

# Notice of Reconsideration

The Clark County Department of Community Development has received the attached Motion for Reconsideration submitted in accordance with Clark County Code (CCC) Section 2.51.160. Based upon this motion, the Hearing Examiner shall reconsider his decision for this case:

**Project Name:** 5<sup>th</sup> Plain Creek Subdivision, Phase 3

**Case Numbers:** PLD2016-00010; SEP2016-00024; SHL2016-00020; HAB2016-00037; FLP2016-00008; EVR2016-00023

This notice is being sent to all parties of record in this case in accordance with CCC 2.51.160.

Response to Motion. Within fourteen (14) calendar days of the filing of a motion for reconsideration, Community Development staff and any other party of record may file with the responsible official a written response to the motion.

**Date Motion Filed:** November 3, 2016

**Deadline for Response:** November 17, 2016

Within twenty-eight (28) calendar days of the filing of a motion for reconsideration, the Hearing Examiner shall issue a decision on the motion. The examiner's decision will be sent to all parties of record. Deadline for the examiner's decision is December 1, 2016

Submit your response by the deadline date noted above.

By mail: Department of Community Development  
Attn: Jan Bazala  
PO Box 9810  
Vancouver WA 98666-9810

By email: jan.bazala@clark.wa.gov

In person: Public Service Center  
Permit Center, first floor  
1300 Franklin Street, Vancouver WA 98660  
Hours: Monday, Wednesday – 8 a.m. to 4 p.m.  
Tuesday, Thursday, Friday – 8 a.m. to noon

**Responsible Official:** Susan Ellinger, Land Use Review Manager

**Attachment** Motion for Reconsideration



TO: Mr. Joe Turner  
Clark County Land Use Examiner

November 2, 2016

From: Mark Georgioff, and others  
Concerned Citizens of Traffic Safety, East Clark county  
Case # PLD 2016-00010

Mr. Turner. This letter is in response to your finding of approval for the 5<sup>th</sup> plain creek subdivision, Phase III development, and our request for reconsideration of this finding, based on the following reasons:

**1. This development without traffic mitigation is in violation of the statewide Growth Management Act law:**

In RCW 36.70A.070, the state of Washington declared that any new development MUST include planning for "adequate public facilities and services exist or can be provided in an efficient manner."

It also states that public services and facilities and services necessary to support development SHALL BE ADEQUATE TO SUPPORT THE DEVELOPMENT AT THE TIME THE DEVELOPMENT IS AVAILABLE FOR OCCUPANCY and USE WITHOUT DECREASING CURRENT SERVICE LEVELS below locally established minimum standards.

As this intersection operates at best and LOS E, and arguably LOS F, this intersection is already at maximum traffic flow and use on a daily basis, as even stated in the developers own traffic study. For this reason, ANY new developments would certainly cause the intersection to perform beyond its capacity, and place everyone at significant risk for traffic hazards or harm. This will cause the intersection to fall well below current service levels, and below minimum standards.

An approval WITHOUT mitigation requirements prior to occupancy of the development(s) in in direct violation of the GMA law.

**2. This development approval is contrary to the understanding and stated intent of the Board of County Commissioners (BOCC) parameters, finding, and approval of the Urban Growth Boundary approval, from Nov. 2013**

In Nov. 2013, the BOCC lifted the urban holding conditions in response to requests for development. This was done by the board stating a condition of mitigation of the intersection of SR 550/ NE 182<sup>nd</sup>. Ave, prior to any development being approved, based on the failing level of service and foreseeable traffic safety problems. This was based on testimony of the requested developers (Hinton Dev. Corp, and others) and Clark County staff who stated that such mitigation WOULD BE ENSURED and reasonably funded BEFORE any new development would be approved. (Ref. Audio record of meeting, Nov. 19<sup>th</sup>,

2013) The BOCC was assured that NO developments would take place PRIOR to mitigation, and thus gave the justification for board approval of the lifting of the Urban Growth Holding.

**3. This is in direct opposition of assurances made by Clark County Planning commission and staff during the approval meeting, from Nov. 2013**

During the public hearing on Nov 19<sup>th</sup>, 2013, the county planning director and staff assured the BOCC, stating: The answer to whether development will occur BEFORE the infrastructure, the answer is clearly and obviously NO. The law DOES NOT allow it. It continued, saying; the concern about development occurring BEFORE the infrastructure is built is simply NOT true. This intersection will fail in 2017 or 2018.

In addition, planners stated: If the road needed to be improved, that would be a condition of approval. The development COULDN'T GO FORWARD UNTIL those conditions have been met.

This clearly was the context the lifting of the Urban Growth Holding was approved under, with the understanding by ALL, including the BOCC, Planning Staff, and the Developers that mitigation would be required, and addressed BEFORE development.

**4. This traffic study conducted by the developer(s) does not fully comply and encompass the requirements of CCC 40.350.020, Sec. D. (4)**

In the above referenced code, not only does traffic count need to be provided in a traffic study, but the safety conditions NEED to be addressed. In Sec. D, 4. (b.) it states: An analysis of the projected impact of the proposed development upon the current operating level and SAFETY OF THE AFFECTED TRANSPORTATION CORRIDORS AND INTERSECTIONS OF REGIONALS SIGNIFICANCE, is necessary. While the developers traffic engineers provided a study of traffic flow of 3 random days (Which operated at a Level E, and Arguably Level F), it did NOT address the SAFETY aspect of the intersection. There is no discussion of approach, curvature, and other factors that significantly impact this intersection, and why it is already a severe safety hazard. It does not also properly address possible solutions, or offer remedies for intersection failure. These are all items that could, and should, be required by the Public Works Director, and allowed under code CCC 40.350.020, Sec. 8. Given the known history of this process, and the significance of this development(s), this should be a required piece of the equation.

This traffic study is minimal at best, and does NOT address the safety issues presented by the dynamics of the intersection, and should require further review, over a course of SEVERAL days, or weeks, Etc., and include the references to address the safety concerns of this intersection with this significant increase of traffic. Only Then will you have an accurate analysis to base your decision on.

**5. This and any other development directly impacting the intersection of SR 500/ NE 182<sup>nd</sup>. Avenue, Clark County, Washington, is in direct conflict of the findings and recommendations of the Washington State DOT studies stating that road mitigation IS REQUIRED prior to any additional traffic flow generated by this, and any other new development.**

On September 29<sup>th</sup>, 2015, Washington State DOT provided Planning Supervisor a letter stating that if development in the surrounding area of this intersection of regional significance, that it their assessment the intersection WILL operate at an LOS F, and that "therefore, mitigation at this location will be necessary". It continues, stating concerns about the approaches, traffic flow, and narrow road width. It makes suggestions of possible intersection solutions, and compels any developer to provide plans for intersection reconfigurations, and that "any selected alternative will need to provide adequate justification, performance measures, and a optimum solution at this location". WSDOT also provided contact information on how they can aid and assist the developer in the process.

In a second letter dated August 22<sup>nd</sup>, 2016, in regards to this 5<sup>th</sup> Plain Creek development, that the intersection in consideration would operate at a Level E (which is concurrent with the developers finding), and that "therefore, mitigation at this location will be necessary". They continue, discussing the excessive speeds and short sight distance causing an increased risk of collisions at this intersection.

Two separate letters, regarding two separate reviews by WSDOT Planning Engineers came to the same conclusion- That this intersection REQUIRES mitigation. It is VERY clear what their stance on this is, even though they defer the completion to Clark County, as it's considered an "intersection of regional significance". This noted and recognized failure of this intersection would place the entire community at increased, and arguably great risk of harm to life and safety as they travel through this roadway deem as a "Collision Crash Corridor."

\*I have attached both these letters for reference\*

In conclusion, we ask that you please do not ignore the significant inconsistencies in this process of approval, from the deviation of intent of the commissioners when approval given, From the promises made by both county planners and developers involved, to the mysterious disappearance of the requirements of a \$500.00 dollar/ per home Traffic Impact fee from the developers agreement, to the lack of safety information provided through this minimal traffic study, and to the required road mitigation determined necessary by WSDOT planners. ALL these reasons give you the authority, and the responsibility, to ensure that this development(s) do NOT negatively impact the traffic safety and flow of this intersection of concern, causing great risk to members of east Clark County, and present great liability to the county of resulting consequences.

Therefore, We ask again that you table this, and any future related developments UNTIL such and time and place that traffic mitigation is planned and executed by this developer, or in conjunction with other area developers; or until Clark County Public Works and/or WSDOT have completed appropriate and thorough mitigation processes to provide a safe passage way for all vehicle/pedestrian traffic for this intersection of regional significance, through the use and placement of appropriate and approved traffic/signal controls at this intersection.

Thank you for your strong consideration.

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