

David T. McDonald  
2212 NW 209<sup>th</sup> Street  
Ridgefield, Washington 98642

August 20, 2019

County Councilors  
% Dr. Oliver Orjiako  
Public Services Building

RE: 179<sup>th</sup> UH Removal and Development Agreements.

Via email only

Dear Councilors:

Please accept these comments on the matter pending before you this evening. I apologize for them not being provided until today but I was unable to review and respond last week.

There are many reasons that this project is inappropriate at this time and I have set forth other objections in previous comments. Today I would like to add the following:

### **No Requirement That Council Lift Urban Holding**

No current requirement, nor emergency, exists that mandates that this Council authorize expenditure of over \$66.2 million dollars of public funds to subsidize some limited traffic capacity to serve only 4 residential developers to the detriment of the entire area's development.

No current requirement, nor emergency, exists to authorize the expenditure of over \$163 Million Dollars (Proposed \$66.2 Million Dollars plus \$97 Million in evanescent TIF = 163.2 Million Dollars) with an evanescent hope that economic development *might* come.

No Public Clamoring for the Lifting of Urban Holding EXCEPT by the 4 Purveyors of Residential Development

At the Fairgrounds Neighborhood Association (FGNA) meeting on Thursday night, July 11<sup>th</sup>, there was NO person in the gathering (40-50 people showed up

who live in the area) who spoke in favor of this project and everyone was, in fact, skeptical at best and vehemently opposed at worst.<sup>1</sup>

Killian is the only true owner of all the land he proposes to develop but he does not live in the area. Holt (Greg Kubicek), Hinton and Wollam are all residential developers who, according to the GIS, appear to only own contingent interests in the properties they wish to develop.

Thus the impetus for “moving forward” is not a wave of citizens in the area, much less across the county, clamoring for this area to be developed. Rather, it is a few residential developers who are agreeing to pay some small pittance of advance TIF charges that come to barely 10% of the 66.2 million and, when factoring in the additional 97 million, their share is 4%.

### **1<sup>st</sup> Stated Purpose of County Not Met Sufficient to Justify County and State Committing \$200<sup>2</sup> million in Public Funds**

Stated Purpose: Economic Development

Economic Development Properties are either located Outside the Urban Holding area where no improvements will be made and no proposed improvements target the properties that would generate economic development. In addition, there are no pending applications for economic development properties and, anecdotally, the land for sale for economic development on corner of 199<sup>th</sup> and 10<sup>th</sup> has been for sale for quite some time and the business park land for sale on NE Delfel just reduced its price after being on the market for over a month.

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<sup>1</sup> Any person who doubts this statement may simply check with County Staff who attended this meeting and who, I would suggest, will more than agree with this statement.

<sup>2</sup> 66.2 Million for Small Fixes along 179<sup>th</sup>, \$50 Million Commitment from State WSDOT for Interchange Improvements and \$97 Million for new commitments for new projects including expanding 179<sup>th</sup> east to 50<sup>th</sup> Avenue. The \$97 Million is in the 20 year CFP but NOT the 6 year plan and so, it is possible that the entire UH could be developed before any work is started on expanding 179<sup>th</sup>. Thus the county will have a potential of almost 5 thousand new residences in just UH. At an average of 9 daily trips per unit, the county will be adding almost 45,000 daily trips and 5,000 peak hour trips through that corridor. I do not have to detail the backlogs of traffic that will be occurring, especially during construction, not to mention the safety issues through the vertical curves between 15 and 50<sup>th</sup> Avenue along 179<sup>th</sup>. At some point, those traffic trips will have to be addressed when the County eventually engages in expansion of 179<sup>th</sup> street to 5 lanes, installation of Clark Regional Wastewater sewer pipes and construction of potentially 30' high walls through the vertical curves.

Some Land Designated for Economic Development shows no signs of being able to develop for Commercial, Business Park or ML-

-The land designated for economic development west of NE Delfel is already in other uses, some pretty expensive and likely way to expensive for a BP person to want to contend with, even if the land is for sale. Along NE Delfel between 179<sup>th</sup> and 199<sup>th</sup> are a) two brand new homes on 10 acres (5 each) on the SW corner of NE Delfel and NE 199<sup>th</sup>, b) a Church proposed for 10 acres fronting NE Delfel between 184<sup>th</sup> Street and 189<sup>th</sup> Street, c) many, many single family residences all along 184<sup>th</sup>, 189<sup>th</sup> and 199<sup>th</sup> headed to the west from I5 (some of those residences have been there for years and some are newer. This house is a recent sale in, or next to, the BP zoning-- [https://www.zillow.com/homedetails/513-NW-184th-St-Ridgefield-WA-98642/23291875\\_zpid/](https://www.zillow.com/homedetails/513-NW-184th-St-Ridgefield-WA-98642/23291875_zpid/)) and d) an approximately 30 unit manufactured home park (let's just call it real affordable housing) just south of 189<sup>th</sup> and fronting NE Delfel. Does the county plan to displace those 30 + families and, if so, does the County have a suggestion as to where they would go?

Along 10<sup>th</sup> avenue just north of Three Creeks property, a family just put in a new home that is worth over one million dollars and there is also a church at the corner of approximately 199<sup>th</sup> and 10<sup>th</sup> just south of Shorty's nursery, which is on the SW corner of 199<sup>th</sup> and 10<sup>th</sup>.

Therefore the land that is touted as being the "economic engine" is either going to go the way of residential development (Hinton, Holt, Three Creek/Killian and Wollam), or lay fallow as there is no business entity or development group that has come forward to bring real economic activity to this area other than short term dollars from construction industry that will result in long term lack of services and inability to deal with rising residential population.

### **Second Stated Purpose-Keep People Working in Clark County**

This current effort fails to meet the second stated purpose for the following reasons:

There is no developer who is proposing any economic development.

The land in urban holding is not likely to develop as economic property.

There are no transportation alternatives to single occupancy vehicle available to the 1500+ new daily peak hour trips of SOV for the current 4 developments proposed, much less for the 5000 dwelling units being proposed for entire Urban Holding area that will be eligible for development once the Council lifts Urban Holding.

There are no designs or provisions for BRT, much less any bus or mass transit service, no sidewalks show in the Kittleson Traffic study, no bike paths shown in the study and C-Tran has no plans to be in the area and have made no comments about the area, nor made any public commitment to serve the area (there may be some in the long term plans but I have not seen them as yet.)

Without any employment based developments (yes, yes, yes, they will come like a field of jobs, even though under the same circumstances, they have never come before—it is as false a narrative as the rain will follow the plow on the plains), the 1000 plus PH trips (just from the 4 projects) will clog already over burdened area around the interchange. Ask yourselves, what commercial or business park developer is going to be willing to commit to putting in development when the streets are under construction and so totally clogged with residential SOV traffic that there workers cannot even get to work. Also ask yourselves, what is going to happen to the possible 45,000 plus daily trips being added to the 179<sup>th</sup> corridor from I5 to 50<sup>th</sup> Avenue when the work begins to make 179<sup>th</sup> street a 4 lane major collector.

### **Development Agreements<sup>3</sup>**

In July 2019, I sent a letter to Mr. Printz (a copy of which is part of the record). His response dated July 16, 2019 fails to fully address my questions and/or reveals that some of his answers as put forth in his letter are not contained in the DA.

First, the Holt DA states in paragraph 8 that “instead of paying TIF at the time of individual building permit (as currently provided for by the County’s Code), Holt, or its successor in interest agrees to the following permit application and TIF payment schedule”. The DA then in 8.b and 8.c sets forth the payment for TIF for 541 dwelling units (150 in 2020, 150 in 2021, 150 in 2022 and 91 in 2023). The DA then, in 8.d sets

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<sup>3</sup> I have only had the chance to review the final Holt DA.

forth what the payment of each dwelling unit will be at the issuance of the building permit (surcharge), which is \$3500/unit.

Most importantly, there is nothing in this DA that requires that the Developer pay TIF on the difference between 705 dwelling units and the 541 “lots” (which should be dwelling units not lots). Mr. Printz says in his letter on page 2 that “all lots will pay both TIF and surcharge). However, even though Mr. Printz *says in his letter* that all “lots” will pay TIF and surcharge, there is no provision in the DA (which is the controlling document) that addresses when (or how much) TIF and surcharge will be paid on the remaining. However, when will the TIF/Surcharge be paid on the delta of 164 dwelling units. In fact the language says

**instead of paying TIF at the time of individual building permit** (as currently provided for by the County’s Code), Holt, or its successor in interest agrees to the following **permit application and TIF payment schedule.**

Yet nothing in that “schedule” in paragraphs 8.b-d addresses in any way the 164 remaining dwelling units. Since the DA controls, who is going to know when those TIFs will be paid. At the last hearing, Councilor Blom directly asked Mr. Printz if all would be paid and he replied yes, but the payment of TIF for those other 164 dwelling units is specifically not addressed in the DA and should be addressed since the DA controls.

Therefore, Mr. Printz’s response to my letter, and verbal response to Councilor Blom, is not reflected in the DA.

Second, (relating to my question #5), the Holt DA states that the TIF is paid per LOT, not per DWELLING UNIT. However, some LOTS could have more than one dwelling unit (Townhouses for example) and I question why the DAs do not just use the language of dwelling unit rather than lot. Our County Code uses “dwelling unit” (see 40.350.030) so why does this DA use LOTS and not DWELLING UNITS. *Also see*, DRAFT MEMORANDUM DATE: December 24, 2014 TO: Matt Hermen, AICP, Clark County FROM: Ray Delahanty, AICP; Derek Moore, EIT SUBJECT: Clark County TIF Update Task 3: Best Practices Memorandum ([https://www.clark.wa.gov/sites/default/files/fileuploads/community-planning/2015/08/TM2\\_BestPractices\\_ClarkCountyTIF\\_FINAL\\_12-24-14.pdf](https://www.clark.wa.gov/sites/default/files/fileuploads/community-planning/2015/08/TM2_BestPractices_ClarkCountyTIF_FINAL_12-24-14.pdf)). In addition, I believe that the school impact fee language is for use dwelling units not “lots”.

Also, what if the developer combined the lots which resulted in more dwelling units, there is no provision for additional payments of TIF or Surcharge. The language should be changed to dwelling unit. Mr. Printz says that there is no difference between lots and units then fine, use Dwelling Unit.

In my question #6, I asked "What is the justification for NOT using the entire amount of units (705) when calculating the TIF due and owing to the County in your Draft DA?" Mr. Printz's response is "Again, the questioner fundamentally misunderstands the Agreement as it relates to the guarantee versus the overall amount of TIF and surcharge that might be paid on any given number of lots. The TIFS are the same regardless of the number of lots". If I so fundamentally misunderstand, then please forgive me and simply point out where in the agreement it says how the TIF and surcharge will be paid on the additional 164 dwelling units. It is quite simple for Mr. Printz, I would assume, to direct me to the language that says those units will pay TIF and surcharge above and beyond the 541 "lots" (which should be "units").

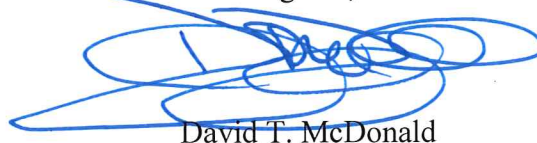
Again in response to my question #s 8 and 11, he states "all platted lots" will pay applicable TIF and surcharge and "the amount Holt will pay will be the full amount of the TIF and surcharge multiplied by the number of lots and building permits. But does not point to any language in the DA that says that all "platted lots" much less all "dwelling units" will be responsible for TIF and surcharge, much less at what point those TIF And surcharge payments on those 164 units will be paid.

Under paragraph 4.a, this development agreement seems to require the County to approve the "Master Plan" that will include some residential development to be planned in the future under the PUD process. It appears that the developers intend to follow the PUD process under .080 later, including the Type III approval process requires a hearing in front of a Hearing Examiner. However, the paragraph with all of the .080 comments pre-judges the PUD outcome and appears to bind the hands of the HE. I am not aware that the Council can preapprove a PUD under .080 before it goes to an HE.

Finally, I recently learned that after the CP update that provided the language for lifting the Urban Holding, the Level of Service requirements were greater but those LOS requirements were later diminished when, during the time of Mr. Madore being on the Council, and the adoption of various fee waiver programs, the LOS was dropped. The result is that there are fewer projects required to get to concurrency now than when the requirements for lifting the overlay were drafted. I assume that means greater volumes of traffic not being handled well and also a drop in safety.

For all of the reasons stated, this Council should choose not to go forward with this funding package or this Development Agreements.

Best Regards,

A handwritten signature in blue ink, appearing to read "David T. McDonald", is written over a series of large, overlapping blue loops that form a decorative flourish.

David T. McDonald

I am deeply concerned about the proposal to amend the Clark County comprehensive plan and zoning map.

First, I believe that the decision has already been made, and any public hearing or testimony is just to appease those of us who are concerned, while it seems 99% likely that the plan is already in effect.

Next, I am disturbed that 4 homebuilder companies already have their names all over this project. That implies that deals and decision were actually made long ago.

Last, I do not believe that adding more homes, sprawl, admittedly better roads but also traffic, will in any way improve the character of life for Clark County residents. Livability issues include jobs... What industries are anticipated to arrive alongside the new homes and increased traffic? How many of them will provide a living wage vs a subsistence wage? Who will be able to afford all of these new homes? Even starter homes are not attainable on a service worker's income. Will there be some kind of cap at the price of starter homes so that they will be affordable to low wage workers? (Of course not.) Will the homebuilders help contribute a true chunk of the cost that the city/county (meaning taxpayers) will pay towards roads and schools when our local schools are already overcrowded, resulting in demands for new infrastructure in the schools?

In conclusion, I urge the Clark County Council to slow down and say no to further developement. There is a lot of excitement and momentum here, but in the end, the homebuilders are getting rich while the character and true livability of our county continues to decline.

Jessica Birno

9-25-19



**From:** [KELLIE West](#)  
**To:** [Hermen, Matt](#)  
**Subject:** Comp plan & zoning map amendment (for public record use)  
**Date:** Monday, September 23, 2019 3:55:29 PM  
**Importance:** High

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**CAUTION:** This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Matt,

This email is in regards to the proposed comprehensive plan & zoning amendment (CPZ2019-00031). Our parcel is located at 15600 NW 11th Ave / Ron & Kellie West. We will be out of state on Oct. 8th and will not be able to testify in person so please use this as our testimony.

Yes, we are in favor of urban holding removal and support our county moving forward.

In addition, we have information to share. Several years ago, Ron and I worked with Clark Regional Wastewater to help them determine whether the land owners in our area wanted to be annexed into CRW. Ron and I were given a huge list of land owners and proceeded to visit them, in person, to determine what the majority wanted. After several weeks of one-on-one discussion with our neighbors, we easily had the majority of signatures needed. Public hearings were held and we were annexed into Clark Regional Wastewater accordingly.

Thank you,  
Ron and Kellie West



**From:** [Lumbantobing, Sharon](#)  
**To:** [Hermen, Matt](#)  
**Subject:** FW: public comment for Urban Holding  
**Date:** Monday, September 30, 2019 12:02:33 PM

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FW: public comment for Urban Holding

Sharon Lumbantobing  
Planner II  
COMMUNITY PLANNING

564.397.4909

-----Original Message-----

From: Messinger, Rebecca  
Sent: Monday, September 30, 2019 12:00 PM  
To: Lumbantobing, Sharon; Orjiako, Oliver; Wiser, Sonja  
Subject: FW:

Please see the below email, for the record.

Rebecca Messinger  
Clerk to the Council  
COUNTY MANAGER'S OFFICE

564-397-4305

-----Original Message-----

From: Zack.White [<mailto:Zack.White@christenson.com>]  
Sent: Monday, September 30, 2019 10:34 AM  
To: Messinger, Rebecca  
Subject:

CAUTION: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I received a notice in the mail about the Plan and Zoning Map amendment  
I dis agree with having us pay for any of this urban growth!  
Building houses is not a huge job creator. It is a couple months of construction and that is it.  
My other concern is the schools in Salmon Creek area are at max capacity. I have kids at ALKI middle and a senior at Skyview.  
My sixth grader have over 40 kids in class.  
The developers should pay for everything. I live off 164th and 11th ave.  
It doesn't make any since for me to be charged more for someone to build a bunch of houses and make a huge profit and cause more crowding in our schools and more traffic.

Regards

Christenson Electric Inc.  
Zack White  
General Foremen  
17201 NE Sacramento St.  
Portland OR, 97230  
Direct Line: 503.535.5179  
Cell Phone: 503.969.7089