. Address and phone number of applicant and contact person.

Contact Person: **Randy Printz**
Landerholm Law Firm
805 Broadway Suite 1000
Vancouver WA 98666
(360) 696-3312
Email: Randy.printz@landerholm.com

Applicant: **MAJ Development Corporation**
Contact: Michael A. Jenkins, President
300 W. 15TH Street, Suite #200
Vancouver, WA 98660
Phone: 360-823-5102
Fax: 360-823-1102
Cell: 360-281-9094
Email: MikeJ@MAJDevelopment.com

4. Date checklist prepared: **September 2014**
5. Agency requesting checklist:
Clark County Development Services
6. Proposed timing or schedule (including phasing, if applicable):
This SEPA document analyses the probable significant adverse environmental impacts of the Applicant's request to amend the previous annual review resolution conditionally changing the comprehensive plan and zoning designation. Ultimate construction of the project could be one to five years away.
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
None at this time. Project intent will be a full build-out of the rezoned site.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
Traffic study by Mackenzie Engineering
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
None that the Applicant is aware of.
10. List any government approvals or permits that will be needed for your proposal, if known.
Approval from Clark County is required to alter the existing comprehensive plan designation and rezone change decision that was made in 2008, but never implemented.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.
The Applicant requests to amend the previous annual review resolution conditionally changing the comprehensive plan and zoning designation. The decision contained a limitation on the number of PM Peak hour trips that could be generated from this property as identified under Clark County project number CPZ2008-00022. The Applicant wishes to upwardly adjust the trip limitation provided for in the 2008 decision to 685 PM peak hour trips

Location of the proposal.

The property consists of 5 parcels which are adjacent to one another and identified as: 185672-000, 185796-000, 185727-000, 185726-000 and 185700-000. The property contains 20.8 acres is located north of NE 139th Street, east of NE 10th Avenue, west of 1-205 and south of a mobile home park. The site is located in the located in the Southwest quarter of Section 23, Township 3 North, Range 1 East, Willamette Meridian, Clark County, Washington.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site: Flat, rolling, hilly, steep slopes, mountainous, other.
According to Clark County GIS information, the site is primarily flat with slight sloping towards the southeast corner of the property.

- b. What is the steepest slope on the site (approximate percent slope)?
GIS indicates that the site has a slope range that is located between 0-20% slopes.
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.
**GIS indicates that the soils onsite are GeB, GeD and CvA.
GeB - Gee silt loam, 0 to 8 percent slopes (GeB)
GeD - Gee silt loam, 8 to 20 percent slopes (GeD)
CvA - Cove silty clay loam, 0 to 3 percent slopes (CvA).**
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
To the Applicant's knowledge and GIS data, there are no surface indicators or history of unstable slopes, landslide or severe hazard areas onsite.
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
Site grading to construct building pads, parking lots, access roads, stormwater facilities and possible off-site utility improvements if necessary. Any imported fill material will be procured from an approved site. Should material need to be hauled off site, it will be taken to an approved location. The approximate amount of grading is unknown at this time.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
Yes, erosion could occur if adequate erosion control mitigation measures were not implemented. Stormwater and Erosion Control Plans will be prepared and implemented by the Applicant which will meet or exceed the requirements imposed by Clark County and the Washington State Department of Ecology (DOE).
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
Approximately 70-80%+/- of the developed portion of the site could be covered with impervious surface following project construction and build-out of the site.
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Stormwater and erosion control plans will be prepared and implemented in accordance with Clark County code. Other measures include minimal disturbance of soils outside of construction area, install sediment fencing, soil stockpiles to be covered when not in use and temporary permanent vegetative cover shall be applied as soon as possible.

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, and industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Construction equipment and vehicles will generate dust and particulate emissions during the construction period.

Employee, shopper, delivery trucks, mail delivery, solid waste and recycling vehicles will generate particulate emissions in the long-term. Other emission sources include small power tools including, but not limited to, small gas-powered equipment used for site and landscape maintenance. The quantities of those emissions are unknown.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

The Applicant is not aware of any offsite sources of emissions or odors exist that would adversely affect the proposed development.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

If necessary, water will be utilized for dust control as needed during construction of necessary and associated improvements. Emission control measures for vehicles and equipment are regulated under the Clark County Code Standards, Washington State Department of Ecology (DOE) and U.S. Environmental Protection Agency (EPA). It is anticipated that that all vehicles and equipment will be in compliance with these regulations.

3. Water

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

GIS indicates that there are no wetlands or streams onsite.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described water? If yes, please describe and attach available plans.
N/A
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
N/A
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
**No surface water withdrawals or diversions are proposed.
Stormwater will be addressed with future applications.**
- 5) Does the proposal lie within a 100-year flood plain? If so, note location on the site plan.
No.
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.
No.

b. Ground Water:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.
Not applicable to this proposal, as it is a request to amend the previous annual review resolution conditionally changing the comprehensive plan and zoning designation. This issue will be addressed at a future site plan review.
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals . . .; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

This project does not anticipate discharging any waste in the ground from septic tanks or other sources.

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Stormwater quality treatment and quantity control details will be provided at a later date during the design stage of the project by the Applicant's engineer. The design will meet or exceed the Western Washington Stormwater Manual and Clark County code standards.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Possible spills including fuels such as diesel or gasoline could potentially spill on the site during construction. Without adequate erosion control or stormwater mitigation, waste materials could possibly enter ground or surface waters. However, the proposed stormwater treatment and erosion control measures will minimize the potential for waste materials to be conveyed to ground or surface waters.

- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

This proposal will meet or exceed the Clark County's and Washington State Department of Ecology's erosion control standards. Any spills will be immediately responded to and appropriate remediation measures will be taken.

4. Plants

- a. Check or circle types of vegetation found on the site

Deciduous tree: alder, aspen, big leaf maple, other

Evergreen tree: doug fir, cedar, pine

Shrubs: Typical evergreen, residential type shrubs

Grass

Pasture

Crop or grain

Wet soil plants: cattail, buttercup, bulrush, skunk cabbage

Other types of vegetation:

- b. What kind and amount of vegetation will be removed or altered?
Existing vegetation will be removed in areas for future construction activities and building pads. This will be addressed in a future SEPA as part of site plan approval process.
- c. List threatened or endangered species known to be on or near the site.
The site is located within what is commonly referred to as the Pacific Flyway.
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any;
Landscaping design and details will be provided for and will be addressed in a future SEPA as part of site plan approval process.

5. Animals

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:
birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other:
- b. List any threatened or endangered species known to be on or near the site.
No threatened or endangered species are known to be on or near the site to the Applicant's knowledge.
- c. Is the site part of a migration route? If so, explain.
The site is located within what is commonly referred to as the Pacific Flyway. This Flyway is the general migratory route for various species of ducks, geese, and other migratory waterfowl. The Flyway stretches from Alaska to Mexico and from the Pacific Ocean to the Rocky Mountains. Neotropical birds, such as Robins, may also seasonally utilize or be near the site.
- d. Proposed measures to preserve or enhance wildlife, if any:
Landscaping will be installed in the future which will provide some habitat for wildlife. Details will be provided and will be addressed in a future SEPA as part of site plan approval process.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not applicable to this proposal, as it is a request to amend the previous annual review resolution conditionally changing the comprehensive plan and zoning designation. This issue will be addressed at a future site plan review.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
No.
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:
Not applicable to this proposal, as it is a request to amend the previous annual review resolution conditionally changing the comprehensive plan and zoning designation. This issue will be addressed at a future site plan review.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.
Not applicable to this proposal, as it is a request to amend the previous annual review resolution conditionally changing the comprehensive plan and zoning designation. This issue will be addressed at a future site plan review.
 - 1) Describe special emergency services that might be required.
Not applicable to this proposal, as it is a request to amend the previous annual review resolution conditionally changing the comprehensive plan and zoning designation. This issue will be addressed at a future site plan review.
 - 2) Proposed measures to reduce or control environmental health hazards, if any:
Not applicable to this proposal, as it is a request to amend the previous annual review resolution conditionally changing the comprehensive plan and zoning designation. This issue will be addressed at a future site plan review.
- b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
Existing traffic noise from adjacent roadways may be heard, but it should not adversely affect the proposed project.
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
Construction on the site will create short-term construction noise. Construction activities will not occur after 7 p.m. or before 7 a.m. Customer, employee, mail delivery, deliveries and solid waste and recycling vehicles will create some noise in the long-term. Other long term noise sources include small power tools including, but not limited to, small gas-powered equipment used for site and landscape maintenance.
- 3) Proposed measures to reduce or control noise impacts, if any:
All construction on site will be designed to comply with the Washington State energy code and the adopted version of the International Building Code. Construction activities will not occur after 7 p.m. or before 7 a.m.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?
Site: single family residence, manufactured home, veterinary clinic, construction equipment yard and vacant land.
East: 1-205
West: Dentist, physical therapy clinic, women's health clinic, single family residences
South: C-Tran park and ride facilities
North: Mobile home park
- b. Has the site been used for agriculture? If so, describe.
As with almost all portions of Clark County west of Camas and Battleground, this property has likely had historic agricultural activity.
- c. Describe any structures on the site.
The property contains the following uses:
 - 1) **Existing Veterinary office and associated site improvement's**
 - 2) **Residential manufactured home**
 - 3) **Residential house and outbuilding**
 - 4) **Construction equipment yard with associated buildings.**

- d. Will any structures be demolished? If so, what?
Yes, all buildings will be removed at later date.
- e. What is the current zoning classification of the site?
Three of the subject parcels are zoned Light Industrial (IL) zoning and 2 parcels are zoned R-18.
- f. What is the current comprehensive plan designation of the site?
The Comprehensive Plan Map for Clark County designates the site as Industrial (I) and Urban Medium (UM).
- g. If applicable, what is the current shoreline master program designation of the site?
None.
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
No.
- i. Approximately how many people would reside or work in the completed project?
Not applicable to this proposal, as it is a request to amend the previous annual review resolution conditionally changing the comprehensive plan and zoning designation. This issue will be addressed at a future site plan review.
- j. Approximately how many people would the completed project displace?
Two residences will be removed at a later date.
- k. Proposed measures to avoid or reduce displacement impacts, if any:
None
- l. Proposed measures to ensure the proposal are compatible with existing and projected land uses and plans, if any:
This Applicant's request complies with the procedural requirements for the County's Annual Review process. The Applicant believes its application demonstrates that its request furthers the goals and policies of the Comprehensive Plan.

9. **Housing**

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
None.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
As indicated, two low to middle income homes would be removed.
- c. Proposed measures to reduce or control housing impacts, if any:
None.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
Not applicable to this proposal, as it is a request to amend the previous annual review resolution conditionally changing the comprehensive plan and zoning designation. This issue will be addressed at a future site plan review.
- b. What views in the immediate vicinity would be altered or obstructed?
Not applicable to this proposal, as it is a request to amend the previous annual review resolution conditionally changing the comprehensive plan and zoning designation. This issue will be addressed at a future site plan review.
- c. Proposed measures to reduce or control aesthetic impacts, if any:
Not applicable to this proposal, as it is a request to amend the previous annual review resolution conditionally changing the comprehensive plan and zoning designation. This issue will be addressed at a future site plan review.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
Not applicable to this proposal, as it is a request to amend the previous annual review resolution conditionally changing the comprehensive plan and zoning designation. This issue will be addressed at a future site plan review.
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
No
- c. What existing off-site sources of light or glare may affect your proposal?
No

- d. Proposed measures to reduce or control light and glare impacts, if any:
None

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Designated or informal recreational opportunities in the immediate vicinity include the following:

- 1) **HB Fuller Athletic Fields is about a ½ mile southwest of the site.**
- 2) **Pine Crest Golf Course is west 1.5 miles of the site.**
- 3) **Vista Meadows Park is 1,000 feet northeast of the site.**
- 4) **Kline line and The Salmon Creek Greenway walking path are both south about one mile.**

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None at this time.

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

There are no known objects listed or proposed for any historical registers known by the Applicant.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

None known by the Applicant.

- c. Proposed measures to reduce or control impacts, if any:

An archaeological predetermination may eventually be required as the site is located within a high probability area for archaeological resources, as designated on the Archaeological Predictive Model Map of Clark County.

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

The property is located north of NE 139th Street, east of NE 10th Avenue and west of 1-205.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
Yes, C-Tran services are available along the frontage of the property on 139th Street. Salmon Creek Park and Ride exists directly south of the property on the south side of 139th Street.
- c. How many parking spaces would the completed project have? How many would the project eliminate?
Not applicable to this proposal, as it is a request to amend an approved decision for a comprehensive plan and rezone. This issue will be addressed at a future site plan review.
- d. Will the proposals require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).
It is unknown at this time. However, the Applicant is proposing mitigation to the 139th/10th intersection; 23rd/134th intersection and the site's access on to 10th Avenue to offset the increase in trips that would be generated from the site.
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
No.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
Approximately 685 net new PM peak hour trips would be generated from the site. This is approximately 220 more PM peak hour trips than would likely occur under the existing zoning.
- g. Proposed measures to reduce or control transportation impacts, if any:
see 14b above

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.
No.
- b. Proposed measures to reduce or control direct impacts on public services, if any.

Not applicable to this proposal, as it is a request to amend the previous annual review resolution conditionally changing the comprehensive plan and zoning designation. This issue will be addressed at a future site plan review.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, and sanitary sewer

These utilities are either on the site or available to the site and will be extended to the future parcels at the time of site development.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Water: **Clark Public Utilities**
Sewer: **Clark Regional**
Telephone: **Qwest**
Electricity: **Clark Public Utilities**
Refuse: **Waste Management**

D. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Print name: Michael A. Jenkins

Date Submitted: 10/3/14

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent of the proposal and the types of activities likely to result from this proposal. Please respond briefly and in general terms.

1. How would the proposal increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

All of these impacts would be similar under either zoning scenario at the time of actual development.

Proposed measures to avoid or reduce such increases are:

All approval requirements will be complied with, including stormwater discharge.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

All of these impacts would be similar under either zoning scenario at the time of actual development. The Applicant will comply with all local, state or federal laws.

Proposed measures to protect or conserve plants, animals, fish or marine life are:

Comply with all requirements for approval.

3. How would the proposal be likely to deplete energy or natural resources?

All of these impacts would be similar under either zoning scenario at the time of actual development.

Proposed measures to protect or conserve energy and natural resources are:
Comply with all requirements for approval.

4. How would the proposal use or affect environmentally sensitive areas or those designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

There are no critical lands identified onsite. Future development of the property will have to comply all applicable environmental regulations and mitigate for any adverse impacts as lawfully determined through any future development review process. Future

projects will be conducted in accordance with requisite ordinances and mitigation measures.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Comply with all applicable environmental regulations and mitigate for any adverse impacts as lawfully determined through any future development review process.

5. How would the proposal be likely to affect land and shoreline use? Will it allow or encourage land or shoreline uses incompatible with existing plans?

No

Proposed measures to avoid or reduce shoreline and land use impact are:
Comply with all applicable land use regulations.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal would increase PM peak hour trips generated from the property by approximately 223

Proposed measures to reduce or respond to such demand(s) are:
improvements as identified in the Mackenzie engineering transportation analysis accompanying this request.

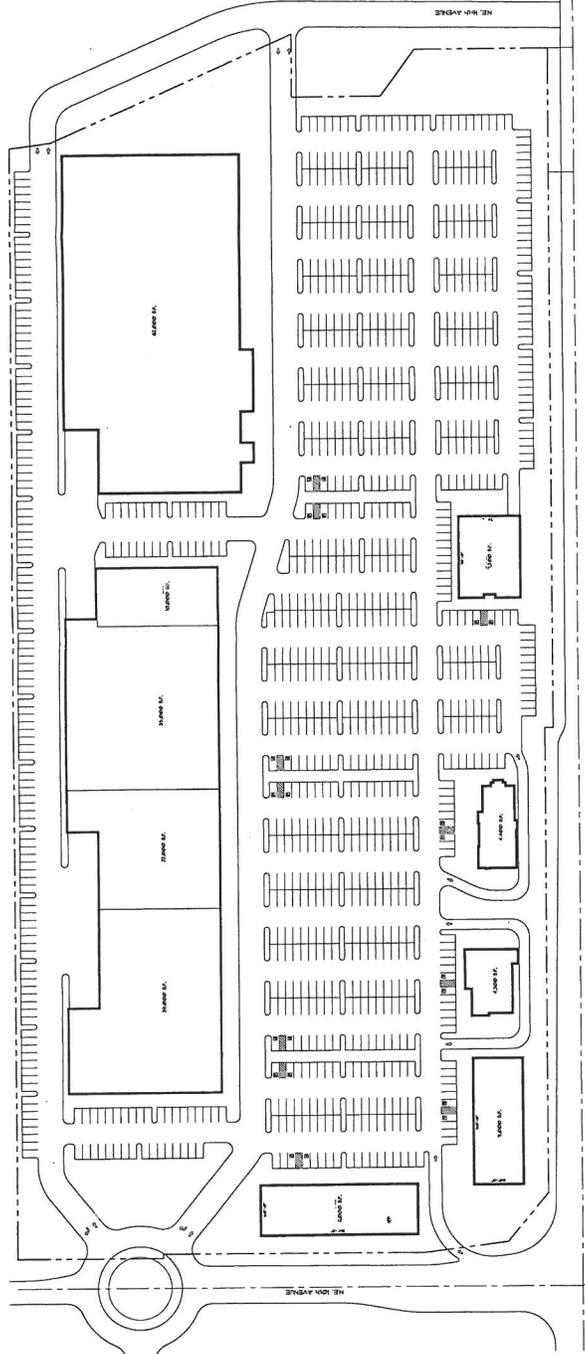
7. Identify whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The Applicant will comply with all local, state or federal laws.

WILLIAM SCHMIDT ARCHITECTS, P.C.
 344 1/2 BELMONT AVE
 PORTLAND, OR 97201
 TEL: (503) 228-8888
 FAX: (503) 228-8888

CLARK COUNTY, WASHINGTON

MAY 13th & 10th AVENUE

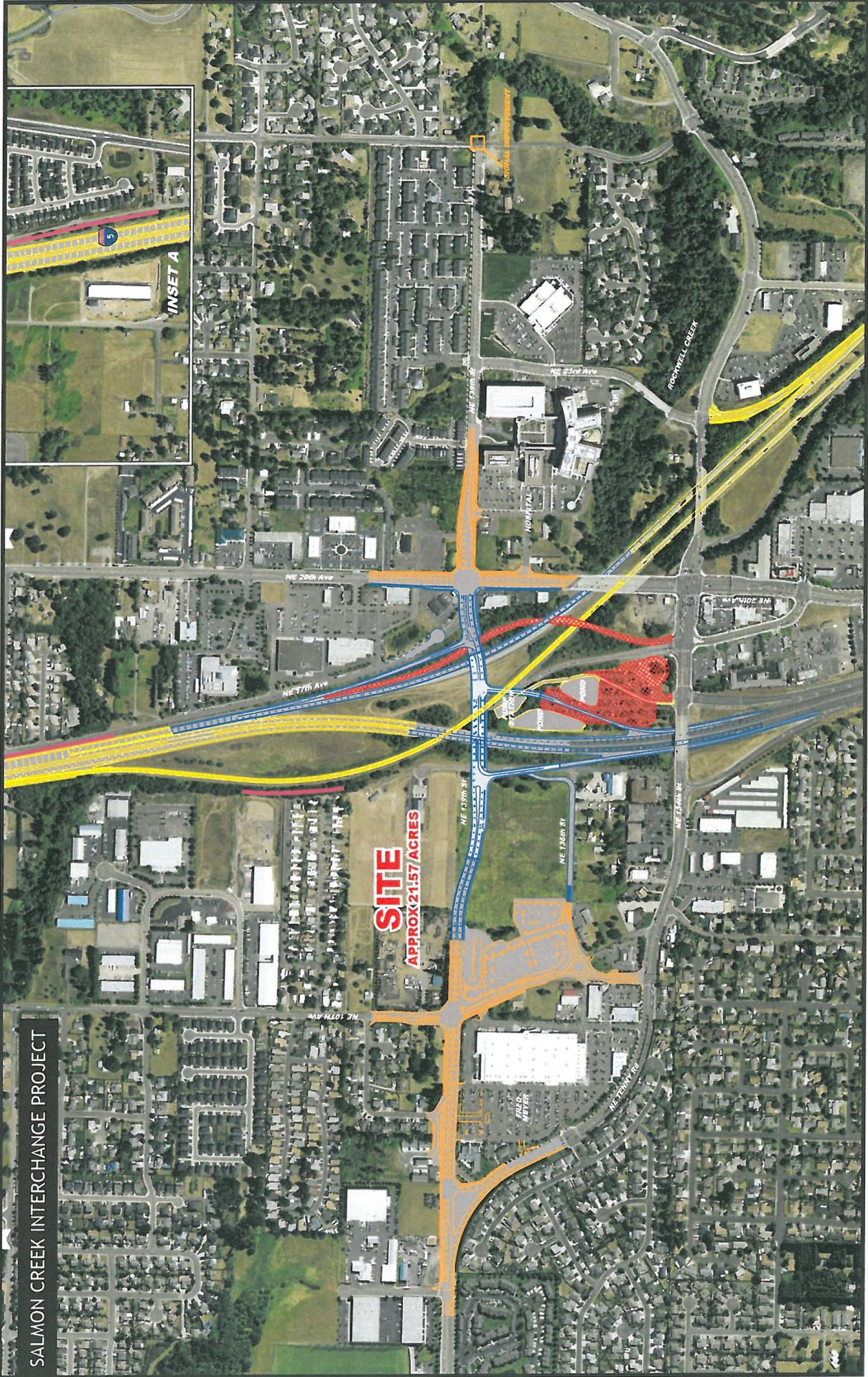


PROJECT NO. **M/SI**
 DATE: **11-1-87**
 DRAWN BY: **WPS**
 CHECKED BY: **WPS**
 TITLE: **CLARK**

SITE PLAN- OPTION B
 SITE INCORPORATION:
 17' x 87' 9"
 BUILDING AREA: 4887 SQU. FT.
 PARKING STALLS: 1075 STALLS
 PAVING AREA: 27,100 SQU. FT.
 PARKING RATIO: 4887 / 10000 SQU. FT.

SP
4b

SALMON CREEK INTERCHANGE PROJECT



SITE
APPROX 21.57 ACRES

INSET A

NE 20th Ave

NE 17th St

NE 10th Ave

NE 15th St

NE 14th St

NE 12th St

NE 20th St

NE 24th St

NE 26th St

ROCKWELL CREEK

HOSPITAL

CROWN RESTAURANT

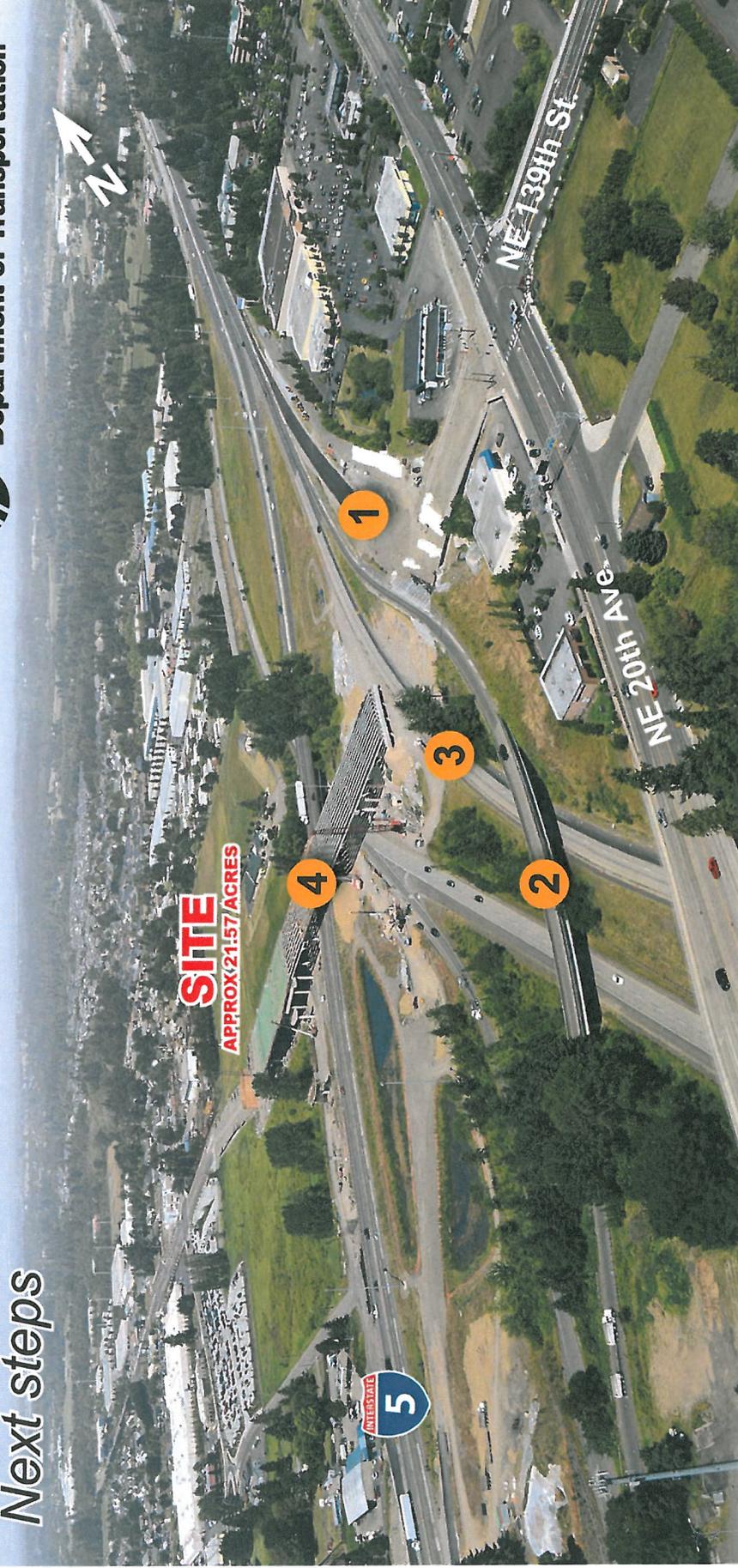
WALTON

Salmon Creek Interchange Project

Next steps



Washington State
Department of Transportation



SALMON CREEK INTERCHANGE PROJECT



SITE
APPROX. 21.57 ACRES

Recording Requested By And
When Recorded Return To:

Michael J. Wynne
1014 Franklin Street, Suite 106
Vancouver, WA 98660

CONCOMITANT REZONE AGREEMENT

Grantors: Thomas F. Meyer and Jean L. Meyer, husband and wife; T&J Meyer, LLC, a Washington Limited Liability Company; Meyer Clan, LLC, a Washington Limited Liability Company; HAG, LLC, a Washington Limited Liability Company; and DeWitt Properties, a Washington Limited Liability Company

Grantee: Clark County, Washington, a political subdivision of the State of Washington

Abbreviated Legal Descriptions: #152 SEC 23 T3N R1EWM; #54 SEC 23 T3N R1EWM; #19 SEC 23 T3N R1EWM; #82 SEC 23 T3N R1EWM; #152 SEC 23 T3N R1EWM

Assessor's Property Tax Serial Numbers: 185796-000; 185700-000; 186672-000; 185726-000; and 185727-000.

CONCOMITANT REZONE AGREEMENT

CLARK COUNTY, WASHINGTON.

AND

THOMAS F. & JEAN L. MEYER, T & J MEYER, LLC, MEYER CLAN, LLC,
HAG, LLC AND DEWITT PROPERTIES, LLC

November 18, 2008

An Agreement and Covenant to Clark County, a Municipal corporation and political subdivision of the State of Washington (hereinafter "County"), from Thomas F. & Jean L. Meyer, T & J Meyer, LLC, Meyer Clan, LLC, HAG, LLC and DeWitt properties, LLC (hereinafter "Applicant").

Applicant are owners of certain real properties in Clark County, legally described in Exhibit 'A' which applicant wishes to rezone (hereinafter "Properties"), whereby Applicant covenants to County that if the Properties described in Exhibit 'A' are rezoned from Light Industrial (ML) zoning with Light Industrial (ML) comprehensive plan designation and Residential (R-18) zoning with Urban Medium (UM) comprehensive plan designation to Highway Commercial (CH) zoning and General Commercial (GC) comprehensive plan designation, that the Properties will be used only in accordance with this Covenant and subject to the conditions herein described.

Applicant herein covenants and agrees to County on behalf of themselves and all of their heirs, assigns and successors in interest into whose ownership the Properties might pass, as follows, it being specifically agreed to that this is a covenant which touches, concerns, enhances, benefits and runs with the Properties of the Applicant:

1. **Title.** Applicants are the sole and exclusive owners of the real properties situated in Clark County, Washington, legally described in Exhibit "A" attached hereto.
2. **Conditions.** The rezone and comprehensive plan designation shall be subject to the following conditions:
 - a. Development or re-development of the Properties shall result in no more than 462 peak PM hour vehicle trips.
 - b. "Big-box" retail use is prohibited on the properties. "Big-box" development is any one retailer occupying over 100,000 square feet of ground floor area.
3. **Remedies.** This Covenant may be enforced by the County in any or all of the following ways at its option:
 - a. By the County's refusal to issue either site plan review approval and/or preliminary/final plat approval, building permits and/or occupancy permits in the case that this Agreement has not been fully observed in the construction, development and use of the Properties by Applicant, or any of its successors in interest, or by the revocation of any such permits for the failure of Applicant, or its successors to observe any of the provisions of this Agreement made pursuant thereto, but said revocation may only occur after a hearing by

→ Clark County's sole responsibility upon 2 rezone shall be to process application on a...

There is a GC will deny all permits and develop. etc

City/alla-bail... 11/18/16

the Board of County Commissioners, or the County Land Use Hearings Examiner for which ten (10) days notice by publication in a paper of general circulation has been given as well as to affected parties by registered mail, return receipt requested and/or certified mail:

- b. By bringing a suit in any court of competent jurisdiction for monetary damages to cover the expected cost of the County's performance of any and all obligations covenanted herein and which are to be performed by the County, or its direction, on behalf of any obligor,
- c. For injunction to cause specific performance of this Agreement, or for other appropriate relief as may be deemed desirable by County;

- 4. **Binding.** This Covenant shall remain in full force and effect until amended, modified or terminated by the action of Applicant and Clark County in zoning proceedings appropriate for that purpose. Nothing in this Covenant shall be construed as limiting in any way the authority of Clark County, or its governmental successors, from approving amendments or modifications to this Covenant at the request of Applicant, its heirs, assigns or successors in interest. It is expressly provided that this Covenant may be amended, modified or terminated solely by the approval of Clark County, or its governmental successors, at the request of Applicant, its heirs, assigns or successors, and under no circumstances shall any approval by any other person or entity be required in order for Applicant to amend, modify or terminate this Covenant in whole or in part.
- 5. **Filing.** This Agreement shall be filed with the Clark County Auditor so as to appear as a covenant within the chain of title for the Properties.
- 6. **Severability.** This Agreement is expressly made and entered into under the authority of RCW 36.70B.170. Should any court of competent jurisdictions find any provision of this Agreement to be invalid under RCW 36.70B or otherwise, the remainder of this Agreement shall remain in full force and effect.
- 7. **Successors.** This Agreement and all of its provisions, and each of them, shall be binding upon Applicant, and any and all of its heirs, assigns and successors in interest into whose respective ownership the Properties may pass, and any obligation made herein by

Applicant shall be enforceable against all of their heirs, assigns and successors of interest into whose ownership real property may pass, and all of them.

8. **Annexation, Incorporation, Successors, and Assigns.** Subject to the terms hereof, the provisions of this Agreement shall extend to, bind and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns. This Agreement shall be recorded with the real property records of Clark County. This Agreement is binding on the parties hereto, their successors, and assigns, including the city, town, or municipality that assumes jurisdiction through incorporation or annexation of the area covering the Properties by this Agreement. The terms of this Agreement shall be binding on all successors, assigns or future parties in interest, including, but not limited to and through future annexation or incorporation of area in which the development exists.
9. **Applicable law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. Jurisdiction over and venue of any suit arising out of or related to this Agreement, shall be exclusively in the state and federal courts of Clark County, Washington. In the event of any apparent conflicts between the provisions of the County Code or ordinances and this Agreement, this Agreement shall prevail.
10. **Attorney's fees.** In the event that any lawsuit is instituted by either party to this Agreement arising out of or pertaining to this Agreement, including any appeals and collateral actions relative to such lawsuit, the substantially prevailing party as determined by the court shall be entitled to recover its reasonable attorney's fees, expert witness fees, and all costs and expenses incurred relative to such lawsuit from the substantially non-prevailing party, in addition to such other relief as may be awarded.
11. **Entire Agreement.** This Agreement contains the entire Agreement between the parties with respect to this matter. It may not be modified except in a writing signed by the party against whom enforcement of the modification is sought.
12. **Waiver.** The waiver by a party of a breach of any provision of this Agreement by the other party shall not operate or be construed as a waiver of any subsequent breach by that party. No waiver shall be valid unless in writing and signed by the party against whom enforcement of the waiver is sought.

13. **Notice.** All correspondence and any notice required in this Agreement shall be delivered to the following parties:

If to County: Clark County
Community Planning
1300 Franklin St., 3rd Floor
Vancouver, WA 98660

If to Property Owners: Michael J. Wynne
Attorney at Law
1014 Franklin Street, Suite 106
P.O. Box 26
Vancouver, WA 98666-0026

Whenever possible a copy of the notice will be sent to the parties to be notified by electronic mail on the date the notice is given. Notice may also be given by personal service on the party to be notified; by commercial overnight courier; or by U.S. mail, postage prepaid. In the event that notice is given by personal service or by commercial courier, notice will be deemed to have been given upon the date that notice is actually delivered to the party to be notified. In the case of notice provided by U.S. Mail, notice will be deemed to have been given three days following the deposit of the notice in a United States mailbox.

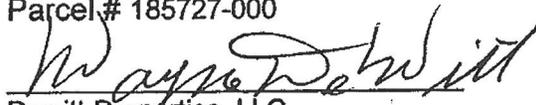
14. **Effective Date.** The Effective Date of this Agreement is January 1, 2009.
15. **Execution.** The following representatives of the parties are authorized to, and do hereby, execute on behalf of the party so indicated.

DATED this 22nd day of December, 2008

APPLICANTS:

For:

Parcel # 185727-000


Dewitt Properties, LLC

STATE OF WASHINGTON)
) ss.
COUNTY OF Clark)

I certify that I know or have satisfactory evidence that Jan Vis is the Member/Manager of the Company and the person who appeared before me, and said person acknowledge that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in this instrument.

DATED: 12-22-08


Print Name: Michael J. Wynn
NOTARY PUBLIC for the State of
Washington residing in Ridgefield
Commission expires: January 29, 2010

STATE OF WASHINGTON)
) ss.
COUNTY OF Clark)

I certify that I know or have satisfactory evidence that Thomas F. Meyer and Jean L. Meyer, husband and wife are the persons who appeared before me, and said persons acknowledge that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

DATED: 12-22-08


Print Name: Michael J. Wynn
NOTARY PUBLIC for the State of
Washington residing in Ridgefield
Commission expires: January 29, 2010

EXHIBIT A:

Property Ownership

Property Owner	Account Number	Legal Description	Approximate Acres	Site Address (Vancouver)
Meyer Clan, LLC	185672-000	#19 SEC 23 T3N R1EWM	2.95	13914 NE 16th Ave.
T & J Meyer, LLC	185700-000	#54 SEC 23 T3N R1EWM	5.75	14002 NE 16th Ave.
Hag, LLC	185726-000	#82 SEC 23 T3N R1EWM	2.37	14019 NE 10th Ave.
DeWitt Properties, LLC	185727-000	#83 SEC 23 T3N R1EWM	7.08	13909 NE 10th Ave.
Meyer, Thomas F. & Jean L.	185796-000	#152 SEC 23 T3N R1EWM	2.95	none

**Board of County Commissioners
Staff Report/ Annual Review Case - CPZ2008-00022 NE 139th Street**

Date issued: October 23, 2008

Recommendation

Staff recommends Approval (with the attached covenant) of the request to change three subject parcels from Light Industrial (ML) to General Commercial (CH). Staff recommends Approval (with the attached covenant) of the request to change two subject parcels from Urban Medium to General Commercial. Staff recommends Approval of the request to change 5.95 acres of one subject parcel from Light Industrial to Urban Medium with R-18 zoning in order to eliminate a split zone on the parcel. **The Three Creeks Special Planning Area Advisory Council heard this case on May 22, 2008 and unanimously recommended approval, but noted several concerns. Concerns included traffic generated from the site impacting levels of service on NE 10th and NE 21st Avenues, and the conversion of industrial land.**

The Planning Commission heard this request on June 19th, 2008 and unanimously recommended approval by a 6 to 0 vote, contingent on a signed covenant which limits future trip generation from the site to no more than would be generated by development under the existing zoning.

Background

The property owners are requesting to change the Comprehensive Plan and zoning designation for three parcels (185672-000, 185727-000 and 185796-000) from a Light Industrial designation with ML zoning to a General Commercial designation and Highway Commercial (CH) zoning. The applicant is also proposing to change the Comprehensive Plan and zoning designation on two parcels (185700-000 and 185726-000) from Urban Medium with R-18 zoning to General Commercial with Highway Commercial zoning. Lastly, the applicant requests to change the Comprehensive Plan and zoning on a portion of one parcel (185759-000) from Light Industrial with ML zoning to Urban Medium with R-18 zoning. Parcel 185759-000 is currently "split zoned" between Light Industrial and Urban Medium and this request would apply the same designation to the entire parcel.

The principal issue pertaining to the requested General Commercial designation is that adopted policy directs the county to apply this designation to existing strip commercial, implementing it with the highway or limited commercial zoning. The 20-year Plan "strongly discourages additional strip commercial (highway or limited commercial base zones) being applied to new areas or extending existing strip commercial areas."

The subject parcels are accessed by NE 10th Avenue and NE 139th Street. Transportation issues concerning the proposed Highway Commercial zoning include a significant increase in potential trip generation which could affect nearby intersections, the Salmon Creek Avenue and 134th Street concurrency corridors and the Salmon Creek Interchange project.

The subject property lies within the Three Creeks Special Planning area. Substantial public investments are planned in this area to support growth and development of vacant and under-utilized properties as currently designated. Transportation system improvements are being designed for the projected trip generation from light industrial and medium density residential uses. Increases to trip generation through the approval of additional commercial uses in this area have the potential to impact the planned transportation system by utilizing capacity otherwise available to other uses.

General Information

Parcel Numbers: 185759-000, 185700-000, 185726-000, 185672-000, 185727-000 and 185796-000.

Location: The subject site is located north of NE 139th Street, west of I-205, and east of NE 10th Avenue.

Area: 27.05 acres

Owner: Mobile Retreat, LLC., Hag, LLC., Dewitt Construction, Meyer Clan, LLC., T & J Meyer, LLC., Meyer.

Existing land use:

Site: 185759-000 is developed with a manufactured home park.
185700-000 is developed with one single family residence.
185726-000 is developed with one single family residence.
185672-000 is currently developed with Mtn. View Veterinary Hospital
185727-000 is developed as Dewitt Construction Co. with one single family residence on the property.
185796-000 is currently vacant.

North: Light Industrial designation with ML zoning currently developed with industrial uses.

South: Mostly undeveloped property zoned Light Industrial.

East: Interstate 205 is directly adjacent to this site.

West: Developed property zoned R-18, to the southwest is a developed C-3 property which includes a Fred Meyer.

Summary of Comments Received

The City of Vancouver has submitted comments on this proposal, noting that the property is within the City Annexation Plan, area "P" which is scheduled for consideration of annexation in 15 to 20 years. The city's comments also note that while the applicants' market study determined there is a lack of commercial land in the immediate vicinity, that a study of the general area and the county as a whole should be taken into consideration when deciding this proposal.

WSDOT submitted a letter noting an extensive wetland study has been done. There will be no access to NE 139th Street, access will be limited to NE 10th Avenue. NE 16th Avenue is utilized by the eastern portion of this site for connections to NE 136th Street. NE 16th Avenue is not planned to be improved under the SCIP. A sound wall is proposed along Interstate 5 adjacent to this site.

The neighborhood association submitted a letter which is included in the packet.

APPLICABLE CRITERIA, EVALUATION OF REQUEST AND FINDINGS

In order to comply with the Plan Amendment Procedures in the Clark County Unified Development Code (UDC 40.560.010), requests to amend the Comprehensive Plan land use map must meet **all** of the criteria in Section G, Criteria for all Map Changes. Requests to amend the zoning map must meet similar criteria (UDC 40.560.020H). For clarity, Criteria A-E in the following staff report summarizes all of the applicable criteria required for both plan and zoning map amendments.

CRITERIA FOR ALL MAP CHANGES

- A. The proponent shall demonstrate that the proposed amendment is consistent with the Growth Management Act (GMA) and requirements, the countywide planning policies, the Community Framework Plan, Clark County 20-Year Comprehensive Plan, and other related plans. (See 40.560.010G(1) and 40.560.020H(2).)***

Growth Management Act (GMA) Goals. The GMA goals set the general direction for the county in adopting its framework plan and comprehensive plan policies. The most pertinent GMA goals that apply to this proposal are Goal 1 and Goal 5.

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.*
- (2) Reduce Sprawl. Reduce the inappropriate conversion of underdeveloped land into sprawling, low density development.*
- (3) Transportation. Encourage efficient, multi-modal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.*
- (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.*

Finding: The proposed amendment is consistent with State GMA Goals 2 and 5, and inconsistent with State GMA 1 and 3. The proposal would not convert land into low density development (Goal 2). The change to CH would permit commercial development on the site, and will allow a greater variety of uses that provide employment opportunities (Goal 5).

The subject site is in an urban area developed with residential subdivisions and commercial retail uses and it is anticipated that most public facilities can be extended in an efficient manner to serve the site. However, the subject site could generate substantially more trips under the proposed designation. With access limited to NE 10th Avenue and the level of service on NE 134th Street marginal to failing in the long term even with substantial new investment, adequate transportation facilities do not exist and cannot be provided in an efficient manner to serve the potential scale of development allowed under the proposed designation (Goal 1). The

transportation system planning for the Salmon Creek Interchange and adjacent corridors has been carefully coordinated with the county's adopted land use plan. The proposed amendment to the comprehensive plan map would create the potential for a substantial increase in trip generation from an access constrained site that would create negative impacts to the NE 134th St. arterial corridor (Goal 3). Limiting potential trip generation to levels equivalent to those likely to occur with development under the existing designations would ensure that planned transportation facilities will adequately serve this area.

Community Framework Plan and Countywide Planning Policies. The Community Framework Plan encourages growth in centers, urban and rural, with each center separate and distinct from the others. The centers are oriented and developed around neighborhoods to allow residents to easily move through and to feel comfortable within areas that create a distinct sense of place and community.

Policies applicable to this proposal include the following:

5.0 Transportation

Policy 5.1.8 Encourage a balanced transportation system that can be maintained at acceptable levels of service.

Finding: As discussed below, maintaining a balanced transportation system at acceptable levels of service will require careful consideration of proposals to re-designate properties to zones that allow higher trip generating uses. In areas where the transportation system capacity is demonstrably overtaxed or marginal, placing limits on additional future trips is recommended.

9.0 Economic Development Element

Policy 9.1.0 Encourage a balance of job and housing opportunities in each urban center. Provide sufficient land for business as well as homes. Businesses within the community should provide a range of job types for the community's residents.

Finding: The subject site is within the Vancouver UGA and granting the proposed commercial designation would assist in providing more commercial/service sector jobs for the community's residents. The proposed land use re-designation is consistent with this policy, however, the existing industrial designation also has the potential to supply the county with jobs for residents. Correcting the split zone (parcel # 185759-000) on the existing manufactured housing park will correct the current non-conforming uses for housing.

Clark County 20 Year Comprehensive Plan. The Clark County Comprehensive Plan contains many policies that guide urban form and efficient land use patterns. The most relevant goals and policies applicable to this application are as follows:

Policy 1.1.13 Urban Growth Area Centers (UGA) have a full range of urban levels of services and can be divided into three main categories in the following density tiers:

- Vancouver Urban Growth Area is now or will be a major urban area activity centers with a full range of residential, commercial, and industrial uses, high-capacity transit corridors, schools, major cultural and public facilities. Major urban areas centers, have or will have, urban densities of development of at least 8 units per*

net residential acre (6 gross units per acre) as an overall average. Areas along high capacity transit corridors and priority public transit corridors may have higher than average densities while other areas would have lower densities (e.g. established neighborhoods and neighborhoods on the fringes of the urban area). Regional institutions and services (government, museums, etc.) should be located in the urban core.

Finding: The re-designation of this land for more intensive commercial uses is consistent with the type and intensity of uses expected in the Vancouver Urban Growth Area.

Vancouver Urban Growth Area

Policy 1.2.9 Concentrate development in areas already served by public facilities and services. Use the provision or planned provision of public services and facilities as a means of directing development into desirable areas.

Finding: The applicant has stated that public services are available to serve the site. Based on the assessment by County staff, it is anticipated that the transportation system would be impacted by the amount of trips generated by the intensity of commercial development allowed by the Highway Commercial zoning. Limiting the potential trip generation to levels equivalent to those likely to occur with development under the existing designations would ensure that planned transportation facilities will adequately serve this area.

Policy 1.3.1 Urban densities and uses may occur throughout the urban growth area if it is provided with adequate services. Development and redevelopment in the UGA should be strongly encouraged to occur in greater intensity in major centers, transit routes and other areas characterized by both existing higher density urban development and existing urban services. Development and redevelopment should be encouraged to occur with less intensity in areas where urban development is of lower density or has not yet occurred, or in areas where urban services do not yet exist.

Finding: It is expected that adequate services will be available to serve future development at urban intensities on the site. The area is currently served by transit, and C-Tran is developing a major park and ride transit center directly south of this site.

Chapter 1 Land Use Element

GOAL: *Land use patterns and individual developments should be locationally and functionally integrated to reduce sprawl, promote pedestrian and transit use and limit the need for automobile trips and to foster neighborhood and community identity.*

Policy 1.4.1 Interrelated uses should generally be encouraged to locate in close proximity of each other:

- Frequently used commercial activities and the residential areas they serve should be allowed and encouraged to locate near to one another.*
- Schools or other frequently used public facilities and the residential areas they serve should be allowed and encouraged to locate near to one another.*

- *Commercial, industrial or other employers and the residential areas they serve should be allowed and encouraged to locate near to one another, as long as negative impacts from non-residential uses on the residential areas are mitigated.*

Finding: Approval of this application will allow highway commercial uses in close proximity to industrial and other commercial sites, and in close proximity to established residential areas to the north and west. Because of the existing industrial uses and the nature of highway commercial uses, it is unlikely that commercial uses on the site will promote pedestrian use. The existence of the major roadways in the area (I-5, I-205, NE 134th Street and the extension of NE 139th Street overpass) may also deter pedestrians from accessing the site. The requested CH zone allows commercial at a scale that is less likely to be accessed by the public on foot or bicycle.

Policy 1.4.7 Higher intensity uses should be located on or near streets served by transit.

Finding: As stated above, the site is near a current corridor served by C-Tran (NE 134th St.) and will be adjacent to a planned park and ride transit center.

Chapter 5 Transportation Element

GOAL: Develop a multi-modal transportation system.

5.2 Multi-modal System Policies

5.2.2 Transit related options, including high capacity transit, shall be encouraged in order to reduce congestion and to improve and maintain air quality

5.2.7 A safe and secure walkway network shall be established within urban areas and rural centers.

Findings: C-Tran does not currently serve this site, however there will be several lines available when the Salmon Creek Park & Ride is relocated across NE 139th Street to the south. The applicant will be required to construct curb and sidewalk along the subject parcel's frontage as part of the development process. Improvements will comply with both Clark County development code and the requirements of the Americans with Disabilities Act. The proposed zone change and comprehensive plan amendment meets the above stated policies.

GOAL: Optimize and preserve the investment in the transportation system.

5.3 System Preservation Policies

5.3.1 Development projects shall adhere to minimum access spacing standards along arterial and collector streets to preserve the capacity of the transportation system. The county shall also work with the state to ensure that minimum access spacing standards for state highways are maintained.

Finding: Access will be provided to the subject parcel via NE 10th Avenue. There will be no access to NE 139th Street. The applicant proposes an internal street connecting the site to NE

16th Avenue. Specific driveway spacing issues will be addressed during the development review process.

5.3.5 *The local street system shall be interconnected to eliminate the need to use collector or arterial streets for internal local trips.*

Findings: The above goal can be met by ensuring street connectivity through the site during the development review process. The applicant proposes an internal street connecting the site to NE 16th Avenue.

Implementation Strategies

- *Require private developments to access collector and local access streets, versus direct access to the arterials. Encourage consolidation of access in developing commercial and high density residential areas through shared use driveways, interconnected parking lots and local access streets that intersect with arterials.*

Findings: Access to NE 139th Street, which is a principal arterial, will not be approved for any future development of this site. Existing development code standards address access to arterial and collector streets and access consolidation.

- *Use transportation, land use and other measures to maintain or reduce vehicle miles traveled and peak hour trips by single occupant vehicles.*

Findings: Commercial or office uses at this location could potentially reduce vehicle miles traveled due to the growing market area north, west and east of this site.

5.3.6 *The county will protect the public's investments in existing and planned freeway and separated grade interchanges.*

Findings: During the last seven years, the Salmon Creek area has experienced significant traffic congestion or Concurrency problems. The area has been in Concurrency failure two separate times. Following both failures and the inability of new development to make the needed capacity improvements, the Board of County Commissioners adopted development moratoria. The first moratorium was adopted in December 2001 and ended in April 2003, with the County advancing two road improvement projects and reducing the travel speed standard on the Salmon Creek Avenue corridor. The second moratorium was adopted in July 2005 and ended in September 2007 with the County committing to fund and schedule construction of the Phase 1 Salmon Creek interchange Project.

The 134th Street and Salmon Creek Avenue area has been studied extensively as a result of this recent history. These evaluations have indicated long-term capacity limitations on the corridors due to the convergence of I-5, I-205, the 134th Street corridor, and the associated interchanges. Additionally, the lack of cross-circulation due to the Salmon Creek waterway and the Interstate roadways has exacerbated these problems.

As a result of this situation, there is limited capacity available in the future to serve new development. The most recent projections of long-term traffic demands and available capacity were made in September 2007 as part of the Comprehensive Growth Management Plan update. That analysis concluded that there are approximately 1,500 new PM peak hour trips that will impact the Salmon Creek corridor over the next 20 years based on current zoning and

development projections. This growth projection when combined with the adopted capital facilities plan for roadway improvements in the area, will allow the area to remain out of Concurrency failure. However, the modeling indicates that there is no excess capacity remaining for rezoning of land. Additionally, this analysis requires the construction of the Phase 2 Salmon Creek Interchange improvement, which is presently unfunded.

Given that situation, County staff believe that a very cautious approach be taken involving any rezone requests that would directly impact the Salmon Creek Interchange and adjacent concurrency corridors.

The applicant's traffic study initially reported a net additional trip generation at the site of 573 PM peak hour trips as a result of the rezone. This projection was changed to 70 PM peak hour trips based on an addendum dated January 31, 2008. The rationale for the reduction was the recognition that much of the site has now been determined to be un-developable due to the presence of critical lands.

Staff's analysis indicates that due to the location of the property, traffic could access the site area from multiple directions, thus allowing trips to be distributed with minimal impact on the interchange or any one Concurrency corridor. Based on that finding, staff recommends that a concomitant rezone agreement be required that would limit the trip generation to the same PM peak hour trips as could be generated by development under the existing zoning designations.

Chapter 9 Economic Development

Policy 9.1.3 The county and cities will encourage long-term growth of businesses of all sizes, because economic diversification and stratification are important factors in overall job growth for the county and cities.

Finding: Both the existing Light Industrial designation and the requested designation of General Commercial are consistent with this policy. The proposed amendment would allow for different economic development opportunities than the existing industrial designation and could offer job growth in specific sectors (e.g., service sector).

Policy 9.1.11 Conversion of industrial or employment center lands to non-industrial or non-employment center districts may occur within the following parameters:

- *Protect and preserve lands zoned heavy industrial for heavy industrial uses.*
- *Protect employment center lands from conversion to residential.*
- *Consider rezoning of employment center lands to non-retail commercial, office campus, or business park if the proponent can show that (a) the zone change would accommodate unforeseen and rapidly changing commercial development needs, and (b) the proposed designation is more suitable than the current designation given the land's site specific characteristics, and (c) the proposed zone change will generate jobs at a higher density than the current comprehensive plan zone allocation.*

Finding: The applicant is requesting a conversion of industrial land to commercial uses. This property is currently part of the county's industrial land inventory. The applicant is requesting a conversion of industrial land to commercial for a likely regional shopping center. The applicant argues that the General Commercial designation with CH zoning would create 257 commercial related jobs, approximately 246 more jobs than would be created if left as Light Industrial.

Policy 9.4.3 Encourage commercial and mixed-use developments located on current or planned transit corridors; encourage transit-oriented site planning and design.

Finding: As discussed earlier, public transit service is currently near the subject site. Based on the existing employment in the area and the commercial development expected east of the site, as well as the extension of NE 139th Street over the Interstate, it is possible that transit service to the site will be feasible in the future.

Conclusion: Criterion A can be met with an appropriate concomitant agreement relating to future traffic generation from the site. The county's transportation impact analysis concludes that the transportation system will be impacted by the change in land use designation. An action to grant highway commercial uses on the site is contrary to Comprehensive Plan policy 9.1.11 for employment lands.

B. The proponent shall demonstrate that the designation is in conformance with the appropriate locational criteria identified in the Clark County Comprehensive Plan and the purpose statement of the zoning district. (See 40.560.010G(2) and 40.560.020H(2).)

General Commercial (CG)

This designation is applied to existing strip commercial areas as highway or limited commercial zoning. The strip commercial areas are generally characterized as narrow bands of commercial uses adjacent to major and minor arterial roadways. The 20-Year Plan strongly discourages additional strip commercial (highway or limited commercial base zones) being applied to new areas or extending existing strip commercial areas.

Additional Commercial Criteria

- Extension of those areas of strip commercial development designated General Commercial is discouraged by the 20-Year Plan. These strips attract traffic to the area and many businesses along the street become points of turning movements. This greatly reduces the traffic capacity of the streets and increases the potential number of traffic accident situations. Commercial strips are usually backed by residential uses which increases the number of residential-commercial conflicts unnecessarily. The commercial uses are oriented toward the street and usually pay little attention to the rear of the property abutting the residential uses.*
- The strips along major roads are generally so long that available commercial property exceeds the demand in the area and residential uses are left along the street, mixed with commercial activities. The linear nature of these developments, the number of driveways crossing sidewalks and the lack of alternative cross traffic or pedestrian circulation make these areas convenient and accessible only to automobile traffic.*

- *Provide a market analysis which identifies the need for the new commercial area/center.*
- *Provide a land use analysis of available commercially designated and zoned land in the market area of the proposed site and a determination of why the existing commercial land is inadequate.*

Purpose.

Highway Commercial (CH) District. These commercial areas are intended to serve large areas of the county, the traveling public and also to recognize areas of existing strip development. These areas are generally located at the interchanges and along state highways and interstates. New commercial areas shall not contribute to additional strip development patterns. Uses allowed in this district may involve drive-in, large space users, outdoor sales, wholesale activities, repair services and other heavy commercial users. This district is limited to the general commercial comprehensive plan designation.

Finding: The Comprehensive Plan locational criteria states that the General Commercial designation is applied to *existing* strip commercial areas, as implemented through highway or limited commercial zoning. This site is "located at the interchanges and along state highways and interstates", if the subject site were already zoned for Highway Commercial, it would fit the purpose statement in the Unified Development Code. The 20-Year Plan strongly discourages this designation from being applied to new areas or extending existing strip commercial areas. However, in this particular instance staff finds that this site is visible to the motoring public from Interstate 5, there is an established residential development directly across NE 10th Avenue, a collector street, from the site and due to planned changes there will be no access to this site from NE 139th Street. Given these somewhat unique factors staff believes it is highly unlikely that this site will develop in a strip pattern of commercial development.

Conclusion: While the Comprehensive Plan discourages additional strip development (generally identified and Highway Commercial or Limited Commercial zone designations) staff believes that given the rather unique aspects of this site strip commercial development is highly unlikely to occur. Criterion B is met.

C. *The map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity. (See 40.560.010G(3).)*

Finding: The applicant has provided a market analysis that indicates a need for additional commercial space. The applicant's market analysis relies on the concept of "retail sales leakage" and the county's vacant and buildable lands model to indicate the need for additional retail in Clark County. Land to the northeast of the site was recently zoned for highway commercial uses, which undermines the argument that there is a "lack of appropriately designated alternative sites within the vicinity," but the market analysis provided by the applicant has concluded that Clark County as a whole requires additional commercial land and that within the 3 mile trade area an additional 266 acres will be required to meet the anticipated commercial demand.

The county recently adopted an updated Comprehensive Plan in September 2007. That document did not identify any additional need to commercial land in the county. Further, any analysis that relies on retail sales leakage to form a conclusion will always show a need for additional commercial land.

Conclusion: There is abundant Highway Commercial and similar zoning along Highway 99 and in the vicinity. The applicants' market analysis shows a need for additional commercial land in the identified trade area, however recently adopted county documents directly contradict the applicants' analysis. However, the county does not have criteria that clearly delineates the necessary components of a market analysis. Staff cannot evaluate the submitted analysis under adopted criteria. Criterion C is met.

D. The plan map amendment either; (a) responds to a substantial change in conditions applicable to the area within which the subject property lies; (b) better implements applicable comprehensive plan policies than the current map designation; or (c) corrects an obvious mapping error. (See 40.560.010G(4) and 40.560.020H(3).)

Finding: The Salmon Creek Interchange Project and the extension of 139th Street over the two interstate freeways certainly represent a change in conditions. However, major planned public investments in transportation facilities should not be a rationale for changing the land use designations of nearby properties, because it can lead to premature failure of the planned improvements.

Conclusion: As discussed above, the Salmon Creek Interchange project and the extension of NE 139th Street is a substantial change in conditions. However, major planned public investments in transportation facilities should not be a rationale for changing the land use designations of nearby properties. There has certainly been a change in conditions, however transportation plans are made with an eye to current zoning. Public Works staff has stated that no additional trips are available in the area. Criterion D has been met.

E. Where applicable, the proponent shall demonstrate that the full range of urban public facilities and services can be adequately provided in an efficient and timely manner to serve the proposed designation. Such services may include water, sewage, storm drainage, transportation, fire protection and schools. Adequacy of services applies only to the specific change site. (See 40.560.010G(5) and 40.560.020H(4).)

Finding: The site is in the Vancouver Urban Growth area and is part of a developing major center. A full range of urban public facilities and services will be available to serve commercial uses at the site, consistent with the existing and anticipated commercial and residential growth in the area. As discussed earlier in this report, without mitigation the proposed land use change will negatively impact the transportation system. County staff recommends a concomitant rezone agreement that limits future trips from this site to the number that would be generated by development under the existing zoning.

Conclusion: Criterion E can be met with a concomitant rezone agreement controlling future trips generated from the subject site.

RECOMMENDATION AND CONCLUSIONS

Based upon the information provided by the applicant and the findings presented in this report, staff recommends that the Planning Commission forward a recommendation of **APPROVAL** to modify the Comprehensive Plan and Zoning Maps from Light Industrial with ML zoning and Urban Medium with R-18 zoning to General Commercial and CH zoning. Staff recommends **APPROVAL** of the request to eliminate the split zone on parcel 185759-000. In summary, the reasons for approval is as follows:

- (1) Because of the potential to generate substantially higher traffic that would affect the Salmon Creek Interchange, the proposal would be in direct conflict with the county's commitment to protect the public's investments in existing and planned freeway and separated grade interchanges unless there is a concomitant rezone agreement that limits future trips from the site to the number that could be generated by development under the existing zoning designations.
- (2) Based on the site configuration, strip type development is unlikely to occur. The site is near an interstate freeway and is visible to the motoring public.

Recommendation Summary

The following table lists the applicable criteria and summarizes the findings of the staff report for Annual Review Case CPZ2008-00022. The Planning Commission findings will be added to the table after public deliberation at the Planning Commission hearing scheduled for this application.

COMPLIANCE WITH APPLICABLE CRITERIA		
	Criteria Met?	
	Staff Report	Planning Commission Findings
Criteria for All Map Changes		
A. Consistency with GMA & Countywide Policies	Yes, with covenant	Yes, with covenant
B. Conformance with Location Criteria	Yes	Yes
C. Site Suitability and Lack of Appropriately Designated Alternative Sites	Yes	Yes
D. Amendment Responds to Substantial Change in Conditions, Better Implements Policy, or Corrects Mapping Error	Yes	Yes
E. Adequacy/Timeliness of Public Facilities and Services	Yes, with covenant	Yes, with covenant
Recommendation:	Approval, with covenant	Approval, with covenant



Clark County Ordinance Report

As Reported by Community Planning Department
On: December 16, 2008

Title: An ordinance amending the 20-Year Growth Management Comprehensive Plan and Zone Map through the 2008 annual reviews and dockets.

Brief Description: An ordinance relating to land use; adopting amendments to the 20-year Comprehensive Growth Management Plan Map; adoption of a Highway 99 Sub-Area Plan, the Arterial Atlas Map; amending the Clark County Comprehensive Plan Text; amending Clark County Unified Development Code, and amending the existing Capital Facilities Element of the Clark County 20-year Comprehensive Growth Management Plan to update School District's Capital Facility Plans and providing for the collection of new school impact fees.

Brief History:

PC Worksessions: February 21, March 20, April 17, May 1, May 15, June 5, July 17, August 7, September 4, September 18, October 30, and November 6, 2008
PC Hearing: May 15, June 19, August 21, September 18, October 16, and November 20, 2008
BOCC Worksession: October 29, 2008
BOCC Hearing: November 18, November 25, November 26, and December 16, 2008

DEPARTMENT REPORT

Staff: Oliver Orjiako, ext. 4112; Jeff Niten ext. 4909
Legal Counsel: Chris Horne, ext. 4775

Background: Amendments to the comprehensive plan and zoning map are submitted for review and subject to review criteria in accordance with the state Growth Management Act, the countywide planning policies, the community framework plan, the goals and policies of the comprehensive plan, local city comprehensive plans, applicable capital facility plans, and growth indicators. The 2008 Annual Review and Dockets requests were reviewed by the Clark County Planning Commission during four duly advertised public hearings and have forwarded its recommendations to the Board. The cases reviewed are as follows: CPZ2008-00001 (Warta); CPZ2008-00018 (Ridgeway Park); CPZ2008-00019 (Wallace); CPZ2008-00020 (Thomas); CPZ2008-00021 (Felida Village); CPZ2008-00022 (NE 139th Street); CPZ2008-00023 (NE 29th Avenue); and Docket Case CPZ2008-00005 (Schwarz); CPZ2008-00007 (No Net Loss); CPZ2008-00004 (Ridgefield SD CFP); CPZ2008-00002 (Battle Ground SD CFP); CPZ2008-00003 (Evergreen SD CFP); CPZ2008-00009 (Arterial Atlas - La Center Bridge Amendment); CPZ2008-00010 (Arterial Atlas - Northern Clark County Scenic Drive); CPZ2008-00011 (Arterial Atlas - Orchards Circulation Plan); CPZ2008-00012 (Arterial Atlas - Dollars Corner Amendment); CPZ2008-00015 (Arterial Atlas - Salmon Creek/Fairgrounds Sub-area Circulation Plan); CPZ2008-00016 (Transportation Capital Facilities Plan Review); CPZ2008-00027 (UDC - Commercial Code Amendment); CPZ2008-00028 (Urban Growth Boundary Right-of Way Clarification); CPZ2008-00031 (UDC - Agricultural Uses Amendment); CPZ2008-00032 (Highway 99 Sub-Area Plan Adoption). The Board accepted testimony and conducted deliberations at four public hearings on this matter. The adopting ordinance incorporates the findings made by the Board at the public hearings.



Summary of Ordinance: An ordinance relating to land use; adopting amendments to the 20-year Comprehensive Growth Management Plan Map; adoption of a Highway 99 Sub-Area Plan, the Arterial Atlas Map; amending the Clark County Comprehensive Plan Text; amending Clark County Unified Development Code, and amending the existing Capital Facilities Element of the Clark County 20-year Comprehensive Growth Management Plan to update School District's Capital Facility Plans and providing for the collection of new school impact fees.

Appropriation: None.

Fiscal Note: None.

Committee/Task Force Created: Yes, Team 99 and Three Creeks Special Planning Advisory Council.

Effective Date: This ordinance shall go into effect at 12:01 a.m. on January 1, 2009 except for the school impact fee changes which shall go into effect thirty (30) days from the date of adoption or when the school impact fees can be entered into the permitting computer system, whichever happens earlier.

APPROVED = DEC. 16, 2008

SR 370-08



ORDINANCE NO. 2008-12-15

AN ORDINANCE relating to land use; adopting amendments to the 20-year Comprehensive Growth Management Plan Map and Zoning Map; adopting the Highway 99 Sub-Area Plan (CPZ 2008-00032) as part of the Comprehensive Plan; Arterial Atlas Map; Comprehensive Plan Text; Unified Development Code Title 40; and amending the existing Capital Facilities Element of the Clark County 20-year Comprehensive Growth Management Plan to update School District's Capital Facility Plans and providing for the collection of new school impact fees.

WHEREAS, Clark County adopted a 20-Year Comprehensive Growth Management Plan through ordinances 1994-12-47 and 1994-12-53 on December 20, 1994 to meet the goals and requirements of Chapter 36.70A RCW (also known as the Growth Management Act "GMA"); and

WHEREAS, Clark County adopted an updated 20-Year Comprehensive Growth Management Plan through ordinance 2007-09-13 on September 25, 2007 to meet the goals and requirements of Chapter 36.70A RCW; and

WHEREAS, the Comprehensive Plan provides for adoption of a sub-area plan for the geographic area located within the Vancouver Urban Growth Boundary commonly known as the Highway 99 Sub-Area with defined boundaries identified in attached Exhibit 9A, which sub-area plan provides for the future build out of the Highway 99 Sub-Area in a manner consistent with the Comprehensive Plan and Community Framework Plan; and

WHEREAS, the Highway 99 Sub-Area Plan is consistent with the policies of the comprehensive plan and contains a capital facilities element outlining public facility needs as required under Chapter 36.70A RCW; and

WHEREAS, the Highway 99 Sub-Area Plan was developed with the input of a citizen-based Team 99 advisory committee and the community at large; and

WHEREAS, adopting the Highway 99 Sub-Area Plan as part of the Comprehensive Plan and to provide for policies and standards for projects in the Highway 99 Sub-Area and provide for future build-out thereof requires amending the Comprehensive Plan Map and adopting associated implementing measures of the Highway 99 Sub-Area Plan amending various provisions of the Clark County Unified Development Code: UDC 40.200.020 and UDC 40.250.050; and

WHEREAS, the county needs to address site-specific requests for comprehensive plan and zoning changes to meet the goals and requirements of Chapter 36.70A RCW; and

WHEREAS, certain property owners, hereinafter referred to as "Applicants", owners or parties in interest of the hereinafter described real Property have requested a 20-Year Comprehensive Growth Management Plan Amendment and Zone Change or correction of mapping errors affecting their property; and

WHEREAS, the Clark County Planning Commission reviewed the applications, docket items, amendments and modifications of the Plan text, arterial atlas amendments, amendments to the Unified Development Code Title 40, and updates of the existing capital facilities plans during duly advertised Public Hearings on May 15, June 19, August 21, September 18, October 16, and November 20, 2008 and has forwarded its recommendations to the Board; and,

WHEREAS, the Board of County Commissioners considered Annual Review Case CPZ2008-00001 (Warta); CPZ2008-00018 (Ridgeway Park); CPZ2008-00019 (Wallace); CPZ2008-00020 (Thomas); CPZ2008-00021 (Felida Village); CPZ2008-00022 (NE 139th Street); CPZ2008-00023 (NE 29th Avenue); and Docket Case CPZ2008-00005 (Schwarz); CPZ2008-00007 (No Net Loss); CPZ2008-00004 (Ridgefield SD CFP); CPZ2008-00002 (Battle Ground SD CFP); CPZ2008-00003 (Evergreen SD CFP); CPZ2008-00009 (Arterial Atlas - La Center Bridge Amendment); CPZ2008-00010 (Arterial Atlas – Northern Clark County Scenic Drive); CPZ2008-00011 (Arterial Atlas - Orchards Circulation Plan); CPZ2008-00012 (Arterial Atlas - Dollars Corner Amendment); CPZ2008-00015 (Arterial Atlas - Salmon Creek/Fairgrounds Sub-area Circulation Plan); CPZ2008-00016 (Transportation Capital Facilities Plan Review); CPZ2008-00027 (UDC - Commercial Code Amendment); CPZ2008-00028 (Urban Growth Boundary Right-of Way Clarification); CPZ2008-00031 (UDC - Agricultural Uses Amendment); CPZ2008-00032 (Highway 99 Sub-Area Plan Adoption); at duly advertised public hearings on November 18, November 25, November 26, and December 16, 2008; and

WHEREAS, the Board of County Commissioners took public testimony from interested parties, considered all the written and oral arguments and testimony, and considered all the comments presented to the Board; and

WHEREAS, the Board of County Commissioners in reviewing all the respective comprehensive plan changes considered cumulative impacts consistent with Clark County Unified Development Code UDC 40.560.010, Plan Amendment Procedural Ordinance and UDC 40.560.010(Q), Cumulative impacts, and

WHEREAS, the Board of County Commissioners also considered the staff reports and recommendations of the Clark County Planning Commission; and

WHEREAS, the Board finds that the amendments to the 20-year Comprehensive Growth Management Plan Map and Zoning Map; Arterial Atlas Map; Comprehensive Plan Text; Unified Development Code Title 40; and the Arterial Atlas Map are in the best public interest; and

WHEREAS, the Board also finds that adopting the Highway 99 Sub-Area Plan is within the requirements of the Growth Management Act, consistent with the Comprehensive Plan and in the best public interest; and

WHEREAS, the Board also finds that adopting the updated School District impact fees is within the requirements of the Growth Management Act and is in the best public interest; and

WHEREAS, the Board concluded at duly advertised public hearings and finds that adoption will further the public health, safety and welfare; now therefore,

BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, as follows:

Section 1. Findings.

The findings and analysis contained in the Clark County Planning Commission's Memorandum dated November 18, and December 16, 2008, relating to the 2008 Comprehensive Plan and Dockets Amendments are hereby adopted and incorporated herein by reference except where inconsistent with the following.

Section 2. Comprehensive Land Use Plan and Zoning Map Modifications.

1. The Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property located at 36400 SE 20th Street and 1711 SE 357th Avenue is hereby amended from Resource Lands Agriculture (AG-20) to Rural 5 (R-5) respectively as recommended by the Planning Commission and as indicated on the attached map (Exhibit 1). In the matter of **Annual Review item number CPZ2008-00001 Warta**, the Board concluded that Agriculture 20 zoning is clearly inappropriate for the subject site. Tax serial numbers 143253-002, 143253-004, and 143253-006 located in the SW ¼ Section 34, Township 2N, Range 4E of the Willamette Meridian.
2. The Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property located generally at the northeast corner of NE 179th Street and NE 10th Avenue is hereby amended from Light Industrial (ML) and Community Commercial (C-3) to General Commercial (CH) and Mixed Use (MX) respectively as recommended by the Planning Commission and as indicated on the attached map (Exhibit 2). In the matter of **Annual Review item number CPZ2008-00018 Ridgeway Park**, the Board concluded that the requested zones are appropriate for the subject site. Tax serial numbers 181206-000 (the northern 10.0 acres of this 20.0 acre parcel will be zoned Mixed Use (MX), the southern 10.0 acres of this 20.0 acre parcel will be zoned Highway Commercial (CH) the dividing line described as beginning at the north east corner of APN 181200-000 and continuing through the subject parcel to the north west corner of APN 181208-000), 181190-000 Mixed Use (MX), 181199-000 Mixed Use (MX), 181200-000 Highway Commercial (CH), and 181201-000 Highway Commercial (CH) located in the SW ¼ Section 11, Township 3N, Range 1E of the Willamette Meridian.
3. The Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property located 14412 NE Fourth Plain is hereby retained as Urban Low Residential (R1-7.5) as recommended by the Planning Commission and as indicated on the attached map (Exhibit 3). In the matter of **Annual Review item number CPZ2008-00019 Wallace**, the Board denied the requested Comprehensive Plan Map Designation and corresponding Zoning Map change to community commercial (C-3) concluding that the existing residential designation is appropriate for the site given its proximity to adjacent residential areas and the amount of vacant community commercial designation. Tax serial number 107662-684 located in the NE ¼ Section 11, Township 2N, Range 1E of the Willamette Meridian.
4. The Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property located 11718 NE 87th Avenue is hereby retained as Light Industrial (ML) as recommended by the Planning Commission and as indicated on the attached map (Exhibit 4). In the matter of **Annual Review item number CPZ2008-00020 Thomas**, the Board denied the requested Comprehensive Plan Map Designation and corresponding Zoning Map change to Community Commercial (C-3) concluding that the existing Light Industrial designation is inappropriate for the site, but Community Commercial (C-3) is also inappropriate. The Board directed staff to place this request on the 2009 Docket as a request for Neighborhood Commercial (C-2) at no cost to the applicant. Tax serial numbers 199381-000 located in the NE ¼ Section 32, Township 3N, Range 2E of the Willamette Meridian.
5. The Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property located generally at the 11912 NW 36th Avenue and 3700 NW 119th Street is hereby amended from Urban Low Density

Residential (R1-7.5) to Mixed Use (MX) respectively as recommended by the Planning Commission and as indicated on the attached map (Exhibit 5) and is subject to a concomitant covenant attached herein (Exhibit 5A). In the matter of **Annual Review item number CPZ2008-00021 Felida Village**, the Board concluded that the site is clearly appropriate for Mixed Use zoning. Tax serial numbers 187806-000, a portion of 187768-010 consisting of the 110' x 30' access to NE 119th Street, and 187768-015 located in the SE ¼ Section 29, Township 3 N, Range 1E of the Willamette Meridian.

6. The Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property located generally at the northeast corner of NE 139th Street and NE 10th Avenue is hereby amended from Urban Medium Density Residential (R-18) and Light Industrial (ML) to General Commercial (CH) and Urban Medium Residential (R-18) respectively as recommended by the Planning Commission and as indicated on the attached map (Exhibit 6) and is subject to a concomitant covenant. The Comprehensive Plan amendment and corresponding zoning will not be effective unless and until such time as the applicant records the agreed upon executed covenant approved by the Prosecuting Attorney. In the matter of **Annual Review item number CPZ2008-00022 NE 139th Street**, the Board concluded that the Comprehensive Plan Amendment and zone change are suitable for this site with the covenant limiting traffic generation. Tax serial numbers 185700-000, 185726-000, 185672-000, 185727-000, 185796-000, and 185759-000 located in the SW ¼ Section 23, Township 3 N, Range 1E of the Willamette Meridian.
7. The Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property located generally at 2711 NE 129th Street is hereby continued to the 2009 Comprehensive Plan Amendment cycle to consider amendment of the subject parcels from Urban Medium Density Residential (R-18) to General Commercial (CH) respectively as indicated on the attached map (Exhibit 7). In the matter of **Annual Review item number CPZ2008-00023 NE 29th Avenue**, the Board at the applicant's request continued CPZ2008-00023, date not certain to the 2009 Amendment cycle. The subject property retains its Urban Medium Density Residential (R-18) designation. Tax serial numbers 186385-000 and 186571-000 located in the SE ¼ Section 26, Township 3N, Range 1E of the Willamette Meridian.

Section 3. Docket Items/Clark County Initiated.

1. The Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property located at 2910 NW 179th Street, 2614 NW 179th Street and 2528 NW 179th Street is hereby amended from Resource Lands Agriculture (AG-20) to Rural Residential (R-5) as recommend by the Planning Commission and as indicated on the attached map (Exhibit 8). In the matter of **Docket item number CPZ2006-00005 Schwarz**, the Board concluded that the rural residential designation was more appropriate and that retaining the resource lands agriculture designation in 1998 constituted a mapping error. Tax serial number 180747-000, 180748-000, and 180834-000 located in the SW ¼ Section 9, and SE ¼ Section 8 Township 3N, Range 1 East of the Willamette Meridian.
2. The Clark County 20-Year Comprehensive Growth Management Plan Map Designation for that certain properties located generally within the Highway 99 Sub-Area Plan is hereby amended from Urban Low Density Residential and Parks/OS to Parks/OS and Public

Facility respectively as indicated on the attached map (Exhibit 9) and apply to tax serial numbers:

145510-000, 145525-003, 144952-048, 189653-102, 189653-100, 189572-000, 189472-000, 189578-000, 189660-000, 189481-000, 189482-000, 186564-000, 186949-000, 186277-000, 145363-052, 097839-250, 144961-242, 144952-028, 144942-046, 092500-158, 092500-160, 144935-000, 097765-084, 097765-082, 096626-834, 096626-836, 097811-026, 189577-000, 189545-000, 189999-062, 189999-060 and 148084-000. In the matter of **Docket item number CPZ2008-00032 Highway 99 Sub-Area Plan**, the Board concluded that the Highway 99 Sub-Area Plan (Exhibit 9B) prepared under the provisions of the Growth Management Act, Chapter 36.70A RCW is consistent with the Comprehensive Plan and provides for the planned build out of the plan over a twenty year planning period; that the Sub-Area Plan and the FSEIS have addressed the environmental impacts associated with land uses pursuant to Chapter 43.21C RCW; encourages more intensive development that is compatible and integrated with surrounding uses; provides for the formation and enhancements of neighborhoods; and conserves or enhances natural and historic features; and is hereby adopted. The Highway 99 Sub-Area Plan boundary is described as NE 134th Street to the north, the Bonneville Power Administration right-of-way line to the east, the City of Vancouver municipal boundary to the south, and Interstate-5 to the west as indicated on the attached map (Exhibit 9A)

Section 4. Arterial Atlas Amendments/Clark County Initiated Map Corrections.

1. In the matter of **Docket item number CPZ2008-00009 La Center Bridge**, the proposal for an arterial atlas amendment to include a La Center Bridge generally located in the vicinity of Paradise Point Park, north of NW 24th Avenue, and south of NW Larson Drive is hereby amended as indicated on (Exhibit 10).
2. In the matter of **Docket item number CPZ2008-00010 Northern Clark County Scenic Drive**, the proposal for an arterial atlas amendment adding a new Northern Clark County Scenic Drive (S) is hereby amended as indicated on (Exhibit 11).
3. In the matter of **Docket item number CPZ2008-00011 Orchards Circulation Plan**, the proposal for an arterial atlas amendment for that portion of the Vancouver Urban Growth Area to re-classify NE 42nd Avenue/Falk Road (between SR-500 to NE 44th Street) and NE 49th Street (Between St. Johns Road to NE 40th Avenue) as a 2-lane Collector (C-2) existing streets within the South Orchards TIF District and remove the future extension of NE 106th Avenue (between Fourth Plain Boulevard to NE 63rd Street) is hereby amended as indicated on (Exhibit 12).
4. In the matter of **Docket item number CPZ2008-00012 Dollars Corner**, the proposal for an arterial atlas amendment for that portion of the Dollars Corner Rural Center to re-classify an existing segment of NE 67th Avenue abutting tax lots 193075-000, 193102-000, 228100-000, and 228116-000 as a Rural Minor Collector (RM-2) is hereby amended as indicated on (Exhibit 13).
5. In the matter of **Docket item number CPZ2008-00015 Salmon Creek/Fairgrounds Sub-Area Circulation Plan**, the proposal for an arterial atlas amendment to repeal the Salmon Creek/Fairgrounds Sub-Area Circulation Plan as illustrated on the page 87 of the Arterial Atlas and affirm road classifications as illustrated on page 26 of the Arterial Atlas. The Arterial Atlas is hereby amended by deleting page 87 (Exhibit 14).

Section 5. Clark County Capital Facilities Components.

1. Those changes and additions relating to the updated School District Capital Facilities Plans of the **Ridgefield School District Docket Item number CPZ2008-00004** and including the revised impact fees proposed in the modified capital facilities plan for the same School Districts, which plan was adopted by Ordinance 2004-09-02, is hereby approved as shown on these district's capital facilities plans and which sets forth impact fees of \$4,490.00 per single family residence and \$2,314.00 per multi-family unit (Exhibit 15).
2. Those changes and additions relating to the updated School District Capital Facilities Plans of the **Battle Ground School District Docket Item number CPZ2008-00002** and including the revised impact fees proposed in the modified capital facilities plan for the same School Districts, which plan was adopted by Ordinance 2004-09-02, is hereby approved with modification due to general economic trends, as shown on these district's capital facilities plans and which sets forth impact fees. The Board of Commissioners approved impact fees of \$8,290.00 per single family residence and \$2,718.00 per multi-family unit for 2009 and \$9,880.00 per single family residence and \$3,500.00 per multi-family residence in 2010 for Battle Ground School District (Exhibit 16).
3. Those changes and additions relating to the updated School District Capital Facilities Plans of the **Evergreen School District Docket Item number CPZ2008-00003** and including the revised impact fees proposed in the modified capital facilities plan for the same School Districts, which plan was adopted by Ordinance 2004-09-02, is hereby approved, with modification due to general economic trends as shown on these district's capital facilities plans and which sets forth impact fees. The Board of Commissioners approved impact fees of \$6,818.00 per single family residence and \$3,614.00 per multi-family unit for 2009 and \$7,199.00 per single family residence and \$3,969.00 per multi-family unit in 2010 for Evergreen School District (Exhibit 17).
4. In the matter of **Docket Item number CPZ2008-00016** Transportation Capital Facilities Plan in accordance with UDC 40.560.010(O)(1), a review was completed to determine if the plan remains consistent with applicable policies and implementation measures of the comprehensive plan and in conformance with the purposes and intent of the applicable interjurisdictional agreements. The Board concluded that the current Transportation Capital Facilities Plan adopted by ordinance 2007-09-13 satisfies UDC 40.560.010(O)(1).

Section 6. Amendatory. Comprehensive Plan Text.

The following text changes, additions, and deletions to the Comprehensive Plan document are hereby adopted to read as follows:

1. Comprehensive Plan document, Chapter 1 Land Use Element, Page 1-21, Policy 1.1.12 bullet 3 is hereby amended as shown in Exhibit 18.
2. Comprehensive Plan document, Chapter 1 Land Use Element, Page 1-17, adding new Highway 99 Overlay District text is hereby amended as shown in Exhibit 19.
3. Comprehensive Plan document, Chapter 1 Land Use Element, Page 1-31, adding bullet (f) to policy 1.1.17 is hereby amended as shown in Exhibit 20.

4. Comprehensive Plan document, Chapter 1 Land Use Element, Pages 1-12, 1-13, 1-16, and 1-27; Chapter 3 Rural and Natural Resource Element, Page 3-17; and Chapter 11 Community Design Element, Pages 11-4 is hereby amended as shown in Exhibit 21.

Section 7. Amendatory. Clark County Unified Development Code.

The following text changes, additions, and deletions to the Clark County Unified Development Code Title 40 are hereby adopted to read as follows:

1. UDC Section 40.100.070 Definitions is amended as shown in Exhibit 22.
2. UDC Section 40.200.020 Zoning Classifications is amended as shown in Exhibit 23.
3. UDC Section 40.210.010 Forest, Agriculture and Agricultural-Wildlife Districts Table 40.210.010-1 Uses is amended as shown in Exhibit 24.
4. UDC Section 40.230.010 Commercial Districts is amended as shown in Exhibit 25.
5. UDC Section 40.250.050 Highway 99 Overlay District is amended as shown in Exhibit 26.
6. UDC Section 40.560.010 Plan Amendment Procedures is amended as shown in Exhibit 27.

Section 8. Severability.

If any section, sentence, clause, or phrase of this ordinance should be held invalid or unconstitutional by a court of competent jurisdiction or the Growth Management Hearings Board, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 9. Effective Date.

This ordinance shall go into effect at 12:01 a.m. on January 1, 2009 except for the school impact fee changes which shall go into effect thirty (30) days from the date of adoption or when the school impact fees can be entered into the permitting computer system, whichever happens earlier.

Section 10. Instructions to Clerk.

The Clerk to the Board shall:

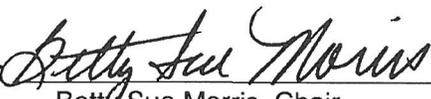
1. Transmit a copy of this ordinance to the Washington State Department of Community Trade and Economic Development within ten days of its adoption pursuant to RCW 36.70A.106.
2. Transmit a copy of the adopted ordinance to Clark County Geographic Information Systems (Ken Pearrow GIS Coordinator), to Community Planning Department, and to Community Development Department - Development Services (Mary Johnson, Tidemark Data Manager).
3. Transmit a copy of the adopted ordinance to the School District Consortium's representative Marnie Allen at ESD 112, 2500 NE 65th Avenue, Vancouver, WA 98661.
4. Record a copy of this ordinance with the Clark County Auditor.
5. Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 36.70A.290.

ADOPTED this 16 day of December 2008.

Attest:

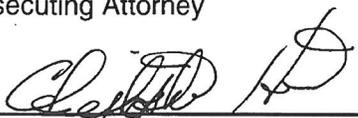
BOARD OF COUNTY COMMISSIONERS
FOR CLARK COUNTY, WASHINGTON


Clerk to the Board

By: 
Betty Sue Morris, Chair

Approved as to Form Only:
ARTHUR D. CURTIS
Prosecuting Attorney

By: _____
Marc Boldt, Commissioner

By: 
Christopher Horne
Civil Deputy
Prosecuting Attorney

By: _____
Steve Stuart, Commissioner



ARTHUR D. CURTIS
PROSECUTING ATTORNEY

CURT WYRICK
CHIEF DEPUTY

DENNIS M. HUNTER
CHIEF CRIMINAL DEPUTY

E. BRONSON POTTER
CHIEF CIVIL DEPUTY

SHARI JENSEN
ADMINISTRATOR

March 31, 2009

Mike Wynne
Attorney at Law
1014 Franklin Street
Vancouver WA 98660

RE: *Concomitant Rezone Agreement / Meyer, et. al.*

Dear Mike:

This letter is written to reply to your proposed concomitant rezone agreement. I have made one grammatical modification on the first full page of writing, omitting the word "to" and requesting that a new paragraph be added to either Conditions 2(a) or Remedies 3(b). I will give you the discretion where this paragraph should be located. The additional paragraph should read as follows:

Clark County's sole responsibility upon final rezone of the affected properties shall be limited to processing applications on a "first-come first-serve" basis. Once all available trips have been committed, Clark County will deny all future permits for development on any property that is subject to this covenant.

Please find that I have also stricken paragraph 10 regarding attorney's fees. There is nothing in the Board's resolution that contemplated the approval of that language. Clark County routinely makes all parties responsible for their individual attorney's fees and, therefore, will not approve as to form this provision.

Please review my comments and contact me if you have any questions.

Sincerely,

Christopher Horne
Sr. Deputy Prosecuting Attorney

CH/tk

CIVIL DIVISION