



CPZ2019-00029 Development Agreement Procedures

Supporting Documents

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For other formats, contact the Clark County ADA Office
Voice 564.397.2322 / Relay 711 or 800.833.6388
Fax 360.397.6165 / Email ADA@clark.wa.gov

NOTICE OF PUBLIC HEARING CLARK COUNTY COUNCIL

NOTICE IS HEREBY GIVEN that the Clark County Council will conduct a public hearing on **November 5, at 10:00 a.m.**, at the Public Services Center, 1300 Franklin Street, Hearing Room, 6th Floor, Vancouver, Washington to consider the following:

- 1) **CPZ2019-00025 – Complete Streets:** A proposal to amend Clark County Code (Pedestrian/Bicycle Circulation Standards CCC 40.350.010) to create a complete streets program, renumber CCC 40.350.010 to become 40.350.015, and correct a scrivener's error.

Staff Contact: Gary Albrecht, Gary.Albrecht@clark.wa.gov or (564) 397-4318

- 2) **CPZ2019-00016 Arterial Atlas and Appendix F (NE 106 St to NE 112th St):** A proposal to delete the planned NE 16th Ave, NE 107th St, and NE 110th St. from the Arterial Atlas and Hwy 99 Sub Area Plan.

Staff Contact: Matt Hermen, Matt.Hermen@clark.wa.gov or (564) 397-4343

- 3) **CPZ2019-00029 Development Agreement Procedures:** A proposal to amend the Clark County Code to add new Section 40.550.030 to create a consistent process and criteria for review and approval of proposed development agreements.

Staff Contact: Matt Hermen, Matt.Hermen@clark.wa.gov or (564) 397-4343

- 4) **CPZ2019-00028 – Historic Preservation:** A proposal to amend Clark County Code (CCC 40.250.030) to increase the number of commission members from five (5) to (7), allow the City of Vancouver to appoint two of the members, and to amend the appeals process.

Staff Contact: Sharon Lumbantobing, Sharon.Lumbantobing@clark.wa.gov or (564) 397-4909

- 5) **CPZ2019-00033 – Columbia River Gorge National Scenic Area Districts:** A proposal to amend Columbia River Gorge National Scenic Area Districts CCC 40.240.440(H) to correct a scrivener's error.

Staff Contact: Sharon Lumbantobing, Sharon.Lumbantobing@clark.wa.gov or (564) 397-4909

The staff report, related materials, and hearing agenda will be available 15 days prior to the hearing date on the county's web page at <https://www.clark.wa.gov/community-planning/housing-initiative>. Copies of materials are also available at Clark County Community Planning, 1300 Franklin Street, 3rd Floor, Vancouver, Washington. For other formats, contact the Clark County ADA Office at ADA@clark.wa.gov, voice 564-397-2322, Relay 711 or 800-833-6388, or Fax 564-397-6165.

Anyone wishing to attend this hearing should appear at the time and place stated above. Spoken testimony regarding this matter may be given there. Written testimony can be provided by e-mailing the clerk of the council at Rebecca.Messinger@clark.wa.gov or via US Postal Service to the Clark County Councilors, c/o Rebecca Messinger, PO Box 5000, Vancouver, WA 98666-5000. Written testimony may also be submitted for the record during the hearing. Please ensure that testimony is received at least two (2) business days before the hearing if you would like staff to forward it to the County Council before the hearing.

Approved as to Form only:

CLARK COUNTY COUNCIL

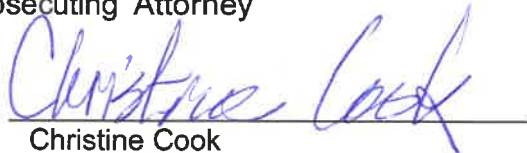
Clerk of the Board

Approved as to Form only:

ANTHONY F. GOLIK

Prosecuting Attorney

By:



Christine Cook

Senior Deputy Prosecuting Attorney

PLEASE PUBLISH:

Monday, October 21, 2019

Please Bill:

Clark County Community Planning
Attn: Sonja Wiser, Program Assistant
P. O. Box 9810
Vancouver, WA 98666-9810

Columbian Account 70914



For other formats, contact
the Clark County ADA Office

Voice 360.397.2322
Fax 360.397.6165

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Email ADA@clark.wa.gov



Clark County Planning Commission

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

CLARK COUNTY PLANNING COMMISSION THURSDAY, AUGUST 15, 2019

6:30 P.M. - PUBLIC HEARING

CC HEARING ROOM, 6TH FLOOR
PUBLIC SERVICES BUILDING
1300 FRANKLIN STREET
VANCOUVER, WA

AGENDA

I. CALL TO ORDER

II. ROLL CALL & INTRODUCTION OF GUESTS

III. GENERAL & NEW BUSINESS

- A. Approval of Agenda for August 15, 2019
- B. Approval of Minutes for July 18, 2019
- C. Communications from the Public

IV. PUBLIC HEARING ITEMS:

A. 2019 Annual Reviews amending the 20-Year Growth Management Comprehensive Plan and Zone Map:

1. **CPZ2019-00004 Groth** – A proposal to amend the comprehensive plan and zoning designation from Rural 10 (R-10) with Rural (R-10) zoning to Rural 5 (R-5) comprehensive plan designation with Rural (R-5) zoning on one parcel as follows: 210776000.
2. **CPZ2019-00006 25th Ave Subdivision** – A proposal to amend the comprehensive plan and zoning from Urban Low Density Residential (UL) with single family residential (R1-6) zoning and Highway 99 Single Family Residential Overlay to Urban Medium Density Residential (UM) with Residential (R-18) zoning and Highway 99 Mixed Residential Overlay on one parcel as follows: 145032000.

3. **CPZ2019-00007 Neighborhood Pet Clinic** – A proposal to amend the comprehensive plan and zoning from Urban Low Density Residential (UL) with Single Family Residential (R 1-10) zoning to Commercial (C) with Community Commercial zoning (CC) on one parcel as follows: 118138224.

Staff Contact: Sharon.Lumbantobing@clark.wa.gov or (564) 397-4909

- B. **CPZ2019-00029 Development Agreement Procedures** - The proposal will consider amending the Clark County Code to add new Section 40.550.030 to create consistent process and criteria for review of proposed development agreements.

Staff Contact: Matt Hermen at (564) 397-4343 or

Matt.hermen@clark.wa.gov

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

Oliver.orjiako@clark.wa.gov

V. OLD BUSINESS

VI. NEW BUSINESS

VII. COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

VIII. ADJOURNMENT

STAFF REPORT AND RECOMMENDATIONS:

*Staff recommendations to the Planning Commission will be available 14 days prior to the hearing date listed above. Staff reports and other information can be accessed on the following web page at: **<https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>***

Or, contact Sonja Wiser, Program Assistant at (360) 397-2375, ext. 4558, or e-mail Sonja.wiser@clark.wa.gov

SUBMISSION OF WRITTEN TESTIMONY:

If you bring written testimony to read at the hearing, the Planning Commission would request submission of at least ten copies for the record (seven copies for Planning Commission and three copies for staff).

E-MAIL TESTIMONY:

PLEASE NOTE: All e-mails need to be received no later than 48 hours prior to the hearing and need to include full name, address, city, zip code, and phone number to be included as parties of record. Testimony can be e-mailed to the above-listed planners or to Sonja.wiser@clark.wa.gov

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

*The Public Service Center is wheelchair accessible. If you need auxiliary aids or services in order to attend, contact the Clark County ADA Office. **Relay** (800) 833-6384 or 711; **E-mail** ADA@clark.wa.gov.*

HEARING COVERAGE:

Coverage of this evening's hearing may be cable cast live on Clark/Vancouver television channel 23 or 21, on cable television systems. For replay dates and times, please check your local television guide or www.cvtv.org.

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



Staff Report

TO: Clark County Planning Commission
FROM: Oliver Orjiako, Director
PREPARED BY: Matt Hermen, Planner III
DATE: August 15, 2019
SUBJECT: CPZ2019-00029 Development Agreement Procedures (TITLE 40)

PROPOSED ACTION

Clark County Community Planning is requesting an amendment to Clark County Unified Development Code Title 40 as follows:

Add new Section 40.550.030 to create a consistent process and criteria for review of proposed development agreements.

The proposed amendments are attached in Exhibit 1.

BACKGROUND

A development agreement (DA) is a voluntary contract between a local jurisdiction and a person who owns or controls property within the jurisdiction, detailing the obligations of both parties and specifying the standards and conditions that will govern development of the property. Although the agreements are voluntary, once made they are binding on the parties and their successors.

A DA provides assurances to the developer that the development regulations that apply to the project will not change during the term of the agreement. The city or county may require conditions to mitigate project impacts, as well as clarification about project phasing and timing of public improvements. RCW 36.70B.170 describes the type of development standards that may be addressed in a DA.

Clark County typically processes and approves DAs for large complex land development, rezones, or plan redesignations. In most situations, DAs are initiated by the developer, rather than the county. The agreements provide certainty in the development process. The certainty in the DA reduces the financial risk to the developer, and provides benefits to the County. However, Clark County lacks a formal process or criteria for reviewing, negotiating and approving DA's. The absence of codified procedures introduces uncertainty into the establishment of DA's.

For example, the County departments responsible to take the lead and provide assistance in negotiating a DA are not now identified. Developers' representatives currently are able to "forum shop" by submitting a proposed DA to any one or more of Public Works, Community Development, Community Planning, the Prosecuting Attorney's Office, or individual Councilors. After submittal, there is no formal schedule for review. The Council currently lacks an explicit role in authorizing the negotiation of a DA. Finally, after a DA is approved, no department is now assigned responsibility to manage the implementation of the DA.

Staff identified the need to create new code for negotiating, adopting, and administering proposed development agreements. The purposes of the new code include:

1. Creating a procedure for application, review, consideration, and conditioning of certain development projects according to the extent to which they advance the Comprehensive Plan's goals and policies.
2. Subject to the provisions of CCC 40.550.030.D.1.c, providing certainty to a developer that a project may proceed to be developed consistent with the development standards, zoning ordinances, regulations, and other code provisions in effect at the time of the approval.
3. Providing assurance that currently allowed uses for a property may be maintained for a specified period of time in exchange for specific consideration in the form of a developer's commitment that benefits the County and advances the Comprehensive Plan's goals and policies.
4. Providing a consistent process and criteria for review of proposed development agreements.

SUMMARY OF PUBLIC INVOLVEMENT PROCESS

The council approved proceeding with adoption of development agreement procedures at a council work session on May 29, 2019. On June 6, 2019 the Washington State Department of Commerce received the 60-day Notice of Intent to Adopt Amendment as required under RCW 36.70A.106. The 60-day notice period ended on August 5, 2019. On July 18, 2019, the proposed amendments were posted on the Clark County website. On July 23, 2019, a Notice of Determination of Non-Significance and SEPA Environmental Checklist were published in the Columbian newspaper. On July 31, 2019, a legal notice was published in the Columbian newspaper notifying the public of the Planning Commission's public hearing to be held on August 15, 2019. The proposed amendments were reviewed by the Development Engineering Advisory Board (DEAB) on August 1, 2019. The DEAB will submit a separate recommendation from the Planning Commission to the Clark County Council. The council will hold a second work session on October 2, 2019, to discuss the proposed amendments and will hold a council hearing on November 5, 2019 to consider an adopting ordinance on the proposed amendments.

Public comments are included in the Planning Commission Hearing binder.

APPLICABLE CRITERIA, EVALUATION AND FINDINGS

The Clark County Unified Development Code, Title 40 (CCC), consolidates all development-related regulations, land use zoning, critical areas, and environmental protection.

CCC is required to be consistent with the 20-year Comprehensive Growth Management Plan. Amendments to CCC respond to a substantial change in policy, better implements applicable comprehensive plan policies, or reflect changes in federal/state law. The proposed amendment is provided in Exhibits 1.

Growth Management Act (GMA)

The GMA goals set the general direction for the county in adopting its framework plan and comprehensive plan policies. The GMA lists thirteen overall goals in RCW 36.70A.020 plus the shoreline goal added in RCW 36.70A.480(1). The goals are not listed in order of priority. The GMA goal that applies to the proposed action is Goal 11.

Goal 11: Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

Finding: The proposed code changes clarify processes, timelines, submittal requirements, and criteria for the submittal, public authorization of negotiation, review, approval and administration of development agreements in Clark County. The proposed changes ensure consistency and compliance

with RCWs and WACs, the Home Rule Charter, and the 2016 Comprehensive Growth Management Plan. The proposed changes better implement the GMA goal.

The process of taking the proposed Title 40 amendments through the Type IV legislative process encouraged citizen participation by: 1) posting the proposed amendments on the county web page early in the process, 2) circulating the proposed amendments to the Department of Commerce, 3) posting legal notice of the SEPA checklist and planning commission public hearing in the paper of record; 4) holding council work sessions, one planning commission work session, and one work session with the Development Engineering and Advisory Board, and 5) holding two public hearings (one with the Planning Commission and one with the council).

In addition, the proposed code complies with RCW 36.70B.170-.210, which authorize local jurisdictions to enter into development agreements.

NEXT STEPS

The County Council will hold a work session on August 21, 2019, and a public hearing on November 5, 2019, to discuss these proposed changes to Title 40.

RECOMMENDATION AND CONCLUSIONS

Based on the information presented in this report, staff recommends that the Planning Commission forward a recommendation of **APPROVAL** to Clark County Councilors.

Section 40.550.030 DEVELOPMENT AGREEMENTS

40.550.030 Development Agreements

A. Purpose. The purposes of this Section include one or more of the following, as appropriate in the circumstances:

1. Create a procedure for application, review, consideration, and conditioning of certain development projects according to the extent to which they advance the Comprehensive Plan's goals and policies.
2. Subject to the provisions of CCC 40.550.030.D.1.c, provide certainty to a developer that a project may proceed to be developed per the development standards, zoning ordinances, regulations, and other code provisions in effect at the time of the approval.
3. Provide assurance that currently allowed uses for a property may be maintained for a specified period of time in exchange for specific consideration which advances the Comprehensive Plan's goals and policies.
4. Provide a consistent process and criteria for review of proposed development agreements.

B. Applicability.

1. This Section applies to development agreements authorized pursuant to RCW 36.70B.170 through 36.70B.210 between Clark County and any person having ownership or control of real property located within Clark County's jurisdiction.
2. The provisions of this Section do not apply to or affect the validity of any contract rezone, concomitant agreement, annexation agreement, or other agreement in existence on or before the effective date of this Section, or adopted under separate authority, even though such agreements may also relate to development standards, mitigation and other regulatory requirements.
3. The county is authorized, but not required, to accept, review and approve a proposed development agreement. This process is voluntary on the part of both the applicant and the County. The decision to approve a development agreement is discretionary with the Clark County Council.
4. Neither application nor approval of a development agreement vests a project to development standards, zoning ordinances, regulations, and other code provisions, except as specified in the development agreement.
5. Development agreements shall terminate 10 years from the date of recordation, or earlier, if specified in the terms of the development agreement.

C. Types of Development Agreements.

1. **Project Development Agreement.** A project development agreement shall relate to a specific development proposal that is or would be subject to a Type II or III process defined in Chapter 40.510 CCC. The applicant shall submit a detailed site design with the identification of specific uses and activity. The level of detail shall be such that the project can be reviewed to determine the appropriate level of mitigation related to, but not limited to, transportation, stormwater and critical areas.
2. **Non-Project Development Agreement.** A non-project development agreement shall address a conceptual development that involves a legislative decision associated with a Type IV process defined in Chapter 40.510 CCC.

D. Development Standards.

1. **Project Development Agreement.**
 - a. A development agreement may set forth the development standards, zoning ordinances, regulations, code provisions that shall apply to and govern the project, for the duration specified in the agreement.
 - b. In order to encourage innovative land use management and provide flexibility to achieve public benefits, a development agreement adopted pursuant to this Section may impose development standards that differ from, but are consistent with, the development standards of the Clark County Code that would otherwise apply to a proposed development. Development standards imposed by the development agreement must be consistent with the comprehensive plan, and adequately address public health, safety, welfare and environmental requirements.
 - c. Subsequently adopted standards which differ from those in the development agreement shall apply to the subject site only if necessary to address a serious threat to public health and safety or if the development agreement specifies a time period or phase after which certain identified standards may be modified. Building permit applications shall be subject to the building codes in effect when the building permit application is deemed complete.
2. **Non-Project Development Agreement.** Unless otherwise specified, a non-project development agreement may only allow permitted land use types associated with the zoning or existing legally established uses in effect at the time the agreement is approved.

E Development Agreement Application.

1. The applicant shall submit a form provided by the County to initiate a development agreement. The application form for proceeding with a development agreement may include a draft development agreement, but must include a narrative that details:
 - a. The proposed development or Type IV non-project proposal;
 - b. The need to deviate from the Clark County Code;
 - c. The specific consideration that the applicant will provide to the County pursuant to the DA; and
 - d. How the development agreement would be consistent with state law, development standards, zoning ordinances, regulations and other code provisions and would comply with the Clark County Comprehensive Plan's Goals and Policies.

F Contents of a Development Agreement.

1. A project development agreement shall include the following:
 - a. A site plan depicting boundaries and project elements, such as: location, acreage and range of densities for residential development, if applicable; location and range of types of uses of nonresidential development, if applicable; location and size of critical areas and buffers, if any; perimeter buffers, if any; location and acreage of active and passive recreational areas, if any; and motorized and non-motorized circulation routes, including route connections to streets and pedestrian and bicycle routes servicing and/or abutting the site;
 - b. The identification of consideration provided by the developer that furthers the goals and policies of the Clark County 20-year Comprehensive Growth Management Plan in exchange for implementing the agreement;
 - c. The expected build-out period and, if applicable, the phasing of development;
 - d. The duration of the agreement, which must comply with CCC 40.550.030.B.5;
 - e. Provisions for the termination of the development agreement, which must comply with CCC 40.550.030.B.5;
 - f. If environmental review is required under the State Environmental Policy Act, measures to mitigate significant adverse impacts including, but not limited to any impacts to public services and facilities;
 - g. A traffic impact study consistent with the requirements of CCC 40.350.020.D;
 - h. A title report containing proof of ownership;
 - i. If the applicant is not the owner of the property, a written and notarized statement by the owner authorizing the applicant to submit and negotiate the application on the owner's

behalf, and for the County to process, review, negotiate, and consider the application for approval;

- j. Identification of whether the development agreement runs with the land;
 - k. Provisions acknowledging that at the time a specific development application is submitted, all development regulations in effect at the time of submittal shall be applicable; and
 - l. Cost recovery provisions and timelines for processing, administering, and monitoring compliance with any required permits and approvals.
2. A non-project development agreement shall include the following:
- a. A map depicting boundaries of the area subject to the development agreement;
 - b. The identification of consideration provided by the developer that furthers the goals and policies of the Clark County 20-year Comprehensive Growth Management Plan in exchange for implementing the agreement;
 - c. The listing of use types or specific uses that shall be permitted or prohibited pursuant to the development agreement, and their phasing, if applicable, and build-out periods;
 - d. The duration of the agreement, which must comply with CCC 40.550.030.B.5;
 - e. Provisions for the termination of the agreement, which must comply with CCC 40.550.030.B.5;
 - f. A map depicting the location of specific public amenities, infrastructure improvements or other public benefits that shall be provided through implementation of the agreement;
 - g. A traffic impact study consistent with the requirements of CCC 40.350.020.D;
 - h. A title report containing proof of ownership;
 - i. If the applicant is not the owner of the property, a written and notarized statement by the owner authorizing the applicant to submit and negotiate the application on the owner's behalf, and for the County to process, review, negotiate, and consider the application for approval;
 - j. Identification of whether the development agreement runs with the land; and
 - k. Provisions acknowledging that at the time a specific development application is submitted, all development regulations in effect at the time of submittal shall be applicable.

G Review Criteria.

1. The County Manager or designee(s) shall negotiate acceptable terms and conditions of the proposed development agreement, subject to initial authorization by the Clark County Council and to final approval of the development agreement by the Clark County Council.

2. A development agreement must conform to the existing Clark County 20-year Comprehensive Growth Management Plan. The agreement must not allow for use types or densities currently not permitted by the existing zoning ordinance or existing legally established uses.
3. A development agreement must advance the goals and policies of the existing Clark County 20-year Comprehensive Growth Management Plan. Examples of compliance with this requirement include, but are not limited to, demonstration of one or more of the following:
 - a. Promoting vitality of an area designated as a Regional, Countywide or Local Center;
 - b. Preserving resource lands;
 - c. Promoting community sustainability through complete, compact and connected communities;
 - d. Dedicating lands for public facilities or services; and
 - e. Constructing of public improvements.

H. Procedures.

1. Preliminary Review.
 - a. Preliminary review is required for all development agreement applications. To initiate preliminary review, an applicant shall submit a completed development agreement application, pursuant to CCC 40.550.030.E, to the Permit Center, along with the required preliminary review fee. The required preliminary review fee shall be twenty percent of the total fee cost established in CCC 6.110A.010. The Land Use Division of the Community Development Department shall determine whether the application is fully complete.
 - b. Within twenty-one (21) calendar days after acceptance of a fully complete development agreement application, the County Manager or designee(s) shall collect a cursory assessment from each of the Departments of Community Development, Community Planning, and Public Works.
 - c. Upon receipt of the cursory assessments, or no later than seven (7) days after receipt of the cursory assessments the County Manager or designee(s) shall schedule a public meeting with the Council to occur no less than ten (10) days after the deadline for collection of the cursory assessments. The County Manager or designee(s) shall provide all materials contemporaneously with scheduling the public meeting.
2. Initial Authorization by the Clark County Council.
 - a. The Clark County Council shall hold a public meeting in accordance with the rules and procedures adopted by the Council. The County Manager shall present the preliminary departmental assessments and a recommendation whether the County should proceed to negotiate the proposed development agreement.

- b. The Clark County Council may direct the County Manager to proceed with negotiating the terms of the draft development agreement, or it may deny the development agreement application.
- 3. Negotiation and Recommendation.
 - a. The applicant shall submit all the materials required by Section 40.550.030.F, along with a final review fee, to initiate negotiations. The required final review fee shall be the total fee established in CCC 6.110A.010, less the fee paid at preliminary review.
 - b. The County Manager may appoint a designee to conduct negotiations on behalf of the County and provide a recommendation to the County Manager.
 - c. The draft development agreement shall be forwarded to each affected department which shall review and comment to the County Manager regarding the policy and financial implication of the proposal.
 - d. After negotiating the terms of a proposed project development agreement, the County Manager shall forward the proposed development agreement with a recommendation to the Clark County Council for its review and approval.
 - e. After negotiating the terms of a proposed non-project development agreement, the County Manager shall forward the proposed development agreement with a recommendation to the Planning Commission.
- 4. Final Consideration by Clark County Council..
 - a. The Clark County Council shall consider a proposed development agreement in a public hearing and the Council shall either adopt an ordinance or resolution authorizing the County Manager to enter into the development agreement or may deny the proposed development agreement.
 - b. The County Manager will designate in writing the department responsible for administering and monitoring compliance with the approved Development Agreement.

I. Effect.

- 1. A development agreement pursuant to Chapter 36.70B RCW and this Section shall: Bind the parties and their successors, including a city that assumes jurisdiction through incorporation or annexation of the area covering the property subject to the development agreement;
- 2. Upon approval of a development agreement pursuant to CCC 40.550.030.H and its execution by all the parties to the agreement, the County shall record the agreement with the Clark County Auditor. On the date of recordation, or any later date specified in the agreement, the development agreement will take effect.

J. Amendment. Any revision to an approved development agreement must be by written amendment, made during the term of the development agreement, duly authorized by the Council pursuant to the procedures set forth in Section 40.550.030.H.2-4, and signed by the parties.

DRAFT

Development Agreements in Clark County

Clark County Planning Commission Hearing
August 15, 2019, 6:30 p.m.
Public Service Center, 6th Floor Hearing Room
1300 Franklin St., Vancouver



Agenda

1. Purpose of Development Agreements
2. State Law
3. Recent Development Agreements
4. Existing Conditions
5. Advantages to Development Agreement Procedures
6. Best Practices
7. Jurisdiction Comparison
8. Proposed Procedures
9. Questions



Purpose of Development Agreements

- Authorized by the WA state legislature in 1995 to:
 - Provide assurance to development projects;
 - Strengthen the public planning process;
 - Encourage private participation and comprehensive planning; and
 - Reduce the economic costs of development.

[RCW 36.70B.170-210 and WAC 365-196-845(17)]



Clark County Recent Development Agreements

- Three Creeks Development Agreements (2019)
- Cornerstone Academy (2018)
- Austin Heritage (2018)
- Dewitt Development Agreement (2017)
- Rock Lake Ranch Development Agreement (2017)
- Whipple Creek Village (2016)



Existing Conditions

- No formal process for negotiating development agreements (DA), leading to:
 - Inefficiency
 - Policy Negotiation
 - Public Process
 - Uncertainty for Developers



Advantages to Development Agreement Procedures

- Identification of Benefits
- Council Involvement
- Encourage Creative Developments
- Identification of Impacts and Mitigation Necessary
- Assessment of Proportionate Fees
- Focused Staff Resources

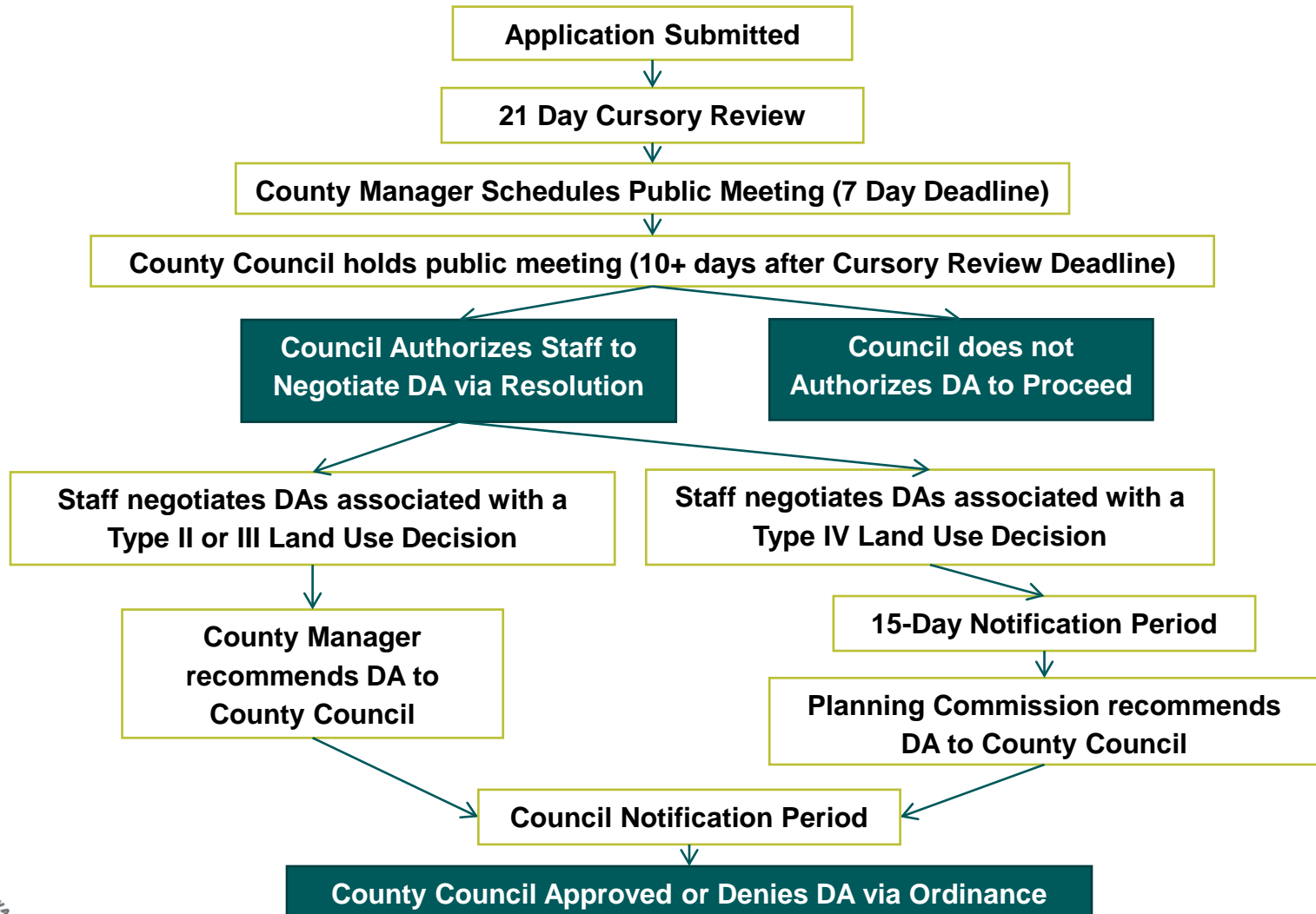


Best Practices

- Application Process
- Negotiation Assignment
- Adopted Procedures
- Criteria
- Default, Remedies and Termination
- Non Performance Issues
- Indemnification and Hold Harmless Provisions



Clark County Proposed Procedures



Comments Received

- WSDOT
 - “requests to be included early in the development agreement discussion for all new and revised development agreements located in proximity to state transportation facilities, as well as, proposed developments with traffic volumes that could impact state transportation facilities.”
- Friends of Columbia Gorge
 - “The GMA does not apply within the National Scenic Area so development agreements authorized under the GMA are not allowed in the NSA... the proposed procedures be updated to explicitly make them inapplicable within the NSA.”



Staff Recommendation

- The proposed changes ensure consistency and compliance with RCWs and WACs, the Home Rule Charter, and the 2016 Comprehensive Growth Management Plan.
- Staff recommends that the Planning Commission forward a recommendation of **APPROVAL** to Clark County Councilors.



Thank you!

Clark County Public Service Center

1300 Franklin Street • PO Box 5000

Vancouver, WA 98666-5000



Development Agreements in Clark County

Clark County Council Work Session
9:45-10:45 a.m. May 29, 2019
Public Service Center, 6th Floor Training Room
1300 Franklin St., Vancouver



Agenda

1. Purpose of Development Agreements
2. State Law
3. Recent Development Agreements
4. Existing Conditions
5. Advantages to Development Agreement Procedures
6. Best Practices
7. Jurisdiction Comparison
8. Proposed Procedures
9. Questions



Purpose of Development Agreements

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 - Provide assurance to development projects;
 - Strengthen the public planning process;
 - Encourage private participation and comprehensive planning; and
 - Reduce the economic costs of development.



State Law

- RCW 36.70B.170-210: Development Agreements Authority, Effects, Recording, Public Hearing, and Fees
- WAC 365-196-845(17): Codifies the regulations of RCW 36.70B.170-210.



Clark County Recent Development Agreements

- Three Creeks Development Agreements (2019)
- Cornerstone Academy (2018)
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- Dewitt Development Agreement (2017)
- Rock Lake Ranch Development Agreement (2017)
- Whipple Creek Village (2016)



Existing Conditions

- No formal process for negotiating development agreements (DA), leading to:
 - Inefficiency
 - Policy Negotiation
 - Public Process
 - Uncertainty for Developers



Advantages to Development Agreement Procedures

- Identification of Benefits
- Council Involvement
- Encourage Creative Developments
- Identification of Impacts and Mitigation Necessary
- Assessment of Proportionate Fees
- Focused Staff Resources



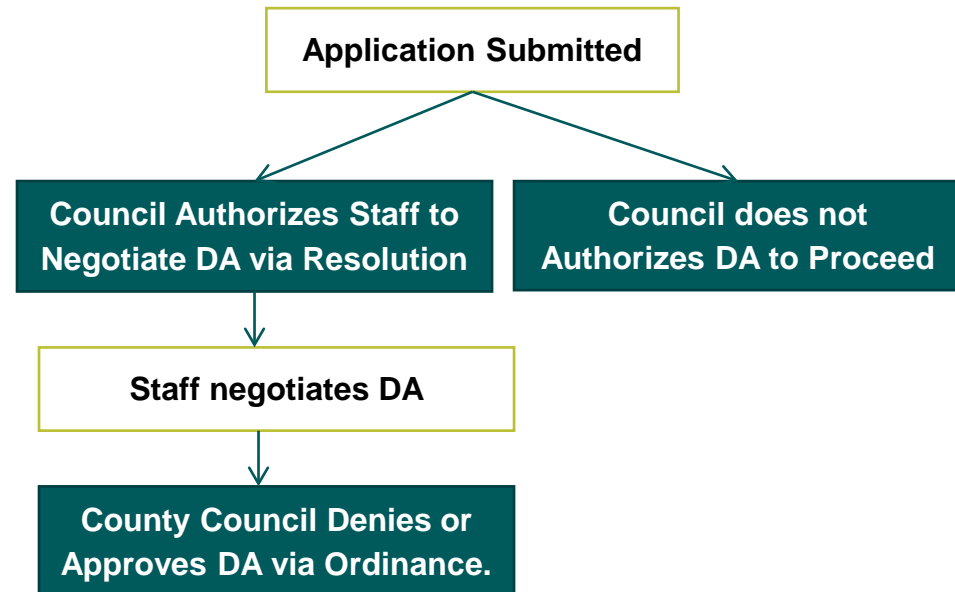
Best Practices

- Application Process
- Negotiation Assignment
- Adopted Procedures
- Criteria
- Default, Remedies and Termination
- Non Performance Issues
- Indemnification and Hold Harmless Provisions

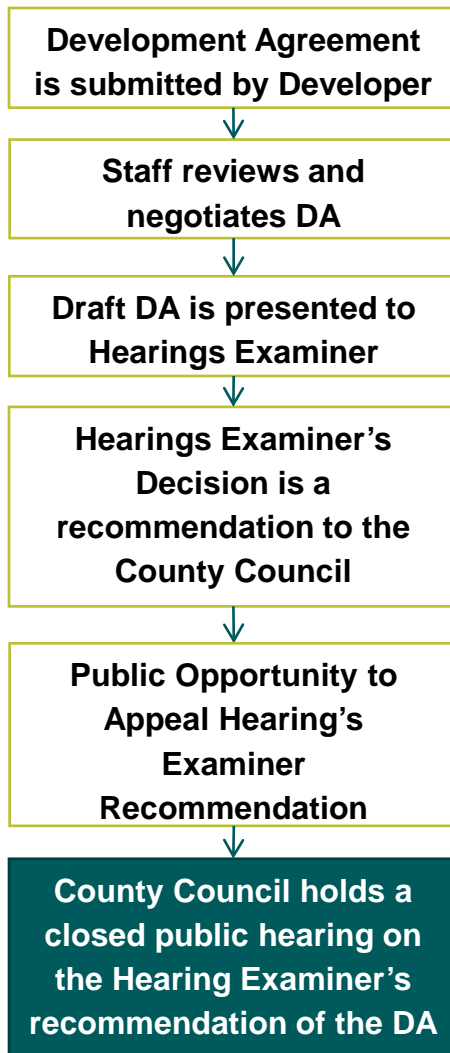


Pierce County Procedures

1. DA is submitted by the developer
2. County Council initiates DA review through an adopted resolution
3. Staff reviews and negotiate terms and conditions of DA
4. County Council considers DA in public hearing
5. County Council adopts ordinance authorizing County Manager to enter into the approved DA
6. DA recorded with the County Auditor



Snohomish County Procedures

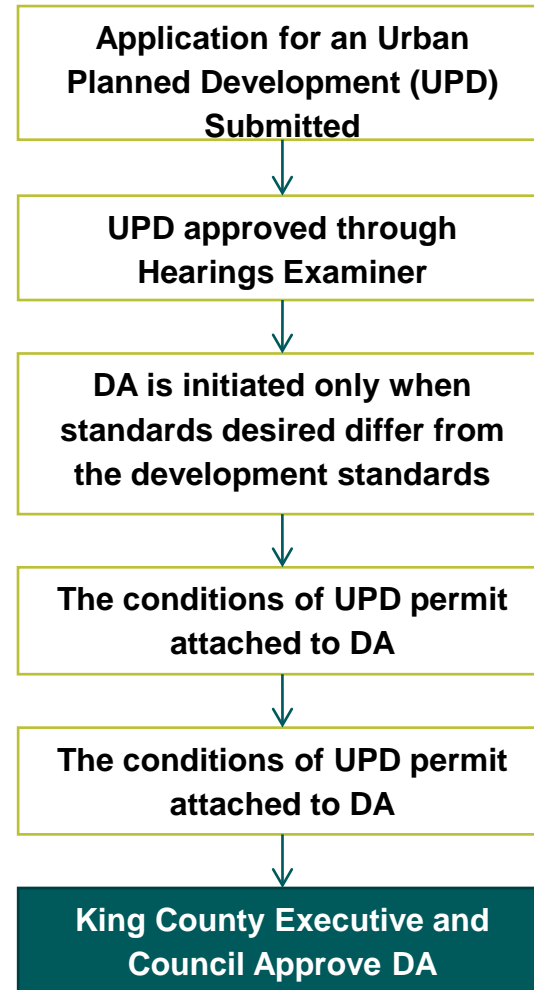


1. DA is submitted by the developer
2. Staff reviews and negotiate terms and conditions of DA
3. DA is presented to the hearing examiner
4. Hearing examiner makes recommendation on DA
5. Party of record may request review of the hearing examiner's recommendation
6. If no party of record requests review of the hearing examiner's recommendation, the department forwards the recommendation to the County Council in a closed public hearing
7. County Council considers DA and adopts ordinance
8. DA is recorded with County Auditor



King County Procedures

1. Applicant submits an application for an urban planned development (UPD) permit
2. The UPD is reviewed by a Hearings Examiner.
3. When development standards differ from those allowed in the development standards, a DA is initiated.
4. County Council DA in public hearing
5. County Council approved the UPD and adopts DA ordinance
6. DA is recorded with County Auditor.

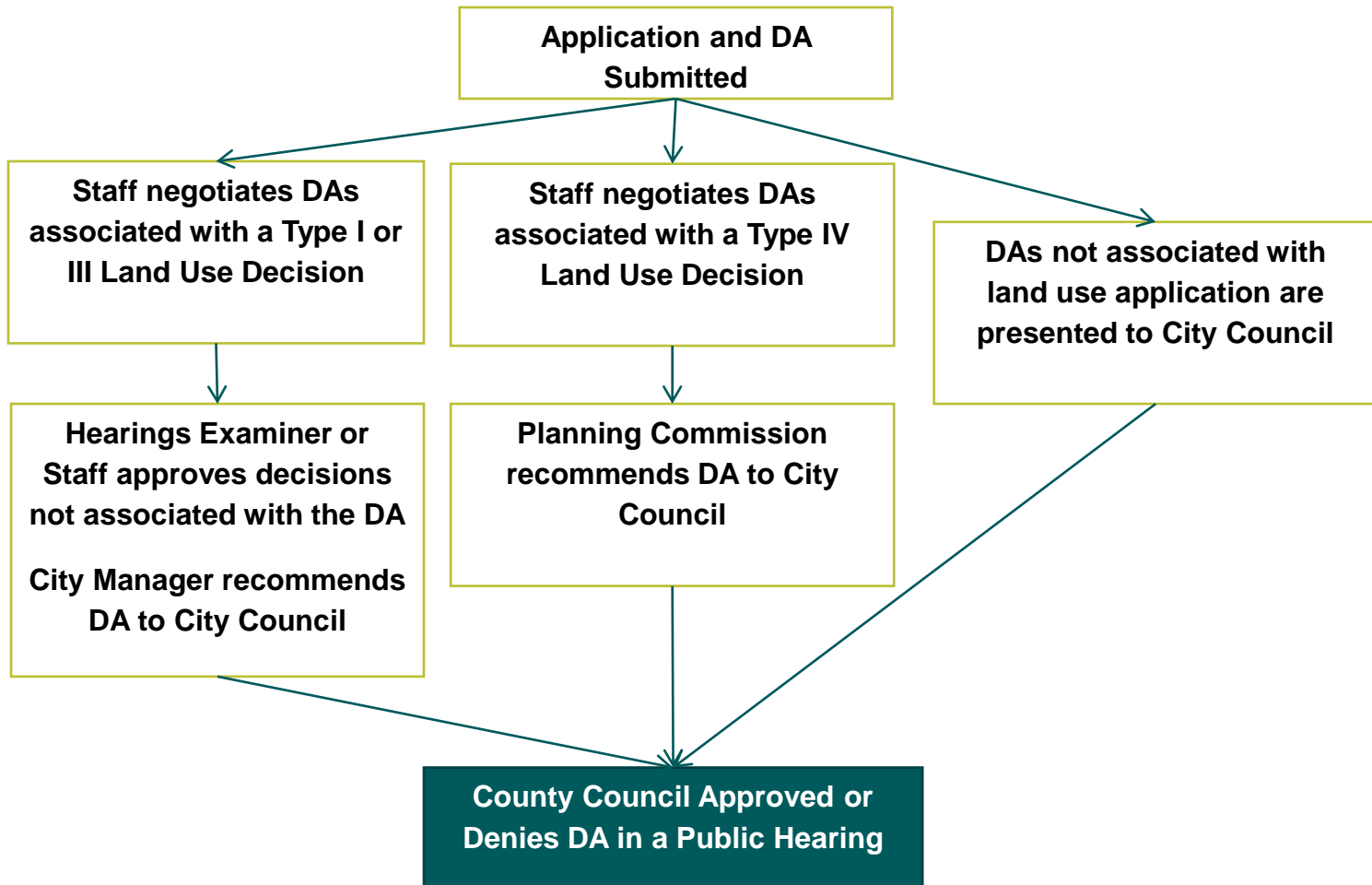


City of Vancouver Procedures

1. Development Agreements not associated with a land use application are presented to the City Council
2. Development Agreements associated with a Type I or III land use application receive approval from the review body on portions of the land use application not related to the development agreement
3. Development Agreements associated with a Type IV land use application receive the Planning Commission's recommendation on portions of the land use application not related to the development agreement
4. The City Council considers the development agreement in a public hearing
5. The City Council approves the development agreement by ordinance or resolution
6. The City records the Development Agreement with the County Auditor



City of Vancouver Procedures (Continued)

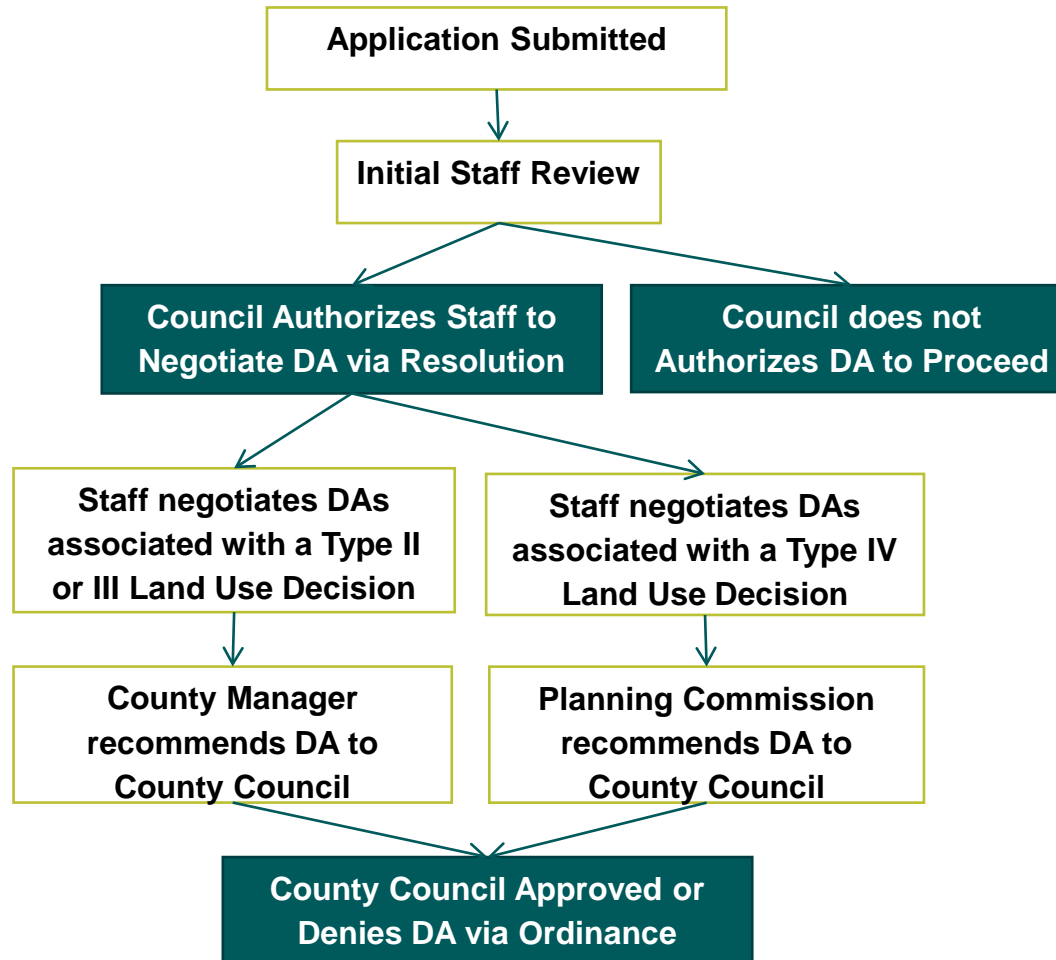


Clark County Proposed Procedures

1. Application Submitted
2. Preliminary Review
3. Initial Authorization by the Clark County Council (Resolution)
4. Negotiation and Recommendation
5. DAs associated with a Type II or III land use application are recommended by the County Manager to the Council
6. DAs associated with a Type IV legislative decision are recommended by the Planning Commission to the Council
7. Final Consideration by Clark County Council (Ordinance)
8. DA recorded with the County Auditor



Clark County Proposed Procedures (Continued)



Proposed Work Plan

- Review/Recommendation from DEAB
- Review/Recommendation from Planning Commission
- County Council work session on recommendations
- County Council Adoption of Procedures



County Council Direction

- Questions?
- Proceed with Adoption Process of formal DA procedures?



Thank you!

Clark County Public Service Center

1300 Franklin Street • PO Box 5000

Vancouver, WA 98666-5000





DETERMINATION OF NON-SIGNIFICANCE

Description of Proposal: Clark County Unified Development Code Amendments Title 40, Title 40.550 (Modifications and Variances), as follows:

Add new Section 40.550.030 to create a consistent process and criteria for review of proposed development agreements.

Proponent: *Clark County Community Planning and Public Works Departments*

Location of proposal, including street address, if any:

Lead Agency: *Clark County, Washington*

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below.

Comments must be submitted by: August 12, 2019

Responsible Official: Oliver Orjiako
Position/title: Director
Address: **RE: SEPA Comments**
Clark County Community Planning
1300 Franklin Street; 3rd Floor
P.O. Box 9810
Vancouver, WA 98666-9810

Date: 7-18-19 **Signature:** Oliver Orjiako

The staff contact person and telephone number for any questions on this review is Sharon Lumbantobing, Planner II, (564) 397-4909.

For other formats, please contact the Clark County ADA Office at ADA@clark.wa.gov.



**Clark County SEPA Environmental Checklist
Washington Administrative Code (WAC) 197-11-960**

A. BACKGROUND

- 1. Name of proposed project, if applicable:** Clark County Unified Development Code Amendments to Title 40 (all chapters), and Title 40.550.030.
- 2. Name of applicant:** Clark County, Washington
- 3. Address and phone number of applicant and contact person:**
Oliver Orjiako; Director
Clark County Community Planning
P.O. Box 9810
Vancouver, WA 98666-9810
(564) 397- 4112
- 4. Date checklist prepared:** July 11, 2019
- 5. Agency requesting checklist:** Clark County, WA
- 6. Proposed timing or schedule (including phasing, if applicable):** If approved by the Clark County Councilors, the code amendments would become effective in February 2020.
- 7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**
No, this is a non-project action.
- 8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**
No, this is a non-project action.
- 9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**
None. This is a non-project action.
- 10. List any government approvals or permits that will be needed for your proposal, if known.**
None. This is a non-project action.
- 11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that**

ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

This SEPA review is for a non-project action.

The proposed amendment to add a new section to Clark County Unified Development Code Chapter Title 40.550.030 is intended to:

1. Create a procedure for application, review, consideration, and conditioning of certain development projects according to the extent to which they advance the Comprehensive Plan's goals and policies.
2. Provide certainty to a developer that a project may proceed to be developed per the development standards, zoning ordinances, regulations, and other code provisions in effect at the time of the approval.
3. Provide assurance that currently allowed uses for a property may be maintained for a specified period of time in exchange for specific consideration which advances the Comprehensive Plan's goals and policies.
4. Provide a consistent process and criteria for review of proposed development agreements.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

None. This is a non-project action.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous,
other _____

Not applicable.

b. What is the steepest slope on the site (approximate percent slope)?

Not applicable.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Not applicable. This is a non-project action.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Not applicable.

- e. Describe the purpose, type, total area, and approximate quantities, and total affected area of any filling or grading proposed. Indicate source of fill.

Not applicable. This is a non-project action.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No. This is a non-project action.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

None. This is a non-project action.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

None. This is a non-project action.

2. Air

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

None. This is a non-project action.

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

Not applicable. This is a non-project action.

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

Not applicable. This is a non-project action.

3. Water

a. Surface:

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

Not applicable.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described water? If yes, please describe and attach available plans.

No.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

- 5) Does the proposal lie within a 100-year flood plain? If so, note location on the site plan.

No.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

b. Ground Water:

- 1) Will ground water be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate

quantities withdrawn from the well. Will water be discharged to groundwater?
Give general description, purpose, and approximate quantities if known.

No.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals . . .; agricultural; etc). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None. This is a non-project action.

c. Water Runoff (including storm water):

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

Not applicable as this is a non-project action.

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

Not applicable.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Not applicable as this is a non-project action.

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

No mitigation is proposed as part of this non-project action.

4. Plants

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

- _____ deciduous tree: alder, maple, aspen, other
_____ evergreen tree: fir, cedar, pine, other
_____ shrubs
_____ grass

- _____ pasture
- _____ crop or grain
- _____ orchards, vineyards or other permanent crops.
- _____ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- _____ water plants: water lily, eelgrass, milfoil, other
- _____ other types of vegetation
- None. This is a non-project action.

b. What kind and amount of vegetation will be removed or altered?

None. This is a non-project action.

c. List threatened or endangered species known to be on or near the site.

None. This is a non-project action.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any;

None. This is a non-project action.

e. List all noxious weeds and invasive species known to be on or near the site.

None. This is a non-project action.

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other:
 mammals: deer, bear, elk, beaver, other:
 fish: bass, salmon, trout, herring, shellfish, other:

None. This is a non-project action.

b. List any threatened and endangered species known to be on or near the site.

None.

c. Is the site part of a migration route? If so, explain.

No.

d. Proposed measures to preserve or enhance wildlife, if any:

None. This is a non-project action.

- e. List any invasive animal species known to be on or near the site.

None.

6. Energy and Natural Resources

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

None.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

None.

- 1) Describe any known or possible contamination at the site from present or past uses.

Not applicable.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable.

- 4) Describe special emergency services that might be required.

Not applicable.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

Not applicable.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not applicable.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Not applicable.

- 3) Proposed measures to reduce or control noise impacts, if any:

Not applicable.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Not applicable. This is a non-project action.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many

acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

Not applicable. This is a non-project action.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

Not applicable. This is a non-project action.

- c. Describe any structures on the site.

Not applicable. This is a non-project action.

- d. Will any structures be demolished? If so, what?

None.

- e. What is the current zoning classification of the site?

Not applicable. This is a non-project action.

- f. What is the current comprehensive plan designation of the site?

Not applicable. This is a non-project action.

- g. If applicable, what is the current shoreline master program designation of the site?

Not applicable. This is a non-project action.

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Not applicable.

- i. Approximately how many people would reside or work in the completed project?

None.

- j. Approximately how many people would the completed project displace?

None.

- k. Proposed measures to avoid or reduce displacement impacts, if any:

None. Not applicable.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

None. Not applicable.

- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

None. Not applicable.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None. This is a non-project action.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None. This is a non-project action.

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

None. This is a non-project action.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable.

- b. What views in the immediate vicinity would be altered or obstructed?

Not applicable.

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

Not applicable.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
Not applicable.
- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Not applicable.
- c. What existing off-site sources of light or glare may affect your proposal?

Not applicable.
- d. Proposed measures to reduce or control light and glare impacts, if any:

Not applicable.

12. Recreation

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

None.
- b. Would the proposed project displace any existing recreational uses? If so, describe.

No.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Not applicable.

13. Historic and Cultural Preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.

Not applicable. This is a non-project action.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

Not applicable. This is a non-project action.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Not applicable. This is a non-project action.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Not applicable. This is a non-project action.

14. Transportation

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

None.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

No.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

None.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Not applicable.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

Not applicable.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

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

Not applicable.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? if so, generally describe.

No.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

None.

16. Utilities

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

Not applicable.

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

None.

C. SIGNATURE

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

Signature: Matt Hermen
Name of signee Matt Hermen
Position and Agency/Organization : Planner III, Clark County Public Works
Date Submitted: July 11, 2019

D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

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

No development is proposed as a part of this code amendment. The proposed code amendments clarify process only and are not related to site-specific development. The proposal would not increase any of the impacts listed above.

Proposed measures to avoid or reduce such increases are:

Not applicable.

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

No development is proposed as a part of this code amendment. The proposal would add informative text to the code to establish process, resulting in no impact to plants, animals, fish or marine life.

Proposed measures to avoid or reduce such increases are:

Not applicable.

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

No development is proposed as a part of this code amendment. The proposal would add informative text to the code to add process, resulting in no impact to depletion of energy or natural resources.

Proposed measures to avoid or reduce such increases are:

Not applicable.

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

No development is proposed as a part of this code amendment. The proposal would add informative text to the code to add process, resulting in no impact to environmentally sensitive areas or areas designated for governmental protection.

Proposed measures to avoid or reduce such increases are:

Not applicable.

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

No development is proposed as a part of this code amendment. The proposal would add informative text to the code to add process, resulting in no impact to land and shoreline use.

Proposed measures to avoid or reduce such increases are:

Not applicable.

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

No development is proposed as a part of this code amendment. The proposal would add informative text to the code to add process, resulting in no impact to transportation or public services and utilities.

Proposed measures to avoid or reduce such increases are:

Not applicable.

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

The proposal would not conflict with local, state or federal laws.

**Affidavit of Publication
STATE OF WASHINGTON**

County of Clark

ss:

COLUMBIAN

CLARK CTY COMMUNITY PLANNING-L
PO BOX 9810
VANCOUVER WA 98666-9810

REFERENCE:

0000070914
0000237880 DNS DEV CODE AMENDMENT

I, the undersigned say,

That I am over the age of eighteen and not interested in the above entitled matter; that I am now, and at all times embraced in the publication herein mentioned, was, the principal clerk of the printer of The Columbian, a daily newspaper printed, published and circulated in the said county and adjudged a newspaper of general circulation by the Superior Court of the County of Clark, State of Washington, under Proceeding No. 802006715; that the advertisement, of which the annexed is a true printed copy, was published in the above-named newspaper on the following dates, To wit:

PUBLISHED ON 07/23/2019.
TOTAL COST: 49.30
FILED ON: 07/23/2019

**NOTICE OF DETERMINATION OF
NON SIGNIFICANCE (DNS)**

NOTICE IS HEREBY GIVEN that the following proposal has been determined to have no probable significant adverse impact on the environment, and that an environmental impact statement is not required under RCW 43.21C.030(2)(c). Written comments on the following proposal, or DNS, may be submitted to the Responsible Official by August 12, 2019.

DESCRIPTION:
Amend Clark County Development Code (Title 40) to add new Section 40.550.030 to create a consistent process and criteria for review of proposed development agreements.

ACTION REQUESTED: It is requested the Clark County Councilors revise the Clark County Development Code to add new Section 40.550.030 (Development Agreement Procedures)

RESPONSIBLE OFFICIAL:

Oliver Orjiako, Director Community Planning
PO Box 9810
Vancouver WA 98666-9810
oliver.orjiako@clark.wa.gov
July 23 - 237880

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

Bobbi K. Josta



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

06/06/2019

Mr. Matt Hermen
Planner III
Clark County
1300 Franklins Street
Post Office Box 9810
Vancouver, WA 98666-9810

Sent Via Electronic Mail

Re: Clark County--2019-S-256--60-day Notice of Intent to Adopt Amendment

Dear Mr. Hermen:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Proposed adoption of development regulations for processing development agreements through the approval process

We received your submittal on 06/06/2019 and processed with the Submittal ID 2019-S-256. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 08/05/2019.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Ike Nwankwo, (360) 725-2950.

Sincerely,

Review Team
Growth Management Services

**Affidavit of Publication
STATE OF WASHINGTON**

County of Clark

SS:

COLUMBIAN

CLARK CTY COMMUNITY PLANNING-L
PO BOX 9810
VANCOUVER WA 98666-9810

REFERENCE:

0000070914
0000240280 PH: PC LEGAL NOTICE FOR DA PRO

I, the undersigned say,

That I am over the age of eighteen and not interested in the above entitled matter; that I am now, and at all times embraced in the publication herein mentioned, was, the principal clerk of the printer of The Columbian, a daily newspaper printed, published and circulated in the said county and adjudged a newspaper of general circulation by the Superior Court of the County of Clark, State of Washington, under Proceeding No. 802006715; that the advertisement, of which the annexed is a true printed copy, was published in the above-named newspaper on the following dates, To wit:

PUBLISHED ON 07/31/2019.
TOTAL COST: 96.90
FILED ON: 07/31/2019

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

Bobbi K. Foster

**NOTICE OF PUBLIC HEARING
CLARK COUNTY PLANNING COMMISSION**
NOTICE IS HEREBY GIVEN that the Clark County Planning Commission will conduct a public hearing on **Thursday, August 15, 2019** at the Public Services Center, 1300 Franklin Street, BOCC Hearing Room, 6th Floor, Vancouver, Washington to consider the following:
CP22019-00029 Development Agreement Procedures
The proposal will consider amending the Clark County Code to add new Section 40.550.030 to create consistent process and criteria for review of proposed development agreements.
Staff Contact: Matt Hermen at (564) 397-4343 or Matt.hermen@clark.wa.gov
Alternate Staff Contact: Oliver Orijako at (564) 397-4112 or Oliver.oriako@clark.wa.gov
The staff reports, related materials and hearing agenda will be available 15 days prior to the hearing date on the county's web page at <https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>. Copies are also available at Clark County Community Planning, 1300 Franklin Street, 3rd Floor, Vancouver, Washington. For other formats, contact Clark County ADA Office at ADA@clark.wa.gov, voice 564-397-2322, relay 711 or 800-833-6388, fax 564-397-6155.
Anyone wishing to give testimony in regard to this matter should appear at the time and place stated above. Written testimony can be provided to the Clark County Planning Commission by e-mailing the clerk of the commission at Sonja.Wiser@clark.wa.gov or via US Postal Service to the Clark County Planning Commission, c/o Sonja Wiser, PO Box 9810, Vancouver, WA 98666-9810. Written testimony may also be submitted for the record during the hearing. Please ensure that testimony is received at least two (2) business days before the hearing if you would like staff to forward it to the Planning Commission before the hearing.
Approved as to Form only:
Anthony Golik
Prosecuting Attorney
By: Christine Cook
Senior Deputy Prosecuting Attorney
July 31 - 240280

From: [Wiser, Sonja](#)
To: ["Legals"](#)
Cc: [Hermen, Matt](#)
Subject: Re: PC Legal Notice for DA Procedures.doc
Date: Tuesday, July 23, 2019 10:32:35 AM

Thanks

From: Legals [mailto:Legals@columbian.com]
Sent: Tuesday, July 23, 2019 10:30 AM
To: Wiser, Sonja
Subject: [Contains External Hyperlinks] Re: PC Legal Notice for DA Procedures.doc

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.

Good morning,

I'm confirming receipt of PH: PC Legal Notice for DA Procedures. It is scheduled to publish on July 31.

Thank you,
Bobbi Foster

Legal notices published in The Columbian are also online at www.columbian.com and <http://wapublicnotices.com>

The Columbian
701 W. 8th St. || PO Box 180
Vancouver, WA 98660
PH: 360-735-4588 || FAX: 360-735-4495
Toll Free: 1-800-743-3391 x4588
e-mail: legals@columbian.com

>>> "Wiser, Sonja" <Sonja.Wiser@clark.wa.gov> 7/23/2019 8:45 AM >>>

Please publish Wednesday, July 31, 2019 and confirm receipt. Thanks

This e-mail and related attachments and any response may be subject to public disclosure under state law.

**NOTICE OF PUBLIC HEARING
CLARK COUNTY PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN that the Clark County Planning Commission will conduct a public hearing on **Thursday, August 15, 2019** at the Public Services Center, 1300 Franklin Street, BOCC Hearing Room, 6th Floor, Vancouver, Washington to consider the following:

CPZ2019-00029 Development Agreement Procedures

The proposal will consider amending the Clark County Code to add new Section 40.550.030 to create consistent process and criteria for review of proposed development agreements.

Staff Contact: Matt Hermen at (564) 397-4343 or

Matt.hermen@clark.wa.gov

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

Oliver.orjiako@clark.wa.gov

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Approved as to Form only:

Anthony Golik
Prosecuting Attorney

By: _____

Christine Cook
Senior Deputy Prosecuting Attorney

PLEASE PUBLISH:

Please Bill:

Wednesday, July 31, 2019

Clark County Community Planning
Attn: Sonja Wiser, Program Assistant
P. O. Box 9810 Vancouver, WA 98666-9810

Columbian Account 70914



For other formats, contact the Clark County ADA Office
Voice 564.397.2322 / Relay 711 or 800.833.6388
Fax 564.397.6165 / Email ADA@clark.wa.gov