

LeAnne M. Bremer, P.C.
leanne.bremer@millernash.com
360.619.7002 direct line

December 17, 2018

VIA E-MAIL

Clark County Board of County
Councilors
1300 Franklin Street
Vancouver WA 98660

Subject: Skyview Station: Request for Addition of System Improvements to Docket
for 2019 Annual Review

Dear Chairman Boldt and Councilors:

On behalf of Hurley Development, LLC, I am submitting this request to the Board for approval of the addition of the following transportation improvements to the 2019 annual review docket, for a capital facilities plan amendment, because they are system improvements that should be TIF creditable:

1. A westbound right-turn lane on NE 139th Street at NE 10th Avenue with an overlap phase.
2. A turn lane on northbound NE 10th Avenue between NE 139th Street and access to tax parcel nos. 185726-000 and 185727-000.
3. Improvements to southbound NE 10th Avenue to NE 139th Street to provide either: (1) a second southbound left turn lane; or (2) a shared through-left center lane and split phasing with the northbound approach.
4. Improvements to southbound NE 23rd Avenue approach to NE 134th Street to provide either: (1) a shared left-right lane (converted from the existing left only lane) with the existing exclusive right turn lane; or (2) an overlap phase for the existing right turn lane.

Hurley Development is in the process of seeking development approval for Skyview Station, which will provide a significant economic boost in the Salmon Creek

area through the development of additional quality commercial. Please see the attached site plan for Skyview Station that illustrates the 10th Avenue improvements. The fourth improvement is off-site and east of I-205.

These improvements are contained in a covenant running against land, recorded under Clark County Auditor's File No 5170404 in 2015, which means that the owner of the property subject to the covenant is required to install all of these extensive improvements prior to pulling its first building permit for any development on the property. A fifth improvement listed in the covenant, a signal at 10th Avenue and the site access, is a project improvement that is not appropriate for the County's capital facilities plan. Hurley Development accepts that it would have to install the signal at its own cost as a condition of development approval.¹

The covenant arose in 2015 in conjunction with the rezoning of the Skyview Station site, and other property to the east, from industrial to commercial. As part of the rezone action, the County made a legislative decision that these system improvements would be required to serve commercial development on the subject parcels and serve the area in general. "System improvements" are public facilities that are included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements. RCW 82.02.090.

It is also important to note that the County's Fee Holiday Program was in effect in 2015 when the covenant was recorded. It has since expired and TIFs are anticipated to be at least \$1,500,000.00 for development of Skyview Station. If the above improvements are not listed in the capital facilities plan and TIF creditable, the developer will be required to contribute both significant improvements and significant fees without reimbursement for improvements that provide a community-wide benefit, not just a project benefit.

Hurley Development understands that placement of these improvements on the docket does not automatically ensure that they will be included in the capital facilities plan, but respectfully requests that the Board add these improvements to the docket to allow it to further make the case for why it is appropriate to add these

¹ Hurley Development is currently pursuing a partial modification of the covenant because its onerous requirements are not triggered by the impacts of its proposed development. If the improvements become part of the capital facilities plan and are TIF creditable, Hurley Development will withdraw its application to modify the covenant.

Clark County Board of County
December 17, 2018
Page 3

improvements to the capital facilities plan. Hurley Development is willing to undertake the necessary traffic analysis to support this request (indeed, it already has generated a significant amount of analysis as part of the pending covenant release and site plan applications). We appreciate the Board's consideration of this request at your earliest opportunity. We have been working closely with staff on these issues and look forward to continuing to work through the docket and site plan application processes with them.

Very truly yours,

LeAnne M. Bremer, P.C.

cc: Shawn Hennessee
Oliver Orjiako
Susan Ellinger
Richard Daviau
Taylor Hallvik
Ryan Hurley
Chad Stewart
Brent Ahrend
Kurt Stonex

MACKENZIE.

DESIGN DRIVEN | CLIENT FOCUSED

September 18, 2019

Clark County Public Works
Attention: Matt Hermen
1300 Franklin Street
Vancouver, WA 98660

Re: **Skyview Station**
NE 10th Avenue TIP Recommendation
Project Number 2170410.01

Dear Mr. Hermen,

Mackenzie has prepared this letter to request the inclusion of the northbound right-turn lane on NE 10th Avenue between NE 139th Street and NE 141st Street in the upcoming 2020-2025 Clark County Transportation Improvement Program (TIP).

INTRODUCTION

The Growth Management Act requires the County to adopt a 20-year Capital Facilities Plan (CFP) for transportation projects that must include, among other things, a list of public improvements needed to address projected transportation needs in the County. Within the plan, the Board annually adopts a 6-Year Transportation Improvement Plan (TIP), which includes a specific list of system improvements anticipated to be built over the 6-year period, with their expected funding sources. "System improvements" are defined as "public facilities that are included in the capital facilities plan and are designed to provide service to areas within the community at large, in contrast to project improvements" per RCW 82.02.090(9).

The additional northbound lane on NE 10th Avenue was originally required as a condition of the amended Concomitant Rezone Agreement (CRA) for the properties located northeast of the NE 139th Street/NE 10th Avenue intersection per the January 15, 2015 Clark County planning commission recommendation. The need for the lane was based on concurrency standards for NE 10th Avenue. A January 15, 2015 staff report noted concurrency on NE 10th Avenue failed based on year 2035 projections presented in the zone change analysis for the post-decision review.

Kittelson & Associates submitted a July 31, 2019 letter to Clark County regarding the "10th Avenue Capital Facilities Plan Review." The letter evaluated three (3) mitigation options identified for NE 139th Street and NE 10th Avenue including modifying the northbound approach at the NE 10th Avenue/NE 141st Street intersection to include an additional northbound lane between NE 139th Street and NE 141st Street. Volumes utilized in the analyses of the mitigation options were based on the previous industrial zoning and did not reflect retail trips for the properties subject to the CRA, yet found the volumes exceed the concurrency standard. The letter concluded the northbound right-turn lane was not found to be necessary as a TIP project.

Based on the two analyses noted above, we believe the additional lane should be added to the County's TIP because it is a system improvement as defined by law. Our justification is addressed below.



P 360.695.7879 ■ F 360.693.6637 ■ W MCKNZE.COM ■ The Hudson Building, 101 E 6th Street, #200, Vancouver, WA 98660
ARCHITECTURE ■ INTERIORS ■ STRUCTURAL ENGINEERING ■ CIVIL ENGINEERING ■ LAND USE PLANNING ■ TRANSPORTATION PLANNING ■ LANDSCAPE ARCHITECTURE
Portland, Oregon ■ Vancouver, Washington ■ Seattle, Washington

ROADWAY CAPACITY

NE 10th Avenue is designated a two-lane collector with a center left-turn lane and bike lanes (C-2cb). The designated capacity of C-2cb facilities is 900 vehicles per hour per single direction, as presented in Table 40.350.020-1 of the Clark County Code. Clark County has established a maximum volume-to-capacity (v/c) standard of 0.90 for each direction of travel on all County facilities which corresponds to a single-direction volume threshold of 810 for NE 10th Avenue.

2035 Roadway Conditions

The northbound right-turn lane on NE 10th Avenue between NE 139th Street and NE 141st Street was originally required by Clark County as part of the amended 2015 CRA related to the rezone of the properties northeast of the NE 139th Street/NE 10th Avenue intersection. The need for this turn lane was based on capacity results presented in an October 3, 2014 zone change traffic analysis comparing future 2035 conditions with the existing Light Industrial (IL) zoning and future 2035 conditions with the proposed General Commercial (GC) zoning. Future 2035 volumes were estimated using the 2035 travel demand model provided by the Southwest Washington Regional Transportation Council (RTC). Staff noted NE 10th Avenue between NE 139th Street and NE 141st Street was projected to fail concurrency standards with both the existing IL and proposed GC zoning designations with a projected 2035 v/c of 1.06 and 1.36, respectively.

A revised zone change traffic analysis was prepared August 7, 2018 presenting a “reasonable worst case” scenario for the proposed zone change. This zone change analysis also presented volume projections made using the 2035 RTC model. Based on the results of this zone change analysis, Clark County staff identified the northbound right-turn lane as a requirement and noted this lane will improve the northbound directional v/c ratio by removing right turns from the mainline through movement in the October 24, 2018 Covenant Release report.

The northbound right-turn lane at NE 141st Street was not identified as a requirement for adequate operations at the NE 10th Avenue/NE 141st Street/Site Access intersection as presented in the October 31, 2018 transportation impact study (TIS) for the proposed Skyview Station retail development. However, County staff has continued to identify this additional lane as a need for adequate operations based on the October 2014 zone change traffic analysis results and the 2015 CRA.

2040 Roadway Conditions

The July 2019 Kittelson letter evaluated three (3) mitigation options on NE 139th Street and NE 10th Avenue including the additional northbound through lane on NE 10th Avenue between NE 139th Street and NE 141st Street. The letter concluded this improvement was not found to be necessary as a County TIP project. However, this conclusion was made on an evaluation of v/c ratios developed using 2040 model volumes provided by RTC. This is inconsistent with the methodology presented in the same letter for the evaluation of the other two mitigation options which relied on 2040 post-processed volumes at the NE 139th Street/NE 10th Avenue intersection.

The letter included Vistro intersection capacity calculation sheets presenting future 2040 AM and PM peak-hour volume projections at the NE 139th Street/NE 10th Avenue intersection. These volume estimates were made by combining 2040 model volumes provided by RTC and 2018 existing turning movement counts. Kittelson noted the 2040 RTC model assumed zoning of the properties subject to the CRA as industrial rather than retail. Based on this assessment, RTC has not updated the 2040 regional travel model to account for the 2015 CRA.

Using Kittelson's intersection volumes as presented in the Vistro intersection capacity calculation sheets, we calculated roadway volumes on NE 10th Avenue between NE 139th Street and NE 141st Street for 2040 AM and PM peak-hour conditions. We also calculated the corresponding v/c ratios for both peak hours. The 2040 volumes obtained from Kittelson's letter and corresponding v/c ratios are presented in Table 1.

TABLE 1 – NE 10TH AVENUE ROADWAY CAPACITY ANALYSIS						
Roadway Segment			Classification	Capacity	2040 Future (Kittelson & Associates)	
From	To	Direction			Volume	v/c
AM Peak Hour						
NE 139th Street	NE 141st Street	NB	C-2cb	900	409	0.45
		SB			770	0.86
PM Peak Hour						
NE 139th Street	NE 141st Street	NB	C-2cb	900	869	0.97
		SB			847	0.94

As presented in Table 1, the NE 10th Avenue segment between NE 139th Street and NE 141st Street is projected to operate above capacity during the PM peak hour under future year 2040 conditions. The volumes presented in Table 1 assume the properties subject to the CRA to be zoned industrial and therefore reflect conditions without any retail development. Therefore, the additional northbound lane will be required regardless of whether or not retail development is constructed on the properties subject to the CRA.

The volumes north of NE 141st Street on NE 10th Avenue are expected to be over 810 during the PM peak hour as the traffic entering and exiting to and from the properties subject to the CRA will likely be more than 59 PM peak-hour trips in the northbound direction and more than 37 PM peak-hour trips in the southbound direction, regardless of whether the property is zoned IL or GC.

We will note the v/c ratios presented in the attachments of the Kittelson letter are much lower because they were not based on 2040 post-processed volumes and instead were based on 2040 volumes directly derived from the RTC model.

CONCLUSION

The northbound right-turn lane on NE 10th Avenue between NE 139th Street and NE 141st Street was required as part of the 2015 Concomitant Rezone Agreement (CRA) to address the projected v/c ratio on NE 10th Avenue by removing northbound traffic that is destined for the properties subject to the CRA from the mainline through movement. This system improvement is needed regardless of the zone change as established by the earlier analyses. Further, we have shown the segment of NE 10th Avenue north of NE 141st Street will not meet the Concurrency standards as well. The lane is not a typical right-turn lane that would be warranted simply based on the volume of vehicles turning into the site, but is needed because the volume of through traffic exceeds the county's Concurrency standard. The County's requirement that the lane extend to the intersection with NE 139th Street, as opposed to a standard right-turn lane that would not begin at the

Clark County Public Works
Skyview Station
Project Number 2170410.01
September 18, 2019
Page 4

intersection, is indicative of the need to address roadway capacity and not the project impacts. Because the improvement is needed to address the County's concurrency standard on NE 10th Avenue regardless of the retail development, and is a true system improvement, it should be added to the upcoming 2020-2025 Clark County TIP.

Please contact me if you have any questions or comments regarding the information presented in this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. Ahrend', is positioned below the 'Sincerely,' text.

Brent Ahrend, PE
Associate Principal | Traffic Engineer

c: Chad Stewart – Hurley Development
LeAnne Bremer – Miller Nash Graham & Dunn LLP
Janet Jones – Mackenzie