



## Clark County Planning Commission

Karl Johnson, Chair  
Ron Barca, Vice Chair  
Rick Torres  
Steve Morasch  
Matt Swindell  
Bryan Halbert

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### CLARK COUNTY PLANNING COMMISSION MINUTES OF PUBLIC HEARING TUESDAY, OCTOBER 8, 2019

Public Service Center  
Council Hearing Room  
100 Franklin Street, 6<sup>th</sup> Floor  
Vancouver, WA  
6:30 p.m.

#### **CALL TO ORDER & ROLL CALL**

JOHNSON: Good evening, ladies and gentlemen. I'd like to call this meeting to order of the Clark County Planning Commission for Tuesday, October 8th, 2019.

My name is Karl Johnson, I'm the Planning Commission Chair. Before we start today I'd like to introduce our newest Planning Commissioner, Bryan Halbert. Bryan is back with us from a trip to somewhere.

HALBERT: Ireland for two weeks.

JOHNSON: Great. Good to have you back. And with that, Sonja, could we get a roll call, please.

#### **ROLL CALL VOTE**

HALBERT: PRESENT  
MORASCH: ABSENT  
SWINDELL: HERE  
TORRES: ABSENT  
BARCA: HERE  
JOHNSON: HERE

Staff Present: Oliver Orjiako, Community Planning Director; Ahmad Qayoumi, Public Works Director; Rob Klug, Public Works Transportation Division Manager; Chris Cook, Senior Deputy Prosecuting Attorney; Matt Hermen, Transportation Planner; Sonja Wisner, Program Assistant; Larisa Sidorov, Office Assistant; and Cindy Holley, Court Reporter.

JOHNSON: With that, I'd like to start out by asking any of the Planning Commissioners if they would like to disclose any conflicts of interest? I know that Commissioner Morasch had to recuse himself today for that reason.

### **Planning Commission Opening Statement**

JOHNSON: To the public, so I'm going to read you a statement and I would encourage you to hear it. I read it so it sounds wrote, but I would encourage you to listen to all the parts because it really makes the meeting much more efficient and much more able for your voice to be heard.

We begin the hearing with a staff report. The Planning Commissioners will ask the staff questions if they have any at this point. I will then open the hearing for public testimony. Members of the audience who wish to testify on a hearing item need to sign in on the sign-in sheets at the back of the room, and just a mental note, if you could spell that clearly so I could read your name it would be helpful.

Members of the public wishing to give oral testimony are to come to the front of the room at the table facing the Planning Commissioners. Tonight I'm going to try to call three of you at a time and line up so we can be more efficient. The Chair has the discretion to make the following statement if reasonable and appropriate, and I am going to do that tonight because of time constraints, testimony on this matter is limited to three minutes per person.

Your testimony should be related to the applicable standards for the hearing item. The relevant standards are set out in the staff report copies of which are available on the table in the back of the hearing room. If you have any exhibits that you want us to consider such as a copy of your testimony, photographs, petitions or other documents or physical evidence, please hand it in to the staff, this information will be included in the record for the hearing item, we will consider it as a part of our deliberations.

When you testify you must testify at the front table in front of the microphone so the court reporter can hear your testimony. State your name and address for the record and spell your name for the court reporter, be relevant and concise and don't repeat yourself or others testifying. Also, if you could speak slowly like I don't always it would be helpful for our court reporter. I will then close the public testimony portion of the hearing, excuse me, I will close the public testimony portion of the hearing. The Planning Commission will then deliberate and ask staff to answer questions or make rebuttals. The Planning Commission will then take a vote on their decisions.

This is probably the most important part if you would hear me. Our recommendation will be forwarded to the Board of County Councilors who have the final decision-making authority. So in short, our job is to take what you say, debate it, think about it, vote on it, but that final decision is made by our County Councilors.

**GENERAL & NEW BUSINESS**

**A. Approval of Agenda for October 10, 2019**

JOHNSON: Before we start, I'd like to ask approval for the agenda for October 3rd, 2019.

BARCA: **MOTION** to approve the agenda.

SWINDELL: I'll **second** it.

JOHNSON: All those in favor of the motion to approve October 3rd, 2019.

EVERYBODY: AYE

JOHNSON: All those opposed?

(Commissioner Torres entered the hearing.)

JOHNSON: Our agenda is approved for October 3rd.

JOHNSON: At this time --

BARCA: October 3rd?

**B. Communications from the Public**

JOHNSON: October 3rd. That's right. At this time if there's any communications from the public that have something other to do with what's on our agenda and that would be the capital facilities or the urban hold removal on 179th, we would take that comments now. Seeing none, we will move on to the first item.

JOHNSON: And I would take a motion if my fellow Commissioners would hear that with the assumption is that there are more people here for the 179th than the capital facility and traffic impact fees that maybe we could push that one first and the other one is probably a little bit contingent on that.

SWINDELL: Make a **MOTION** that we move CPZ2019-00031 to the beginning of the hearing, of the agenda.

TORRES: **Second.**

JOHNSON: All those in favor?

EVERYBODY: AYE

JOHNSON: All those opposed? Okay. So we'll start with, Mr. Hermen, we'll start with the I-5/179th.

### **PUBLIC HEARING ITEMS**

**A. CPZ2019-00031 – I-5/NE 179<sup>th</sup> St. Area Urban Holding Overlay Removal**

An amendment to the Comprehensive Growth Management Plan 2015-2035 and zoning map to remove the Urban Holding Overlay near the I-5/NE 179th St. Interchange.

**Staff Contact: Matt Hermen at (564) 397-4343 or [Matt.hermen@clark.wa.gov](mailto:Matt.hermen@clark.wa.gov)**

**Alternate Staff Contact: Oliver Orjiako at (564)397-4112**

**Or [Oliver.orjiako@clark.wa.gov](mailto:Oliver.orjiako@clark.wa.gov)**

ORJIAKO: Okay. Good evening, Planning Commission members, for the record, Oliver Orjiako, Community Planning Director.

So this evening we are going to present or have a discussion with the Planning Commission on the removal of urban holding in the 179 and I-5 corridor. The Planning Commission will recall that you've had multiple hearings, if I may, on four development or proposals, this is an attempt or this is a proposal to remove urban holding for the entire area that comprises about 2200 acres.

There is no development in front of the Planning Commission, this is a comprehensive plan action to remove the overlay that applies to this area, so there is no development in front of you, there is no zone change in front of you, the zoning for the area have already been made.

This is an action to remove the urban holding for the entire area. The four proposals that you saw earlier, Hinton, Wollam, Three Creeks and I believe Hinton, those are proposals to develop in the future and they will be submitting application in the future to develop their property.

So this action, again there is no development in front of you, there is no zone change, the action relates to text plan amendment and the plan also removing the, what we call the urban holding overlay on the areas where this, where the overlays are applied, so that is what is before you. The second part of the hearing will focus on the amendment to the capital facilities plan that is also associated with the removal of the urban holding.

So with that, I will turn it over to Matt Hermen to go over our presentation this evening and then both I and Ahmad are here to answer questions. You know Ahmad, he's the Public Works Director, so we are both here and also our legal counsel if you have questions, Matt, we're all here to take and answer your questions. With that, I'll turn it over to Matt.

HERMEN: Good evening, Planning Commission. My name is Matt Hermen. Tonight I'll be

presenting CPZ2019-00031. This is a map amendment proposal to remove the zoning and comprehensive plan for urban holding overlays and amend the comprehensive plan text.

Removal of the urban holding overlays in the Vancouver urban growth area has specific criteria that's defined in our comprehensive plan. There must be a determination that the completion of localized critical links and intersection improvements, we're talking about transportation infrastructure, are reasonably funded as shown on the County's six-year transportation improvement program or through a development agreement. The map here shows where the urban holding overlays are located.

As requested by the Planning Commission at a work session on September 19th, larger maps are provided for you in front of you for your reference and these maps are the same maps that are provided on the project web page and available to the public. Here we are showing the Planning Commission designations that lie underneath the urban holding overlays.

As you can see, land directly adjacent to this interchange is zoned for commercial business with industrial land extending north from the interchange to approximately the 209th Street which is the terminus of the urban growth boundary.

The residential land is planned for -- to transition from urban medium density residential development to low density residential development at the periphery of the urban growth area. The specific zoning categories are shown on this map. The underlying land use classification and zoning designations are not proposed to be amended with the urban holding removal proposal.

In order to allow urban development, Clark County is required to prove that adequate transportation, water and sewer service will be provided. Clark County provides the transportation infrastructure, Clark Public Utilities provides water service in the area, Clark Regional Wastewater District provides the sewer service with the Alliance which is a co-op of several different sewer service utilities operating the treatment facility at Salmon Creek.

So the Growth Management Act requires direct concurrency for transportation. The comprehensive plan adds to that requirement and requires water and sewer to be provided as well. So while water and sewer are not provided in the Growth Management Act, they are required to be provided per our comprehensive plan.

The urban holding map and zoning overlays were applied to the areas in 2004 and 2007 with the expansion of the Vancouver urban growth area because transportation infrastructure in that area lacked adequate capacity to accommodate the urban level development. In 2008, the County approved a circulation plan for the areas that would distribute urban traffic efficiently to the regional transportation facilities.

In 2016, the Washington State Legislature awarded \$50 million to the Department of Transportation for improvements at the I-5/179th interchange. The legislature allocated the

\$50 million for the State's biennium, for the State's biennium budget in 2023 to 2025.

The improvements needed on the Clark County transportation system are identified in the comprehensive plan and may include those depicted on this map that entails 179th from Delfel Road to 15th Avenue; an extension of 15th Avenue from 179th to 10th Avenue; 10th Avenue from 149th to 154th shown here, this is to complete the bridge construction over Whipple Creek that was recently completed in last year. And then two intersection projects, intersections at N.E. 129th Street at 29th Avenue and the intersection at N.E. 179th at 50th Avenue, these projects not only provide capacity relief, but also safety relief in the area.

In the comprehensive plan, water and sewer service providers have demonstrated the ability to serve urban holding as planned. The capital facilities plan element, Page 171 and Page 174, both Clark Public Utilities and the Alliance demonstrate that they have the capacity to provide for the designations in the comprehensive plan.

On August 20th, the Clark County Council approved Resolution 2019-08-05. This resolution shows a financing plan to build the necessary public infrastructure needed to serve the demand of the urban level density in the area. The selection of the financing plan was a significant step forward. It directed staff to move forward with removing urban holding in the entire area satisfying the comprehensive plan criteria to reasonably fund the completion of the localized critical links and intersection improvements.

The resolution signed on August 20th also authorized the County to enter into Development Agreements for four developments that Oliver mentioned earlier. This gave the developments the ability to apply for land development applications, but forbid the approval of those development applications until urban holding is officially removed from those properties.

This graphic here shows the selected financing plan. The public financing plan that was chosen by Clark County Council on August 20th, 2019, consists of 8,800,000 of County road funds; a onetime allocation of \$2 million of road preservation funds; \$15.4 million of real estate excise taxes, REET 2; \$2.7 million of County road funds approved by Resolution 2018-12-05; \$11 million in State and Federal grants; 6.8 million in advanced TIF payment required by the four developments in those Developer Agreements; \$5.3 million of surcharges required in those Development Agreements; and, 14.5 in traffic impact fees.

The Resolution that was approved on August 20th did not remove urban holding. There are several steps and actions required to remove the urban holding, this public hearing is one of those. The steps required for urban holding to be removed are approving the 2020-2025 transportation improvement plan, that's our six-year transportation improvement program; amend the capital facilities plan; increase traffic impact fees; approve the financing plan in the 2020 budget; declare the critical links and intersection improvements reasonably funded; and, finally, remove the urban holding overlays.

At the September 19th Planning Commission work session, there was a request for additional

information. The PC asked the balance of REET 2 after the allocation to the projects. The REET 2 balance after the allocations to the urban holding projects and separate allocations to parks and the railroad would be \$2.6 million balance after 2024. The estimated build-out of the urban holding area is expected to be around 5,000-housing units with approximately 3,000 jobs.

Also, the Planning Commission requested a map showing the school districts in relation to the urban holding area, here we're showing that map. In blue you are seeing the Ridgefield School District, in yellow is the Battle Ground School District and a small portion of the Vancouver School District is within the urban holding area.

In conclusion, staff has reviewed the proposal with the applicable criteria and recommends approval to remove the urban holding overlays and amend the comprehensive plan text. I'll be happy to answer any questions.

JOHNSON: Questions?

BARCA: So, Matt, this isn't necessarily a question, but I think because of the size of the audience I think it would be worthwhile to explain the mechanism of what we're doing in the context of removing urban holding what that starts or allows to take place for the land that's in question.

HERMEN: Sure. So currently the urban holding is in layman's terms a restrictor plate on urban development. Land cannot be subdivided with the urban holding in place. In order to subdivide, we have to show that transportation infrastructure, which is lacking in the area, has the capacity to serve that urban density development.

So removing the urban holding overlay would allow subdivision to occur, would allow, would require new demand on those transportation infrastructures, the financing plan that the Council selected puts money and dollars to those transportation facilities to accommodate that urban demand when it occurs through subdivision actions.

BARCA: Thank you.

JOHNSON: Matt, so just a little bit more of that. So basically how bike paths are going to be drawn up, how sidewalks, how all kinds of things, that is not to be determined right now.

HERMEN: Correct.

JOHNSON: What we are determining is we are just removing the urban hold on properties, zoning is not going to change, nothing is going to change except for the ability to begin that process; correct?

HERMEN: Correct. So in 2007 when we expanded the urban growth boundary for Vancouver,

this urban holding overlay was placed on those properties, that 2200 acres because that transportation infrastructure wasn't in place to serve it, by removing it we are, we have done our circulation planning previously, we have now gone through the County Council and determined a mechanism to fund the necessary infrastructure. The planning of the sidewalks, trails, happens as development occurs.

JOHNSON: Okay. Questions?

TORRES: I just have a question on the process. Assuming the overlay's removed, the development, the money that comes from this financing plan, it's released in portions depending on what's developed, is that how the process would work?

ORJIAKO: You want to answer that?

QAYOUMI: Good evening, Council, Commissioners. Ahmad Qayoumi, Public Works. So the way we have talked to Council on the financing package that I think we just saw, so we already have a planning and how this project is going to be delivered.

The goal is to get all the projects designed like the step one, that area like you saw like 10th Avenue, the 179th, 15th Avenue, Delfel area and also the intersection of 29th and 50th are going to be done as what's called a step one and the goal is to get those design and deliver for bidding by end of 2023 or beginning of 2024 and then we have about six years to complete it, so by 2026 we are hoping to get all this construction completed.

Some of the project might start sooner, for example, 10th Avenue between 154th, 149th, we're in the design process and we have a lot of the funding already for that project, that should be going out to bid next year, you might have seen the construction of that sooner but the other ones will come along afterwards.

We also have talked to Council about the next step and like improvement of 179th Avenue from N.W. 11th all the way to N.E. 50th Avenue and that's going to be part of the next phase and a couple of other projects that's involved in that, but primarily step one to create the capacity in order to meet the requirement for lifting the urban holding and the capacity needed for development of those areas.

TORRES: Okay. Thank you.

SWINDELL: I want to ask. So if this happens, what are the timeline of when do you think the soonest anything's going to occur out there, I just heard 2026?

QAYOUMI: Well, one of the things that's part of the Growth Management Act is if the projects are reasonably funded, then that's enough to allow the development to happen in that area. So that means that there's enough funding that's going to be going toward it, it's going to take some time to build it; however, there's no reason to hold the project, the development is to

occur because there's a funding mechanism in place, there's a plan to construction to complete that. So it doesn't have to be in place because the development is going to take a long time to develop, so therefore, if once the project is reasonably funded for all those projects, then development is going to occur in the area.

SWINDELL: So the development can happen, some of the improvements will happen with that development, they're going to be required to do some of those and then there's going to be some that are coming later after those developments as we're able to --

ORJIAKO: That's correct because as you create capacity it improve safety, it addresses other issues that will enable other property owners also to apply to develop their property. Right now there is no capacity, so the development and the design and building of the infrastructure will make that feasible.

So that's really what will happen, but is there a time lag, yes, because as Ahmad indicated you got to design the road, you got to do all that, you got to go after the grant, the permit will come, the financing will follow that to make sure that then the project that we've identified that needs to be built is properly designed and then build so that the development may then occur, but because we don't have the infrastructure to make that happen, a majority of these property owners have been on hold for quite some time, so this is the effort to open that area up.

As Matt indicated there is opportunity if things go well as planned there is opportunity for job creation in that area in the neighborhood of close to 5,000 new jobs and likely between 4 or 5,000 new homes, so there's some kind of a balance there, but this infrastructure improvement need to line up for those to occur.

QAYOUMI: And I want to just also update that we had on our funding package we had said that we're going to seek about \$11 million in grants, we're already making good effort, progress on that one, Regional Transportation Council awarded about \$2.25 million already toward these projects, so we are making good progress already.

SWINDELL: I heard you mention that the State has 50, is it \$50 million in their budget in the biennium of '23-'25?

HERMEN: That's correct.

SWINDELL: And that is specifically for the overpass; is that correct?

QAYOUMI: That's for, yeah, that is for just the interchange.

SWINDELL: The interchange.

QAYOUMI: The other ones that we have listed for the county projects those are all county

responsibility.

SWINDELL: Are all surrounding all that.

QAYOUMI: Yes.

SWINDELL: Okay.

QAYOUMI: So that would be in addition to what we are doing in terms of funding.

SWINDELL: Okay. Thank you.

BARCA: I need a clarification, Oliver. You mentioned the number of potential jobs that could be created, none of the Development Agreements include any job creation land though, do they?

ORJIAKO: Not in this phase, not among the four. Killian Pacific also has potential for job creation. Killian Pacific, yes, his property is not entirely residential.

BARCA: Okay. Thank you.

ORJIAKO: Yeah. And I may also add that there are interests to develop the job areas located along N.E. 10th, there are people inquiring and this action will help to facilitate that and it will take some time, but, you know, this is to create the opportunity and the environment for that to occur.

JOHNSON: Questions or comments? Good? Okay. Bringing it back here. At this time is where we will invite the public to comment, and I have about six people, or excuse me, five people on this one. So I'm assuming that, that we signed up for the right sheets because on the capital facilities and traffic impact fees we have a lot, so if you need to come speak to the 179th and you signed the wrong paper just let me know, I mean in a minute. So what I'd like to do is bring up Sally Devore. Jeff Scholl and, is that right, Jeff, are you here?

### **PUBLIC TESTIMONY**

SCHOLL: I'm here.

JOHNSON: Do you want to come up here. And then, Sally, are you here?

DEVORE: I just thought we had to sign in. I don't want to talk.

JOHNSON: Sure. Okay. Jeff. And then Louie. Is it Louie? Louie, are you here, Louie? Starts with a Q it looks like. Jamie, you're here, do you want to come up. I'm just trying to get them going here. So when you come up, can you please state your name in a very slow methodical

way for the court reporter and spell it and then go ahead and make your statement, so...

SCHOLL: I have more of a question than a statement.

HOLLEY: You need to talk in the microphone.

JOHNSON: Yeah, you got to talk in the mic. Either way, question or statement, we can try to do it.

SCHOLL: Jeff Scholl, S-c-h-o-l-l. I'm looking for some date clarification. I was under the impression 2023 versus 2026 on a lot of the roadwork, but more importantly the lifting of the urban holding, I'm hearing February would be the absolute earliest. What would cause that to slide out and what increments of sliding would it be following February if it were to slide, would it be, what should we expect?

JOHNSON: Check with staff on this.

HERMEN: So as far as the timing goes, the money for the interchange starts flowing down to the Washington Department of Transportation in the 2023-2025 biennium, that doesn't mean that construction starts at that time. As far as our time for the local roads, as Ahmad indicated, we're hoping to have a lot of that constructed.

QAYOUMI: Yeah. Our goal is to get all four projects that we have outlined their design and go out to bid by at the latest the end of 2023. The section like at 10th Avenue we're hoping to start construction of that in about a year and a half or so, so that will start and then we're going to be working on design, getting the environmental permit, the right-of-way acquisition and have it ready for bidding by 2023.

SCHOLL: And the removal of the holding or urban holding, is that date complete or is it still in doubt?

ORJIAKO: We are looking at, with the recommendation of the Planning Commission, we are looking at going to Council sometime in early February, the some of the decision that the Council made has some budgetary implication that they have to take, they have to make when they approve the 2020 budget.

So we are looking at earliest of removal of urban holding by the action of the Council to be sometime in mid-February, and if they adopt that, which they will by ordinance, there will be additional ten days before that goes into effect, but it will be in 2020.

SCHOLL: Thank you.

JOHNSON: I hope that answers your questions. Thank you. Jamie.

HOWSLEY: Yes. And for the record, Jamie Howsley, 1499 S.E. Tech Center Place, Suite 380, Vancouver, Washington, 98683.

I mostly came here to testify in regards to the capital facilities plan tonight and you're kind of taking it in reverse order, but since we're talking about the 179th I just thought I would give my two cents again and remind the Planning Commission that the private sector and the public sector have worked for a better part of 12 years or longer now to develop a finance plan to allow for these critical infrastructure needs out there so that we can go ahead and release the urban holding designation.

Again, as the Planning Commission has already heard from the four development parties that were a part of the Development Agreement, they stepped up with a significant amount of contribution guaranteeing funds that the County can then leverage to go out and make these projects reality.

I think with that being said, again I want to reserve some of my statements earlier related to the capital facilities plan, but I do think it's really important to recognize that the development community is going to be paying a significant amount of money through traffic impact fees as this stuff develops. I think we'll have the second or third highest TIF in the state in this area and again it's just where we're headed with the finance plan.

So, again, we appreciate this next step in the process, we look forward to continuing with the Council and the budgetary process and then look forward to coming back here and getting the removal of sometime in early 2020 so projects can move forward. So with that and there's no questions for me I'll yield. Thank you.

JOHNSON: Questions? Thank you. Is it R. Tom Smith, is that right, did I get that, Tom?

SMITH: You got it right. I'm Tom Smith. Address 14601 N.E. 24th Avenue, Vancouver. I represent several clients along N.E. 10th and several of them are getting quite old and they really appreciate the efforts of you folks trying to move it along so that the land becomes marketable.

Two of the parcels that I've been involved with trying to market are designated light industrial. Light industrial really requires sewer and natural gas. So their question that I'm asking for them, has the infrastructure plan progressed enough that you have any kind of timeline? I understand you're doing, you know, the traffic congestion issues right now, but the sewer and natural gas and other underground utilities come along with that.

ORJIAKO: Yes. Those are what we call system development charges and as development comes in, they approach the sewer providers or the utility providers and make sure that those are in place. This area is already planned for an urban area and urban level of development.

As Matt indicated earlier, Clark Public Utility will be the one providing electricity, water and

sewer will be, used to be called Hazel Dell Sewer District, now Clark Regional Wastewater, they will be in charge of providing sewer and the developers will pay for the cost of those type of services, that's why I said it's called system development charges, yes.

SMITH: I am aware of that. Thank you. So the point is the infrastructure goes in but of course as the land gets developed by developers for its various uses, usages, there is the need for the developers to pay those development charges, but the question is more will the infrastructure go in and then those charges go or if I mean if a piece of property sells close to 179th and then one closer to 209th you got a gap to, you know, provide sewer and natural gas and so on.

QAYOUMI: So we have talked to the all the utility providers, they have providing sewer and all utilities within this area as part of their master plan, so a lot of detail work and when that's going to be extended or how long it needs to be extended is part of site plan application.

When you submit a site plan application, then your engineer or we're going to be in work or coordinate that with the utility providers to make sure that that site is serviced before the construction begins. A lot of times those kind of coordination efforts will be done at the time of site plan approval, but what they have indicated at that you're providing a utility with this area are as part of their master plan and they're able to provide the services to all these properties.

SMITH: The timeline would really be dependent upon when somebody bought the land and decided to develop it and then there was a need for that corridor so everybody better sell their land real quick at the same time then and get it developed. Okay.

Well, once again, on behalf of my clients we really appreciate your efforts removing this urban hold, it's really been tough for anybody to hold land in that area to really think about retirement or moving on, so we appreciate that.

JOHNSON: Thank you, Tom. One more time, I have a Louie and I am doing my best job, it looks like either G-u-e or Q-u-e-r or an i-o-v, Louie, are you out there? All right. And for some reason you felt you were unheard, just let me know. Okay. With that, that is the extent of the list for the 179th Street urban overlay removal, and I will bring it back to the Commission for --

BARCA: No, you need to see if there's anybody else.

JOHNSON: Is there anybody else that I missed? Excuse me.

CERAVOLO: I signed up for the wrong list.

JOHNSON: That's right, I was going to do that. So why don't you come on up and give me your name, and then if there's anybody else that did that that signed up for the capital facilities and we got on the wrong list let me know. And your name is?

CERAVOLO: My name is Tracy Ceravolo, C-e-r-a-v-o-l-o.

HOLLEY: C-e-r --

CERAVOLO: -- a-v-o-l-o. My question is about I-5 actually. You know, I'm just wondering what it's going to be like for people to drive into Portland once this is all developed and I don't hear any mention of that when we're talking about, I mean maybe I missed something, but since we have those really old bridges right there we're going to add more residential into the area, I'm wondering how that's going to impact everybody and is that a thought process that we have to deal with before we bring more and more houses into the area?

QAYOUMI: Well, so for the interchange at 179th and I-5 --

CERAVOLO: No, I'm talking about the bridge, I'm sorry.

QAYOUMI: The I-5 Bridge?

CERAVOLO: Yes.

QAYOUMI: Oh, I think that's in discussion right now because that's more of a bistate effort between the State of Washington and Oregon, I think they already have the discussion started, from my understanding the legislatures have provided some funding to start the project and the discussion on that one and we're going to be in partner with them, but they will be having the lead right now and they are working on that.

CERAVOLO: So we're not worried about that yet? I mean that's -- there's no stipulation that we need to deal with the I-5 Bridge before we add thousands and thousands of more cars?

QAYOUMI: That is part of the -- because a lot of times you look, you have to look at the future projection, the current traffic and what the growth is going to be. So my understanding is that with the, that I-5 project there will be part of the development to create that capacity for the future needs will be to make sure that bistates are regional needs and for the freight mobility and also moving the cars back and forth are met, but for the local improvement like we have jurisdiction over will be like the interchange improvement where I-5 and 179th plus the other ones that we have to do in order to provide capacity for the local developments for the county.

CERAVOLO: The other question I had is what does it serve to dump such a large urban holding, what does it do to open up such a large area at once, is that beneficial or is like, you know, if I'm going to graze my goats, it's better to graze them on small sections so that section gets, you know, eaten down better before you move them on to the next section, right, it's more efficient that way, is it not the same way for this, would it not be done more efficiently if it was done in smaller areas at once?

JOHNSON: I think it naturally will be based on a timeline of how it's built. For example, we're not -- at one time I think there are four subdivisions right now, they're not all there, there's not

5,000 units going to be produced, it's based on the premise that the State is coming in building an overpass that probably is desperately needed in that area.

The other side of that is then you say, well, we have our responsibilities to connect that or so then you start looking at property that was already zoned that and removal of an urban hold is just that, at those times and at the speed that the funding and those things happen, it's not going to be something that happens at once, it will be processed through. Now, how expeditious that is, it's based on a lot of indicators, but I'm sure that there are a lot of people looking at that and how it impacts the bridges north and south.

HERMEN: So, ma'am, I think I got your question kind of confused.

CERAVOLO: It was two different questions.

HERMEN: Okay. So the urban growth boundary when it was enlarged in 2007, that was based on the population that was projected at the time. So it's not a reallocation of the existing population, it's accommodating future population as how that area was defined. Does that help answer your question?

CERAVOLO: No, I'm sorry. And I could be, maybe I need to have a side discussion with somebody about this if that's possible.

ORJIAKO: We can talk offline and I think Matt is correct, this plan or the current plan is still for 2035, that is the planning horizon, it's up to 2035.

CERAVOLO: You mean for all development to be finished by 2035, is that what you mean?

ORJIAKO: Yeah, within the urban growth boundary of Vancouver and all the other cities and the population that the county was planning for and the planning horizon is up to 2035, even if we were to lift the urban holding tomorrow, we don't anticipate that this 2200 will develop immediately --

CERAVOLO: Right.

ORJIAKO: -- it will take some time. The planning and the phasing of the development as well as the construction of the necessary infrastructure will take some time --

CERAVOLO: Yeah.

ORJIAKO: -- before that happens. Yes, it would have been preferable if you were to do in phases, but we don't own that property, individuals own that and they will come at the time that they have the ability and the funding to develop their property.

CERAVOLO: Because what I had understood originally was the urban growth boundary was

going to be moved up to, you know, was going to be lifted up to 107 or 199th and then it was going to be lifted up to 209th, you know, and then now I hear that it's all going to be lifted at the same time, is that not --

HERMEN: So that's what the proposal is to remove the entire urban holding area, not doing it in phases, but doing the entire urban holding area up to 209th Street.

CERAVOLO: So who is that serving, like is that to benefit the developers or is that somehow benefiting property owners like that gentleman is representing, who is that benefiting? It just seems to me why don't we keep it how we were going to have it where it's done partially and then that's filled and occupied and then you do the next section of it.

QAYOUMI: I think the phasing of, we had looked at that phasing on this project is going to be extremely complicated, who are we going to prioritize, who can develop first.

One of the thing with the, when we looked at the capacity and infrastructure need for the transportation it had to be because there's a trigger, there's no capacity right now involved. So in order to build the capacity it cannot meet it, like I'm going to build a little bit here and then a little bit later there, it has to be done all at one time, and when that is funded and reasonably funded, then that is going to create capacity and the capacity created is for that entire urban holding, that way that all the property owners who have been waiting for a really long time, I think since 2007, now they have the ability to plan and develop.

And the -- all the housing on this one is going to take several years before they're built, most of them are market driven. The four developments that we have here, they are about 800 homes or so, is going to take a while for them to develop and then other properties will come along, but I think, I don't think they will be here a year, two years, it will probably be several years before the area is developed, so...

And I understand your point about phasing it, but we looked at it, it's going to be extremely complicated in how we prioritize who goes first, who goes second because the trips are distribute all over the area, not just in one location.

CERAVOLO: All right. Thank you.

JOHNSON: Yes.

COOK: Thanks. Christine Cook, Deputy Prosecuting Attorney. I also wanted to, first of all, Ahmad hit it right on the head, this is very much a chicken and egg thing where you have to have the funding for the projects to get the developments, but you have to get the development to get the funding for the projects and there are a lot of things that need to be done to the transportation infrastructure out here and all of that suggests that you need to have a kind of massive effort to get it done rather than trying a piece at a time and maybe one developer has enough funding to do something significant but another developer doesn't, so

the idea is to address it all.

The other item I was going to mention was that I don't believe there was any adopted plan ever that I know of to do it, you know, first up to 179th and then up to 199th and so on that that is not something I'm aware of, so this doesn't change anything that was previously adopted like that.

JOHNSON: Okay. Thank you.

COOK: You're welcome.

JOHNSON: Is there any other people that would like to speak to 179th that didn't get to? Do you want to come forward, sir, and state your name. Are you on the other, did you sign up on the one?

HANN: No, I'm not on the other list.

JOHNSON: Oh, okay. Can you give me your name and your spelling, yeah.

HANN: Thomas Hann, I'm at 13 or 18305 N.E. 50th, we're just outside of this across the street on 50th.

BARCA: Spell your last name.

JOHNSON: Spell your last name.

HANN: The last name is Hann, H-a-n-n. You mentioned earlier about the development of the intersections at 29th and 50th, the highlight on your graphic did not show the 179th between those intersections had projects identified, I'm just curious what the intersection improvements are and at what point does expansion of 179th need to occur to support the capacity of those intersections?

QAYOUMI: So good question. So first we're going to try to identify, improve the intersections so it creates the capacity, that's part of the second step as I mentioned. The 179th improvement is going to be done from N.W. 11 all the way to 50th, so that will be done in the second phase, but if the planning shows that we need to improve between that, 179th between 29th Street and 50th in order to make sure it's safe, then that will be part of it, but we have not done enough engineering on it to make sure I can say yes for sure or not but, and there will be enough transition there to make sure the intersection is operating safely but, and if there's some gap between them, it will be addressed later on as part of the 179th improvement.

HERMEN: So also if you stay for the next hearing on the capital facilities plan, you'll see a proposal to add that section of 179th onto our capital facilities plan.

HANN: The intersection improvements would be adding like turning lanes or --

QAYOUMI: Yes. It would be more like urbanized intersections so it could be a traffic signal or roundabout, but we're going to evaluate all of them before deciding which one to go by, but right now that's not only the current traffic, but background growth like the area that has grown that's growth plus the traffic from the new developments to make sure they accommodated all those trips.

HANN: Okay. Thank you.

JOHNSON: Yes. Come forward. Once, again, did you sign the other sheet?

TOSCANO: No.

JOHNSON: Oh, okay, that's all right. Come on. Hi.

TOSCANO: Joseph Toscano, N.W. 184th Street.

HOLLEY: Spell your last name, please.

TOSCANO: T as in Tom o-s-c-a-n-o. So in February if the Commissioners approve the lifting of the urban growth, there are four projects that are currently waiting for that to happen, and in February, do they then have to go through a permitting process and application and so are we looking at two years after that before the project would, development would begin?

And the other question I had, Matt mentioned that you could go ahead and subdivide your property once urban holding is removed, what good would that do if you can't do anything with the property until the infrastructure is in place?

QAYOUMI: I think as I mentioned before, once the projects are reasonably funded, you can submit your application and start subdividing and go through the development of your site because the projects are reasonably funded and we have, we're going to start the design process for all those infrastructures and we're going to go out to bid, but in terms of what the, and correct me if I'm wrong, Chris, the State law says if a project was reasonably funded means that the capacity basically is created to allow the development to go there, so allows us time for us to actually finish building the infrastructure.

So once the Council adopts the budget and the capital facilities plan and also the updated traffic impact fee, you can start submitting your application after that's adoption could be late February and go through that process and start developing your sites.

TOSCANO: So does the traffic improvements have to be in place before the development can start or will it be concomitant with the development?

HERMEN: So State law allows development to happen when transportation improvements are reasonably funded in that six years, something Growth Management Act calls concurrency, but it establishes that that transportation infrastructure that's needed to serve that urban development will be in place in that six-year time frame.

TOSCANO: So the developments may be finished before the things are in place.

HERMEN: Correct.

TOSCANO: Yeah, they could be. Thank you.

JOHNSON: Is there anybody else that would like to speak to the I-5/NE 179th Street that did not be heard? Okay. With that said, we'll bring it back to the Commission. Gentlemen, comments.

### **RETURN TO PLANNING COMMISSION**

BARCA: I need some clarification, please. Based on some of the things that you said I just want to get full understanding. The projects that are on the capital facilities plan that we expect to have done in the next six years, that is all that we have identified right now, but that does not fund the full development of the area that's going to have urban holding lifted; is that correct?

HERMEN: So the projects that we're showing on this map are the projects needed to serve the entire urban development in that urban holding area. Those projects cannot be funded, fully funded until we add projects onto our capital facilities plan which you'll see at a later hearing in order to increase the TIFs to pay for those projects.

BARCA: Okay. Let me rephrase it then. Once we lift urban holding, can we go to full build-out with just those projects done?

HERMEN: Yes.

COOK: I'm sorry, I don't mean to contradict, but I'm sure that there would be other projects, you know, some of them very localized to particular developments, you know, an interior street or an access to a larger street that would ultimately have to be funded but those would be the business of the developer, the applicant for development and the County when an application comes in, oh, you want to subdivide here, you'll need to put in this kind of street network and have this sort of access and these sidewalks, bike lanes, signals, whatever.

So many of those decisions are made at the time of development application rather than what we have now which is a very, very broad brush sort of decision-making. Again, it with a serious chicken and egg situation, either something starts somewhere or nothing ever starts, so these are projects that can be identified as necessary right now.

QAYOUMI: That's a good point. These are what's called regionally significant projects to -- in order to accommodate the trips from the area that are generated, but the site application, site development will be to address their own traffic generated from each subdivision which includes water, sewer, streets, sidewalks and trails and bike lanes, but these are to just make sure that the trips generated from the area and also the existing trips are accommodated what's called regionally significant projects.

JOHNSON: Comments?

SWINDELL: No. No.

JOHNSON: Gentlemen?

HALBERT: I have none.

JOHNSON: Okay. Just generally speaking, once again I want to lay this back out, Matt, we're talking about a very broad, I like Counsel Cook's broad stroke here, we are not talking about specifics as far as bike lanes, I keep bringing up bike lanes, but anything that has to do with, we are removing something that is over the top of existing zoning and that zoning is not being changed today.

ORJIAKO: Yes.

HERMEN: The underlying zoning that was applied in 2004, 2007 and may have been amended in 2016 during the comprehensive plan update is not proposed to change. The only thing that's proposed to change is an overlay that's over those zoning designations and the land use classifications.

JOHNSON: And even though we have four subdivisions that have been approved by this body that those still have to go through planning, all kinds of --

HERMEN: And permitting.

JOHNSON: -- permitting --

ORJIAKO: Yes.

JOHNSON: -- and that will be another great time for people to be involved in that specific decision-making.

ORJIAKO: They will have to go through the hearing examiner and the public will have opportunity also to testify through the hearing examiner process.

JOHNSON: Okay. Great. Any other comments or questions, gentlemen?

HALBERT: I have a question. The four applications that we've been talking about, are they subdivisions or commercial or industrial?

ORJIAKO: They are a mix if I may say so, there are as I indicated earlier Three Creeks known as Killian property is a mix of commercial and residential and then the other three are primarily residential, those are the four that we have in the pipeline and there are others that are waiting for the urban holding to be removed.

If you look at the map shown here, there are some areas that are zoned primarily commercial that are not in urban holding that they can develop, but again as we indicated some of the local project that the county has to do to provide capacity is also what is tying them down, so this is an effort to fund those critical links to open up the area so, but the four applications predominantly residential but there is a mix of commercial in there.

HALBERT: Thank you.

SWINDELL: I guess I'd like to make a comment. One of the things that I like about this is that the opportunity for the jobs in the future, creating more jobs, we really need to have that opportunity and I think this is really going to help that.

It's going to take 20 years, 25, 30 years to get it done depending upon the economy and a lot of different things and I think one of your concerns, Tracy, was, you know, how quick is this going to happen, are we going to, you know, shouldn't we let it go in little pieces and it will go in pieces and it will be driven by the need for housing, it will be driven by the need for jobs.

I think getting these things reasonably funded and allow that to happen naturally will also help to lower costs. If we keep this land tied up, it artificially increases land prices and I think if anything we can do to take that restriction away and allow it to happen naturally will help to keep the cost of housing down, maybe not as low as we'd like it, but at least keep it as low as we possibly can. And I know everybody's worked hard for a lot of years on this.

It really felt like as we got it presented to us in the past, you know, we're seeing the four developers coming together, we're seeing that first and it just really felt a little out of order to me at least, and I think to the public as well, it's like what are we doing, we're agreeing to something we haven't really seen it and, but I know there was a lot of effort put to put that together from the developers and others with \$26.2 million, there's extra fees they put on top of themselves, these four developers, to help everyone in the region. I think there's a little bit of sacrifice there that I mean from everybody and I think it's going to help an entire community, so I really like this idea.

BARCA: I've got a question for staff. Going back to your staff report on Page 7, it says C, as one of the findings, "The map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity," what kind of

appropriately designated sites are you referring to in that? When I read the paragraph I'm a little bit lost as to what we have a scarcity of.

HERMEN: You're on Page 7?

BARCA: Page 7 is where C starts and then it goes to 8.

SWINDELL: Where are you at in there?

BARCA: Huh?

SWINDELL: Are you at in the Conclusion area or are you up in the upper paragraph under Findings?

HERMEN: I'm sorry, Commissioner, I'm not finding it right now. I see C, the criteria for C is the map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity, that's the criteria.

BARCA: Yeah.

HERMEN: Then the following finding is made, I don't want to read that entire paragraph. But as far as alternative sites, this is the only urban holding area in the Vancouver urban growth boundary that is currently in place, this would remove any other urban, all urban holding in the Vancouver urban growth area.

BARCA: So is that the intent we were like looking for, which urban holding to lift and this became the most appropriate one?

ORJIAKO: There is nothing else to compare this to and there is no other alternative site if you follow the criteria under C and if you lift the urban holding, it will be compatible with other areas in the vicinity of this site that is not in urban holding.

You look at this map the areas that are not crosshatched and not in urban holding, if you remove that, it will be predominantly compatible with what is already planned for the area and how the area is planned to develop, so for that criteria I think this action would meet that.

BARCA: Okay. It seems like we just kind of shoehorned that in to make that fit as appropriate, but... I guess looking at this and understanding the concern I'm still wondering about as projects come forward how we think that we're not going to be needing to designate additional project money towards this.

There seems to be something that I think we're leading the public out towards the idea that we're going to knock those few projects out and then the entire lifted urban holdings going to be ready to go. The reality of my concern seems to be in the idea that we're going to be

running out of capacity, transportation capacity long before we will have done the build-out for this area.

The residents of the area are going to see that when those 800 homes go in and the interchange isn't fixed, life's going to be quite different there for quite some time and I'm not quite sure that if you're not planning on selling how this feels like this is going to be a benefit for them as a landowner. The impact of what we're seeing is transportation impact fees are going to be raised significantly in the area.

Well, impact fees have already come forward and said that they're going to be raising significantly, so anybody that's holding on to their land and thinks they're going to be building something is going to be hit with the financial impact of this becoming a very popular area to be, build in and I'm not quite sure that we've done a good job of explaining the story that the region will benefit but the impacts to individuals are going to be much more significant than that.

So that was why I continued to ask the question about other projects and what's going to happen, how long before we run out of that available transportation capacity as we try and build more projects and then we're going to go through other rounds of similar nature.

QAYOUMI: So I think we looking at what the demand will be for the capacity based on the projection for 2035, those identified projects that we have just shown there that which included 29th and 179th, 50th and 179th and also the improvement along 179th nearby the interchange on 15th Avenue and also Delfel and also 10th Avenue creates based on our modeling sufficient capacity to address the demand for this new development plus what the existing traffic is there, so that's addressing those capacity constraints.

And we work with Council for approximately about ten months and we provide about nine different funding options in terms of how we're going to fund those projects in order to make the project reasonably funded and that included increasing some of the traffic impact fee, getting some funding. I think the one that the different funding packages that Matt showed you on what he called the Option 8.

So we went that through that with the Council and they selected that Option 8 which includes some of the increasing in traffic impact fee and also working with the development community because this was an effort not only to from the County side, but also bringing the private sector to do kind of public/private partnership and they've committed themselves to giving \$6.8 million even though they might, their project might take a little bit longer, so that will help us to get more local share increased so we can get more grants.

So there's quite a bit of effort made in order to get a lot of these projects funded. So in terms of compared to other projects or previously large areas, this has a lot more effort made and more commitment in terms of funding to make these projects happening.

SWINDELL: Can I ask what year this was put in urban holding just to refresh my memory?

ORJIAKO: It was put in the urban growth boundary in '04 and '07 and reaffirmed in 2016. And the Planning Commission is aware that it takes time in terms of planning, if you look at other areas where the County applied urban holding, we identified where the transportation or what the issues are.

You can take example of Fifth Plain Creek, that came before you, we know what needs to happen there. You look at the Orchards area when that area was removed also, we identified the projects that needs to be built and that was also done. If you look out on the east side Pipeline 1 known as Pipeline 1 or Pipeline 2, we identified the project that needs to be built, we work with other planning partners, the school district and others and acquire the necessary infrastructure, if you will, that needs to occur before those areas are developed.

This is a little bit unique in the sense that you have the interchange which the State is a player, but we the County has to do our own part and we've identified the other areas that needs to be developed to firstly take capacity as the State do their own part. I think the issue here is timing. I don't anticipate that this will occur in the next five years or so, it will take some time to make sure that this occurs.

There are other roadways that needs to be improved to bring capacity for the area and bring adequate circulation for the area. The development or the Development Agreement that came before you, they identified their own part, you know, access point, internal streets that need to be build, they're going to build that on themselves or by themselves, but at the same time the County will have to pay in this case public share.

It is true that you heard from the school district and they ask for increase in their own school impact fees, some of those school district are not located here for example. The only two, the only three school districts here are Battle Ground, Vancouver and Ridgefield. Battle Ground haven't submitted their own CFP or impact fee, neither have Vancouver, so I don't know what else to say, but it cost money to prepare for this infrastructure to occur.

Clark Regional Wastewater have already planned for their own 20 and 6 year on how they're going to provide sewer for this area. I think that's what I call planning and partnering with our other planning partners to make sure that this occurs. There's no other way to do it. It is a very difficult area to develop.

Some of you have traveled along 179th. It is -- you're going to see this later, the need to improve 179th is included in the CFP, at least that you're going to go through, and there are other properties, other roadways that needs to be added to create capacity, some of that is going to be required, the developers to do their own frontage improvement for example, so there is a collective effort to make this happen, it's going to take some time.

When you say lack of planning, I disagree, I don't think that that's the case, this is where the

private sector and the public sector have come together. Is it perfect, no, but as Matt have indicated they have come up and willing to pay their impact fee upfront and also to pay additional surcharge to give us a kickoff on how this is going to happen. I don't know how other way you are going to do it, either way the County has to pay our own public share to make this happen.

JOHNSON: Thank you. Any other questions? I would entertain a **motion**.

TORRES: I'll make a **MOTION** that the Clark County Planning Commission approve CPZ2019-00081 (sic), amendment of comprehensive plan and zoning maps to remove urban planning overlay as proposed.

SWINDELL: I'll **second** it.

JOHNSON: We have a motion and a second. Sonja, roll call, please.

#### **ROLL CALL VOTE**

SWINDELL: AYE

TORRES: AYE

BARCA: NO

JOHNSON: AYE

HALBERT: AYE

JOHNSON: Motion is carried 4/1. With that, we'll move on to the second item of our agenda.

#### **PUBLIC HEARING ITEMS**, continued

##### **B. CPZ2019-00017 – Capital Facilities Plan Amendments and Traffic Impact Fees**

Amendments to the Clark County transportation 20-year Capital Facilities Plan and associated traffic impact fees primarily to support the removal of the Urban Holding Overlay near the I-5/NE179th St. interchange.

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HERMEN: Chair, excuse me, can I ask for a little bathroom break here.

JOHNSON: Yes. We'll take a five, ten, how about ten, we'll call it ten, we'll come back here about five till if we can. Thanks.

(Pause in proceedings.)

JOHNSON: Okay. I'd like to return to our hearing. With that, our subject is CPZ2019-00017,

Transportation Capital Facilities Plan Amendment. Staff.

HERMEN: Good evening, Planning Commissioners. Again, my name is Matt Hermen with Public Works. For this hearing I'll be presenting CPZ2019-00017, the amendment to the capital facilities plan and traffic impact fee update.

The proposal for this amendment is to update our 20-year capital facilities plan, CFP for short. It's transportation projects that the County plans on in the next, in the horizon for the comprehensive plan. The traffic impact fee is directly related to the capital facilities plan. When the capital facilities plan changes, so does the traffic impact fee rates, the two are in a symbiotic relationship with each other.

The criteria that you will evaluate with this proposal are consistency with the Growth Management Act, the Washington Administrative Code and policies and implementation measures of the comprehensive plan.

Throughout my presentation I'm going to go through the changes that we are proposing. There are several projects in the capital facilities plan now that we are not proposing to amend, delete or add, I will show those in the future, but for this presentation I'm going to strictly cover those that are changing.

So let's begin with the projects that you see here in red. I know it's a little difficult to see on the screen, but there are projects that either mostly have been completed. One of the big projects over the last ten years is the improvement to 119th throughout the corridor. Our last segment from 72nd Avenue to 87th has been constructed and completed.

The intersection at 47th Avenue and 78th intersection, that included a grade railroad that has been completed. 94th Avenue from Padden Parkway to 99th has been completed. Again, 119th and the bridge over Whipple Creek, 10th Avenue from 154th to 164th. One of our programs, traffic signal optimization has also been completed, so we are recommending deleting these from the capital facilities plan.

Projects that we're proposing to amend in the capital facilities plan are shown here in orange/yellow, orangish yellow. They include 179th from Delfel Road to 15th Avenue. This is a project that currently is in the capital facilities plan, it's slated at around \$27 million. What we are proposing doing is adjusting that amount lower and then adding the project Delfel 179th to 189th.

As I mentioned in the previous hearing, there's an interchange replacement project that's happening with the State of Washington, we are in direct negotiation or coordination with the Department of Transportation and it has been concluded that the segment underneath the interchange is, can be, they can handle that while Clark County can handle the realignment of Delfel Road from 179th to 189th. So if you add those two up, 12 million for 179th and 15 million for Delfel Road you'll arrive at the 27 million.

The intersections of 179th, 29th Avenue and 50th Avenue, in the current CFP they're one line item, we want to separate those to be two separate projects so that when we apply for grants, we can apply for them separately. So we are proposing to split up that 15 million line item currently in the CFP to 9 million at 29th Avenue intersection and 6 million at the 50th Avenue intersection.

And then on 182nd Avenue and SR-500, this is a realignment shown in the picture, the photograph here, this is a joint effort also with the State of Washington. Fourth Plain Boulevard which runs west to east here is also known as SR-500, this is an intersection project that we want to complete and the cost of those have increased.

TORRES: So, Matt, what does that entail, that project?

HERMEN: So that project we're currently going through the design process of that, there's several different intersections that are up for consideration on that. It does involve coordination with WSDOT, but what we are currently looking at is a roundabout configuration with the 182nd Avenue to realign further it would be west of the creek. Currently right here I believe this is called China Creek or Fifth Plain Creek, I'm sorry.

ORJIAKO: Fifth Plain Creek.

HERMEN: Fifth Plain Creek and we'd like to take the intersection further away from that bridge.

TORRES: Okay. Thank you.

HERMEN: Here in green, I know it's confusing with the urban holding overlay, but these are projects that we're proposing to be added. This is just showing those projects in the Mt. Vista TIF district. So the Mt. Vista TIF district shown in the shaded beige, we would like to add 179th from 15th Avenue from 50th Avenue, from here to 50th Avenue. 179th from N.W. 11th Avenue to Delfel Road.

10th Avenue from 164th to the fairgrounds entrance. From the fairground entrance to north, that section has been improved to urban standards, we'd like to improve this section to add lanes, bike lanes and sidewalks and that would complete the section of 10th Avenue all the way from 139th to 179th. N.W. 11th Avenue is shown here from 139th to 149th, this is a road that does not exist, it's on our arterial atlas but we'd like to add it to our 20-year list for improvement. And then the intersection improvement at 10th Avenue and 139th right here.

Projects that we propose to add to the CFP in the Orchards district include two projects. One, the extension of 99th Street from 72nd Avenue all the way to 94th Avenue. Yes. Last year in 2018 the Planning Commission approved a realignment of this proposed road in our arterial atlas, this proposal would add this to the 20-year capital facilities plan.

Also proposed to be added is the extension of 137th/132nd Avenue from 99th Street to 119th Street. This project is proposed to be added as part of a Developer Agreement signed with Austin Heritage Development which is located in this section here. We have analyzed this road and concluded that there is public benefit to add this to the capital facilities plan.

Projects that are -- there are no projects proposed to be added in the rural area as well as in the Hazel Dell TIF district. The proposed capital facilities plan, should this be approved, it would show these improvements shown in blue, it includes those projects that are added as well as several projects that have been completed. There are projects in the rural area but not projects to be added in the rural area.

The proposed changes shown in matrix form are red are shown as deletions, cost amendments shown in beige, additions shown in green. So here we're showing the deletion of five projects, cost amendment and then the several projects to be added. This is not the entire list, it continues with cost amendments to 182nd at 500, the deletion of that intersection, the one line item to two line items and then that traffic signal optimization program.

At the September 19th Planning Commission work session, the Planning Commission asked for what projects in this 20-year CFP are in the six-year transportation improvement program, those projects are shown here with the costs in millions.

As a part of the amendment process, should the capital facilities plan be amended as proposed, the proposed TIF rates are shown here. Those TIF rates are based on an average daily trip. So for every average daily trip that a development adds, the rate shown in this proposed rate would be assessed to the development. You can see that across the four districts those rates do go up.

There are -- while I should address, that while we are not adding projects in the Hazel Dell or rural area, those rates do go up because there are several regional projects that we are adding to the capital facilities plan that benefit those districts.

BARCA: Can you give me an example of what that would be for Hazel Dell.

HERMEN: Sure. So Hazel Dell, let me move to the map. So Hazel Dell has 99th Street here, there are several trips that occur or would be added in the Hazel Dell TIF district that would benefit from this roadway as well as several projects, 139th to 149th and some of the projects in the Mt. Vista TIF district. In the rural area there's benefit from the improvements along 179th that allow them to get to the interchange and regional destinations quicker.

Yeah, that is worth mentioning. The projects, the significant amount of projects that are added in the Mt. Vista TIF district see the largest increase in the proposed rate from the current rate of \$605 to \$930, that's a \$325 increase.

So based on the criteria of consistency with the Growth Management Act and Washington

Administrative Code as well as compliance with the comprehensive plan, we are recommending approval of the proposed capital facilities plan, of amending the capital facilities plan.

JOHNSON: Okay. Thank you, Matt. Comments? Questions?

SWINDELL: Question. On, I'm looking at the deletions, is it a fair assessment to say that we maybe said we want to shift our priorities so we're going to delete these projects and shift our priorities towards the Mt. Vista or the 179th Street area, sorry, is that why we deleted those are is it just other reasons?

HERMEN: No, those have been completed. Those projects, so the last time the capital facilities plan was amended was 2016, since that time these projects shown here have been completed.

SWINDELL: So all the projects that are being deleted have been completed?

QAYOUMI: Yeah. The construction is completed.

SWINDELL: Okay. I misunderstood the language there. Sorry. So it's actually been completed. Okay.

TORRES: So the only impact then is just to clean up the CFP by removing them because they're done.

HERMEN: Correct.

JOHNSON: On the same line, cost amendments, so explain to me that general process we just went over or --

HERMEN: Sure. So cost amendments, so projects in the capital facilities plan are in this 20-year plan, right, as projects start transitioning to being funded in the six-year plan, our engineering takes a greater look at those projects to reassess how much cost is going to be needed in order to complete those projects.

There is -- when we initially put a cost on the 20-year capital facilities plan, we don't dive very deep into the necessary cost, the real cost that are going to be associated with that project. So as those projects advance in priority, more detailed analysis goes to the actual cost that will be needed.

JOHNSON: So I'm going to follow up on that. So our 60 million in county improvements on let's say 179th could have an almost likely will or --

QAYOUMI: For that one because we're working on those project for about ten months, we looked a little bit closer and have defined a little bit better estimates on those than other projects where we do more like planning level estimate for capital facility plans and then go and

do a little bit more detail estimates after we looked a little bit closer, but for the projects that we have done for 179th, we looked a little bit closer than to make sure we get estimates a little bit better.

JOHNSON: Okay. Thank you.

TORRES: And just for clarification, the proposed rates are per developed unit; right?

HERMEN: No, per trip. So for and since single-family residents generates approximately ten trips per day, so the traffic impact fees that would be assessed to that would be multiplied by ten, by the ten trips.

TORRES: That's what I need clarification. Thank you.

HERMEN: But the TIF rates also in some instances when it's applied to commercial or job producers receive a benefit to those because they are creating jobs and generating taxes as a result.

JOHNSON: Any more comments? Okay. With that at this point, I know we had a lot of people leave, but I would like to turn this over for the public comment and I will walk down this list as quickly as I can.

### **PUBLIC TESTIMONY**

JOHNSON: So Del and Teri Nason, are you here, 189th Street? Is it Michele Doran? Tina Eifert. Jack Tichenor or is it Jan, excuse me, Jan. Ken and Cathy English. Dorothy Brown. Okay. Tom and Jeni Prew. Tom and Pat Underwood. David Koeltzow, is that how you say it?

KOELTZOW: Pass.

JOHNSON: Pass? Pass. Okay. David. Bill Puckett.

PUCKETT: Pass.

JOHNSON: Pass. Okay. Rob and Marcia Robison. Betty Thompson. This is getting interesting. Tracy already spoke. David, I want to say Lucky, it doesn't sound like that, 29th Avenue, 18607. Okay. Bob Mason. That was quick. Second page. Jamie Howsley. Should have made you go last, Jamie.

HOWSLEY: Yeah. Good evening again, Planning Commissioners. For the record, Jamie Howsley, 1499 S.E. Tech Center Place with the law firm Jordan Ramis. First of all, welcome Mr. Halbert to the Planning Commission, I neglected to say that prior.

I'm here tonight just representing various clients for the various CFP amendments in the two

TIF districts in particular, the Mt. Vista and then the Orchards one. And staff knows of my strong passion about trying to advocate for road projects and adding more to the CFP list even if that results in an increase into the traffic impact fees, and I want to be a little bit rhetorical here, you know, why does a developer's attorney want to have higher traffic impact fees effectively? It's a good question.

To me it's really about being able to spread the costs of development around a little bit more evenly so when a development comes in that may be needed there, that infrastructure already may be there rather than them having to do the full lift themselves or worse than that would be to start triggering moratoriums out in particular areas.

In the case of the urban holding instance in kind of a way it functions as a moratorium in a sense not allowing development to go forward until all of this had come together with the finance plan, but again by hopefully kind of having everybody feel the pain collectively a little bit we can get these road projects done and out there in the system. So I'm very supportive of what staff has come up with in terms of the Mt. Vista TIF area.

And then on the Orchards area, there's two additions to the CFP. One of them is related to a Development Agreement entered into by one of my clients and that's on the 137th area there. And, again, I'm supportive of both that and then the addition one over there at 99th and 72nd to the there and it results in a pretty nominal TIF increase and the Orchards district I think of only \$74.

In the prior urban holding that we had out there many years ago, I think that the TIF rate was up in the 600-and-something-dollar realm, so having it in the \$400 range isn't really that great as to what it's been historically and for the benefit of that we're getting two significant road projects that could create additional cross-circulation out there. So I just wanted to add that perspective.

Thank staff for bringing these amendments forward and would ask the Planning Commission to support the amendment. Thank you.

JOHNSON: Thank you, sir. Chris Brehmer.

BREHMER: I'm here and have nothing at this time. Thank you.

JOHNSON: Okay, thanks, Chris. Brent Ahrend. Is this Chad?

STEWART: Yes.

JOHNSON: Okay. Thank you.

AHREND: I think Chad actually wants to go first.

JOHNSON: Okay. So just state your name and make sure we're, you know.

STEWART: Chad Stewart, S-t-e-w-a-r-t, Hurley Development, 915 Broadway, Suite 300, Vancouver, Washington, 98660.

Brent and I are here tonight to talk about the bottom item on the proposed projects for the Mt. Vista district. This project as noted sits on the intersection of 10th Avenue and 139th where Hurley Development is planning to move forward with a commercial project on that intersection. The number of improvements associated with this project actually has quite a history, it goes back I think five years to an agreement between the County and property owners on five of the parcels out there.

At the time, the property owners agreed to have these system improvements required for any development on their parcels and a large factor, if not the determining factor in agreeing to those was at the time because of the Fee Holiday commercial project on those properties would not have paid any TIF. I can't speak as to why that development didn't move forward, but because of where we are today with TIFs now back in place because we're coming in with a planned commercial project on these parcels and because those system improvements are tied to the properties, our project is being asked to not only put in these system improvements but then on top of it, pay the TIF fees as well.

If you have -- do you have the letter from LeAnne in your public comment? That may be helpful just to highlight what I'm talking about. In the public comment is a letter from December 2018 that our attorney LeAnne Bremer submitted and I'm going to refer to the actual improvements I'm talking about.

So Numbers 1 through 4 are 4 of the 5 system improvements that were conditioned on these parcels. The fifth one is one that at time of development application it was determined was triggered by our project and we're moving forward with that one, it's going to be a new signalized intersection at 10th and 141st, the other 4 are system improvements that our project doesn't trigger.

Since the time of this letter from LeAnne a couple of things have happened. First of all, that Number 4, improvements at N.E. 23rd and 134th which is an intersection that actually falls under WSDOT jurisdiction, those improvements have deemed to no longer be desired by WSDOT or the County and so we're moving forward with a procedure to have those removed off the original condition from 2015.

The other 3, Number 1, 2 and 3, the County brought in a third party to do an analysis to determine what benefit they provided to the system as a whole and that analysis said that Numbers 1 and Number 3 in their opinion certainly qualified as providing system-wide benefit, that analysis had questions however about Number 2 and Brent Ahrend, our transportation engineer, reviewed that analysis and has submitted in the public record on the subsequent page a letter attesting to how some of the assumptions that was -- were made were incorrect.

And so in essence tonight we're coming here, not seeking a change in the dollar amount associated with that project that's found in the staff report to be added, simply looking for clarification that those three improvements, Numbers 1, 2 and 3 on LeAnne's letter are true system improvements and will be part of that overall project that's recommended to be added. So if there's any questions for me, I'll let Brent speak to his specialty.

AHREND: Okay. I'm Brent Ahrend, I'm a traffic engineer with MacKenzie at 101 East 6th in Vancouver, Suite 200.

HOLLEY: Spell your last name, please.

AHREND: Ahrend, A-h-r-e-n-d. As Chad mentioned, there was a zone change I believe it was in 2015, I actually worked on that project for a different developer and Chad had mentioned that at the time there was a Fee Holiday and so having these mitigation measures for the zone change, it kind of worked out to be about the same cost as the traffic impact fees would have been at the time.

That project didn't go forward, Fee Holiday ended and now, you know, we're looking at, okay, is there a way that we can add these improvements that makes sense into the capital facilities plan because they do serve a region-wide benefit and they provide the benefit for everybody.

And the other thing I want to point out is when the zone change occurred, you've changed from industrial that generate a lot fewer daily trips to a retail project which would generate a lot more trips, but there's -- and the net effect of that is the County will collect a lot more in traffic impact fees, but you haven't increased the number of projects that are being built, and this is one way that you can kind of help balance that out is adding these projects in now kind of balances things out. So you're going to collect higher fees after this zone change occurred but not require more improvements or not add more improvements to your capital facilities plan and your TIP, so that's kind of an equity issue there for making the case.

Then the other reasoning here that I want to speak to is, is the benefit, why are we asking for these improvements, and as Chad mentioned there were two that the County agreed to and they had their consultant Kittelson prepare the analysis, it was the right-turn lane and it was the southbound left turn improvements at the 139th and 10th Avenue intersection.

We're also required as part of the zone change to add a second northbound lane on 10th Avenue headed north towards the fairgrounds away from 139th, and the analysis that was done by Kittelson we believe came to the wrong conclusion, they said that there's no network benefit, but the reason for the improvement is for concurrency.

If you're familiar with concurrency, you look at what's the volume to capacity of a road segment, and even without this area being zoned subject to the zone change, changing to retail, because the analysis was done assuming it was still industrial, it showed that those

volumes still exceeded the threshold and you need that second lane for concurrency.

When we did the traffic analysis for the development application, we found that it's not needed for capacity to make the roadway intersections work, but it's based on the concurrency standard that the County has, and again, it's neither regardless of the zone change and regardless of the project, and it's for those reasons that we believe it's appropriate to add that third element in, that northbound lane on 10th because it does serve for the region, benefits the entire region.

So I'm happy to answer any questions. And like we said, my letter is in that public testimony along with the attorney's letter.

STEWART: And just to clarify one aspect, we're not asking today to add a new project, we're not asking to increase the dollar amount, we're simply looking to clarify the actual improvements that are part of this listed project, specifically we're looking to have the three items, 1, 2 and 3 in the letter from LeAnne Bremer dated December 2018 to be the ones that constitute that project.

BARCA: It does kind of sound like you are asking for them to be added. What we have in front of us is what staff has already vetted and told us the potential in both the improvement through concurrency and the aspect of the cost, that's what I see us looking at.

Your request which was put in in a timely fashion, we did have a chance to look at it, but not seeing it on the list for staff it puts us in an awkward position I think to either concur with your findings or to ask staff to even go back and revisit their work at this point in time.

We've got like \$100 million for the Mt. Vista area over a 20-year period that we're looking at and it seems like a lot of things are going to get done, added, subtracted over this period of time. If it's your recommendation that your analysis says that those are important components and need to be brought forward, we do amendments all the time, but as I heard your request it really did sound like you needed us to consider those being added in some fashion and I don't think that that's something that we could entertain tonight.

JOHNSON: So, Matt, could you give us clarity on this for us first.

ORJIAKO: I think Commissioner Ron Barca is correct. I don't want our own civil engineer to come up and start debating this issue. I think it's more appropriate for Community Development, for them to deal with Community Development and deal with the issues as they develop their property, that's the appropriate venue to have that conversation. What we are asking you to do is to add the project we believe is necessary on the CFP. And I don't know if Ahmad needs to add something.

QAYOUMI: That's correct. I mean, I think this one there's a Developer Agreement that was part of the project and I'm not sure if this is the appropriate venue to make any amendments to

those. And also if the cost of that additional, that widening that's on 10th Avenue is not accounted on these calculation that Matt has done, correct me if I'm wrong, and if that continues that just that one lane expansion is not continuous and it's been from my understanding it's to benefiting the project and I understand it's probably driven by concurrency, but mostly it's going to be providing more access for the site, it's not continuous where it's going to be providing capacity on the regional significant basis.

HERMEN: So I do want to clarify that the County Council on December 18th asked us to consider these improvements on the capital facilities plan. We went out and hired an independent third party traffic engineer to do the analysis, the analysis that they concluded which is in --

BARCA: Are you speaking of the Kittelson report?

HERMEN: Correct. Right. The Kittelson report concluded that the requirements of the property did have public benefit, specifically those intersection improvements that we are proposing to add to the capital facilities plan, that one requirement to increase capacity from 139th to 141st, the analysis that was hired and done by Kittelson did not conclude that there was public benefit to that improvement.

JOHNSON: Counselor.

COOK: Thank you. The applicant for development here has been working with Community Development and went to hearing a couple of weeks ago I believe on this matter, not entirely on the matter of the infrastructure requirements, but that was among the issues that were addressed at the hearing.

And given that Matt has information about their request and that Public Works has taken those into account by hiring an expert who answered some of the questions for the County, I think that Public Works is probably, and this situation is probably not the best time or place, not the best venue for changing what Public Works has suggested and what the hearing's examiner might have approved, and I'm not exactly sure what the hearing's examiner approved because I don't work with Community Development, so I wasn't present at the hearing, I haven't read the materials, I don't know exactly what happened there, but...

JOHNSON: I think, gentlemen, it's best right now for us in the capacity that we're in to defer to our staff as far as the time and place and the merits are for us, I mean I don't know. Gentlemen?

SWINDELL: I understand. I think I understand what you're talking about, it's kind of you feel like you're getting double-dipped a bit, but I agree though with staff, it's not part of what we're here to talk about tonight, but I think staff is wanting to work with you and talk about it, go over it, so...

JOHNSON: Questions?

STEWART: Thank you.

JOHNSON: Gentlemen, thank you. Is there anybody else in the audience that would like to speak to the issue at hand that I have not seen on my sign-up sheet? Seeing none, I would like to bring this back to the Planning Commission. Are there any questions for staff that have not been asked?

**RETURN TO PLANNING COMMISSION**

SWINDELL: What if I want to ask it again?

JOHNSON: Okay.

SWINDELL: No, I'm just kidding. I have none.

TORRES: No.

JOHNSON: Seeing none. Discussion or I would entertain a motion.

SWINDELL: I make a **MOTION** we adopt CPZ2019-00017 as presented.

TORRES: I will **second** that.

JOHNSON: We have a motion and is seconded. Sonja, can we have roll call, please.

**ROLL CALL VOTE**

SWINDELL: AYE

TORRES: AYE

BARCA: AYE

JOHNSON: AYE

HALBERT: AYE

JOHNSON: Motion has been heard and carried. With that said, we move on.

**OLD BUSINESS**

None.

**NEW BUSINESS**

None.

### **COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION**

BARCA: I'd like to make a comment about the hearing that took place tonight. In hindsight, I think it might have been a mistake for the residents of the area that came out for the overlay lifting to have not seen the capital facility plan because once we again present the fact that over a 20-year plan we're going to be adding another \$100 million of infrastructure to the area, I think is really quite relevant for the people.

JOHNSON: Yeah, I agree. I just think based on the information that I had and trying to do the right thing. I think it's either way, you know, the chicken before the egg, the egg before the chicken, it's okay, I mean I'll take it on the chin.

BARCA: And my point about this is I just think sometimes to get a clear understanding you got to sit through and watch the sausage get made and so it's ugly and detailed but I think it may have been helpful for a lot of the people who left if they had seen the full impact of what is going to be the investment in the area over a longer period of time. That's my comment.

JOHNSON: My final comment will be glad to have you here, Bryan.

HALBERT: Thanks.

JOHNSON: And great, you did a great job tonight. So with that said, we're adjourned.

ORJIAKO: My own comment is to thank the members of the Planning Commission, this was a special hearing and you came out for it, so agreed to have a special hearing. I know you have busy schedules but thank you for holding this special hearing, greatly appreciate it, it help us too, we got a lot of projects, you've got a lot on your plate, you see our weekly update on what is on your docket, so thank you for the special hearing.

### **ADJOURNMENT**

JOHNSON: Thank you. We're adjourned.

The record of tonight's hearing, as well as the supporting documents and presentations can be viewed on the Clark County Web Page at:

<https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>

Television proceedings can be viewed on CTVV on the following web page link:

<http://www.cvtv.org/>

*Minutes Transcribed by: Cindy Holley, Court Reporter/Rider & Associates, Inc.  
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