

**CLARK COUNTY COUNCIL
HEARING PACKET**

Hearing Item: Approve partial covenant release of the concomitant
rezone agreement for five parcels

Date: February 18, 2020

Time: 6:00 p.m.

CONTENTS:

1. **Staff Report**
2. **Exhibit 1 – WSDOT Letter**
3. **Exhibit 2 – Notice of Public Hearing**
4. **Exhibit 3 – PowerPoint**

CLARK COUNTY STAFF REPORT

DEPARTMENT: Public Works, Transportation Division

DATE: February 18, 2020

REQUESTED ACTION: Approve partial covenant release of the concomitant rezone agreement for five parcels

_____ Consent X Hearing _____ County Manager

INTRODUCTION

The property owners of certain parcels are requesting a required transportation mitigation measure be removed from an approved concomitant rezone agreement. The transportation mitigation measure proposed to be removed is:

- Modify the southbound NE 23rd Avenue approach to NE 134th Street to provide either: (1) a share 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.

BACKGROUND

On April 21, 2015, Clark County approved an agreement and covenant to rezone certain property and require transportation mitigation measures prior to the issuance of building permits for properties identified by numbers 185796000, 185700000, 185672000, 185726000 and 185727000, which are located in the vicinity of the NE 139th Street and NE 10th Avenue intersection. The concomitant rezone agreement was approved concurrent with a Comprehensive Plan map and zoning amendment from a light industrial designation with IL zoning to a General Commercial designation with GC zoning on the subject properties. The concomitant rezone agreement is recorded by the Clark County Auditor as document number 5170404.

The Washington Department of Transportation submitted a letter, Exhibit 1, suggesting that the required mitigation at the NE 23rd Avenue/NE 134th Street intersection be rescinded. WSDOT commented that that the required mitigation would “result in the majority of right turning traffic utilizing the shared lane and potentially degrading existing operations.”

COUNCIL POLICY IMPLICATIONS

The action to remove the specific transportation mitigation measure from the concomitant rezone agreement would not result in a change of the council’s policies.

ADMINISTRATIVE POLICY IMPLICATIONS

The action to remove the specific transportation mitigation measure from the concomitant rezone agreement would not result in a change of administrative policies. If this proposed action is approved by Council, the existing concomitant rezone agreement would be amended to remove the specific transportation mitigation measure and re-recorded with the County Auditor.

COMMUNITY OUTREACH

None.

BUDGET IMPLICATIONS

YES	NO	
X		Action falls within existing budget capacity.
	X	Action falls within existing budget capacity but requires a change of purpose within existing appropriation
	X	Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

BUDGET DETAILS

Local Fund Dollar Amount	N/A
Grant Fund Dollar Amount	N/A
Account	N/A
Company Name	N/A

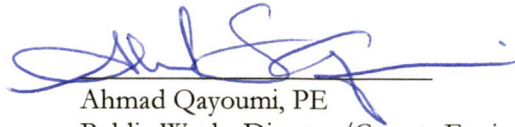
DISTRIBUTION:

Council staff will post all staff reports to the web. <https://www.clark.wa.gov/council-meetings>

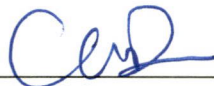
Attachments: (1) WSDOT Letter; (2) Notice of Hearing; and (3) PowerPoint




Robert D. Klug, PE
Transportation Division Manager



Ahmad Qayoumi, PE
Public Works Director/County Engineer

for 
Cherie Sabug
Finance Division

Primary Staff: Matt Hermen, Ext. 4343

APPROVED: 
CLARK COUNTY, WASHINGTON
CLARK COUNTY COUNCIL

DATE: February 18, 2020
SR# 03420





**Washington State
Department of Transportation**

Southwest Region
11018 Northeast 51st Circle
Vancouver, WA 98682-6886
360-905-2000 / FAX: 360-905-2222
TTY: 1-800-933-6388
www.wsdot.wa.gov

August 21, 2019

Chad Stewart
Senior Project Manager
Hurley Development
915 Broadway Street, Suite 300
Vancouver, WA 98660

RE: Skyview Station, PSR 2018-00036, PLD2018-00034, Concomitant Rezone Agreement
(AFN 5170404)

Dear Mr. Stewart:

A condition of the Clark County Concomitant Rezone Agreement (AFN 5170404) for Skyview Station was to change the southbound NE 23rd Avenue left-turn only lane at NE 134th Street to allow a shared left and right-turn movement. The Washington State Department of Transportation's (WSDOT) interest in this intersection is because it serves as the northbound I-205 off-ramp at NE 134th Street, ramp terminal intersection.

WSDOT does not support converting the southbound NE 23rd Avenue left-turn only lane to a shared right and left-turn lane. Since the probable destination for vehicles utilizing the proposed shared right and left-turn lane is I-205 Southbound, it is likely this change would result in the majority of right turning traffic utilizing the shared lane, and potentially degrading existing operations. Moreover, WSDOT staff has shared their concerns regarding this condition of approval with representatives from Clark County and suggested the condition be rescinded.

Please feel free to contact me if you have questions.

Sincerely,

Laurie Lebowsky
Region Planning Director
WSDOT SW Region
11018 NE 51st Circle
Vancouver, WA 98682
LebowsL@wsdot.wa.gov

cc: Scott Langer, WSDOT Assistant Region Manager for Operations & Planning
Rick Keniston, WSDOT Traffic Engineer SW Region
Dave Bellinger, WSDOT Design Services Engineer
Kevin Miller, WSDOT SWR Design and Engineering Services Manager

**NOTICE OF PUBLIC HEARING
CLARK COUNTY COUNCIL**

NOTICE IS HEREBY GIVEN that the Clark County Council will conduct a public hearing on **February 18, 2020, at 6:00 p.m.**, at the Public Services Center, 1300 Franklin Street, Hearing Room, 6th Floor, Vancouver, Washington to consider the following:

1. Partial release of concomitant rezone agreement (Clark County Auditor #5170404) to remove the condition to modify the southbound NE 23rd Avenue approach to NE 134th Street to provide either: (1) a share 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 .

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

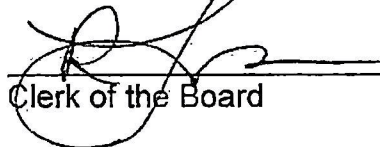
The staff report, related materials, and hearing agenda will be available 15 days prior to the hearing date on the county's web page at <https://www.clark.wa.gov/public-works/transportation-planning-0> Copies of materials are also available at Clark County Public Works, 1300 Franklin Street, 4th Floor, 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. Public testimony is welcome, and if submitted, will be included in the hearing record. At the hearing, you may give spoken testimony, and may submit written and other testimony, such as maps or photos. You need not testify in order to attend.

You may provide advance testimony to the Clark County Council by mailing or 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. Please be aware that the county may not forward your testimony to the councilors unless it is received before 5 p.m. at least two (2) business days 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: 

Taylor Hallvik
Deputy Prosecuting Attorney

PLEASE PUBLISH:

Friday, January 31, 2020

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

Relay 711 or 800.833.6388
Email ADA@clark.wa.gov

Skyview Station Concomitant Rezone Agreement

Partial Covenant Release Proposal

Public Works Transportation Division – Rob Klug

February 18, 2020



Proposal

- **Remove the condition to:**

Modify the southbound NE 23rd Avenue approach to NE 134th Street to provide either: (1) a share 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.



Request of Council

Approve the release of a condition to mitigate transportation impacts at the intersection of NE 23rd Avenue and NE 134th Street associated with the Concomitant Rezone Agreement.

