CLARK COUNTY
STAFF REPORT

DEPARTMENT: Community Development

DATE: March 12, 2020

REQUESTED ACTION: Covenant Release – Acero Padden Apartments (OLR-2020-00011)

__X__ Consent _____ Hearing _____ County Manager

BACKGROUND

This is a request to remove a covenant for the Acero Padden Apartments project (case number OLR-2020-00011). The subject covenant (AFN 8002280102) was recorded February 27, 1980 with a rezone from F-X (Rural) to M-L (light industrial) on four parcels. These parcels have been combined and are now comprised in parcel 144492000 which is 13.78 acres. The covenant restricts use of the site to "light manufacturing uses, together with ancillary administrative offices".

Since the recording of the covenant, the comprehensive plan designation and zoning of the subject parcels changed previously to GC (General Commercial), and again in February, 2019 to OR-22 (Office Residential) through ordinance number 2019-02-02. Since that time, site plan approval has been granted for the Acero Padden Apartment project (case number PSR-2019-00013).

The proposal complies with county requirements for full release of concomitant rezone agreements in accordance with CCC 40.560.020(E). The existing covenant is inconsistent with the current zoning and comprehensive plan designation of the site. Staff recommends full release of the covenant to remedy this issue.

COUNCIL POLICY IMPLICATIONS

There are no known policy implications

ADMINISTRATIVE POLICY IMPLICATIONS

N/A

COMMUNITY OUTREACH

Public notice was sent for the 2019 comprehensive plan/zone change on this site to OR-22 and for the site plan review for the Acero Padden Apartment project.

BUDGET IMPLICATIONS

YES	NO	
X		Action falls within existing budget capacity.
		Action falls within existing budget capacity but requires a change of purpose within existing appropriation
		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	
Grant Fund Dollar Amount	
Account	
Company Name	

DISTRIBUTION:
Board staff will post all staff reports to The Grid. http://www.clark.wa.gov/thegrid/

Susan Ellinger
Land Use Review Manager
Community Development
564-397-5122

Dan Young
Director
Community Development
564-397-4101

APPROVED:_____
CLARK COUNTY, WASHINGTON
CLARK COUNTY COUNCIL

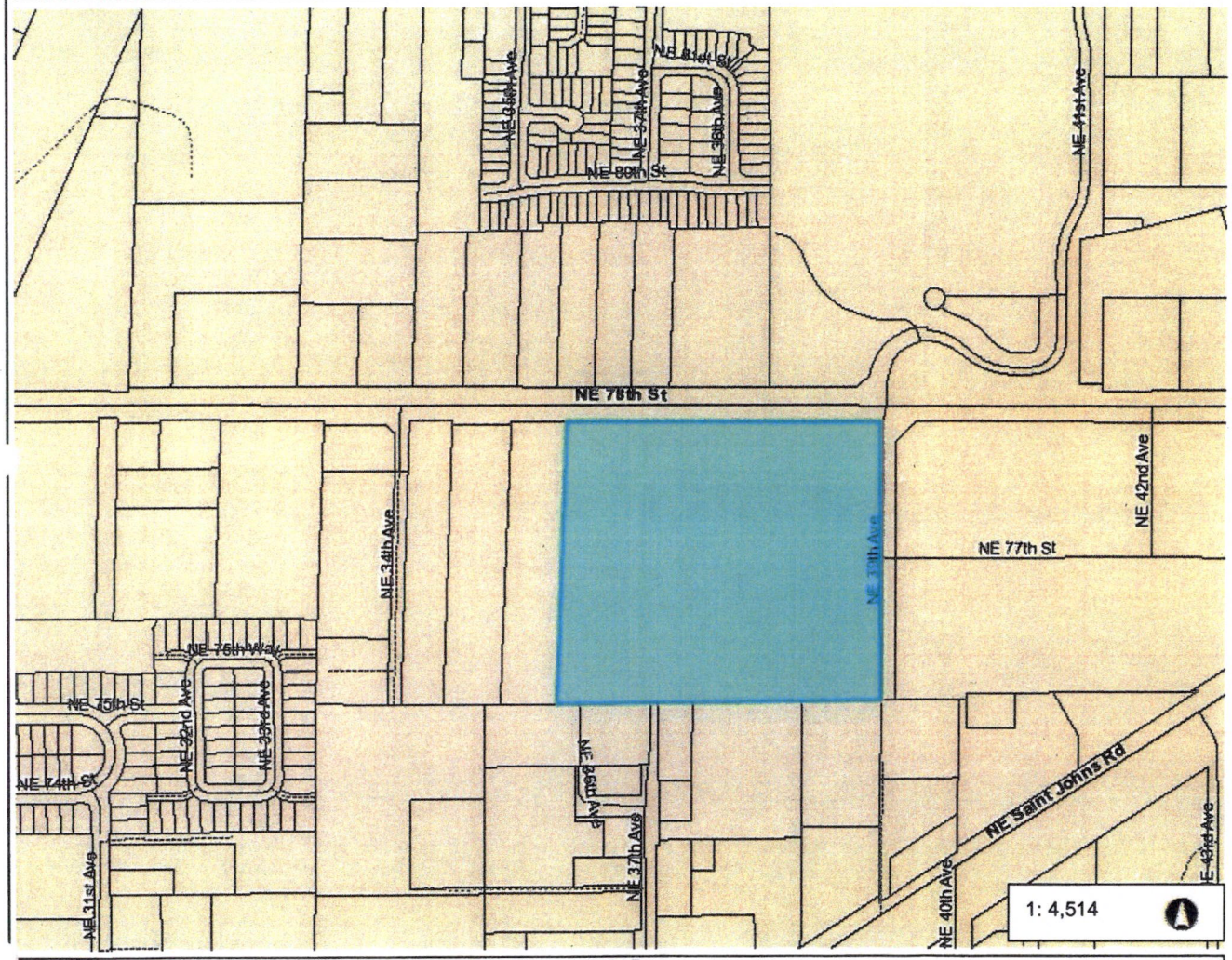
DATE: 3-24-2020

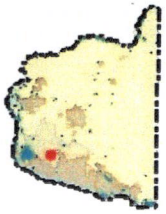
SR# 042-20

APPROVED:_____
Kathleen Otto, Interim County Manager

DATE: _____

CLARK COUNTY, WASHINGTON 1844





Legend

- Taxlots
- Cities Boundaries
- Urban Growth Boundaries

Notes:

752.3 0 376.17 752.3 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
Clark County, WA. GIS - http://gis.clark.wa.gov

This map was generated by Clark County's "MapsOnline" website. Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this information.

80 02280102

FEB 27 1980

EXHIBIT "A" Rez. 78-06

COVENANT RUNNING WITH THE LAND

A COVENANT to Clark County, State of Washington, hereinafter "COUNTY", from RONALD E. LAUSER and SHIRLEY A. LAUSER, husband and wife, and OTTO GAITHER and LOIS GAITHER, husband and wife, hereinafter "APPLICANTS", owners or parties in interest of certain real property more particularly described below, hereinafter "SITE", whereby APPLICANTS covenant to COUNTY that if the SITE is rezoned from F-X to M-L, that the SITE will be used only in accordance with this covenant and subject to the conditions herein described.

APPLICANTS herein covenant and agree to COUNTY on behalf of themselves and all of their heirs, assigns and successors in interest into whose ownership the SITE might pass, as follows, it being specifically agreed and covenanted that this is a covenant running with the land hereinafter described.

1. APPLICANTS are the sole and exclusive owners of the following described property (SITE) in Clark County, State of Washington:

> That portion of the Peter Fulkerson Donation Land Claim lying Southerly of the North line of Section 12, Township 2 North, Range 1 East of the Willamette Meridian in Clark County, Washington:
>
> EXCEPT the Easterly 1360 feet as measured along the North line thereof, and
>
> EXCEPT the Westerly 260.61 feet as measured along the North line thereof, and
>
> EXCEPT the Westerly 467.38 feet as measured along the South line of that portion thereof lying Easterly of the West 260.61 feet as measured along the North line thereof, and
>
> EXCEPT the North 30 feet thereof conveyed to Clark County for road purposes by deed recorded under Auditor's File No. G 292020.
>
> SUBJECT to an easement affecting the portion of said premises and for the purposes stated herein, and incidental purposes, for the purpose of constructing and maintaining highway

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slopes, in favor of the County of Clark, State of Washington, recorded on April 20, 1962, under Auditor's File No. G 330563, affecting the North 3 feet of said premises.

2. The SITE plan attached hereto as Exhibit "B", which is incorporated herein by this reference, will act as a guide for the development of a final site plan, which final site plan will be adhered to strictly in the development and use of the SITE, except as the Planning Director of COUNTY may approve otherwise, which approval may only be given if deviations in the final site plan are substantially in conformance with the representations of APPLICANTS and the understanding of all the parties, and the intent of the Board as expressed at the hearings culminating in the submission of this covenant and which originally motivated the implementation of Exhibit "B" as a control.

3. APPLICANTS covenant that only light manufacturing uses, together with ancillary administrative offices, will occur at the SITE and that such uses will comply with all provisions of the Clark County Code, including regulations for the M-L zoning district. Before developing the SITE for light manufacturing uses and before obtaining either building or occupancy permits, the following conditions will be met:

(a) A final site plan for each industrial use will be submitted to the Planning Director of COUNTY, which he may approve only if the site plan conforms to this covenant and the representation of APPLICANTS and the understanding of all the parties, and the intent of the Board as expressed at the hearings. The SITE plan so approved will be adhered to strictly in the use and development of the SITE except as amendments thereto are approved by the Planning Director for Clark County. The final site plan will include the location and external dimensions of all buildings, access, parking, and loading areas, and will be accompanied by the detailed plans of signing, lighting and landscaping provided for hereinafter. Approval of the site

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plan for each industrial use will be received prior to the issuance of building permits for that respective industrial use.

(b) A plan of storm water drainage will be submitted for approval to the Director of Public Works of COUNTY, which he may only approve if the plan protects surrounding land uses and the general public from drainage damage and hazards which would otherwise be caused by the use of the SITE as contemplated herein, and the drainage plan so approved will be adhered to and followed strictly in the development and use of the SITE; PROVIDED, that the Director may approve deviations from the plan according to the standard of initial approval, which approved deviations will be strictly adhered to in the development and use of the SITE. Such plan will provide for an on-site containment storm water system with provision for a restricted permanent outlet to be provided in the future.

(c) A plan or plans for signing and landscaping will be submitted to the Planning Director of COUNTY, which may only be approved if the signing and landscaping are designed to protect and preserve the quality of surrounding land uses, including public thoroughfares, and which plan or plans are designed to shield surrounding land uses from any nuisance which would be inflicted upon said surrounding land uses if the SITE were developed as proposed herein in the absence of such controls, and which plan or plans will be adhered to strictly in the development and use of the SITE as contemplated herein; PROVIDED, that the individual or entity originally approving said plan or plans may approve changes or amendments according to the standard of initial approval, which changes or amendments will be strictly adhered to in the development and use of the SITE.

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(d) A plan of lighting will be submitted to the Director of Public Works of COUNTY, which may be approved only if the lighting plan is designed to protect and preserve the quality of

surrounding land uses, including public thoroughfares, and which plan is designed to shield surrounding land uses from nuisance and glare which would be inflicted upon said surrounding land uses if the SITE were developed as proposed herein in the absence of such controls, and which plan or plans will be adhered to strictly in the development and use of the SITE as contemplated herein; PROVIDED, that the individual or entity originally approving said plan or plans may approve changes or amendments according to the standard of initial approval, which changes and amendments will be strictly adhered to in the development and use of the SITE.

(e) The development and use of the SITE as contemplated herein will at all times be served by public sanitary sewers and public water operated by a governmental entity of the State of Washington.

(f) A plan of fire protection will be submitted to the local jurisdictional fire district or official for approval, which may only be deviated from with the same approval, and which may only be approved if it insures the fire protection needs of the SITE as developed as contemplated herein, and fire plugs and circulation requirements may be specified to be installed at the APPLICANTS' expense.

(g) APPLICANTS will dedicate right-of-way and construct road improvements as follows:

(1) APPLICANTS will dedicate right-of-way sufficient to create a 40-foot half-width right-of-way along the frontage of N.E. 78th Street.

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(2) The N.E. 78th Street frontage will be improved by APPLICANTS to a 32-foot half-width with curb and sidewalk, with tapers constructed to connect the existing and improved roadway sections along N.E. 78th Street.

(3) All internal rights-of-way shall be 80-feet wide, constructed to a 64-foot wide road improvement, with

curbs and sidewalks.

(4) The aforementioned road improvements will be constructed by APPLICANTS to those county road standards selected by the Director of Public Works of COUNTY in the manner and at the time selected by him and pursuant to any additional agreements he may enter into between the APPLICANTS or their successors.

4. This covenant may be enforced by COUNTY, or any of its citizens who have standing to do so, in any or all of the following ways at their option:

(1) By COUNTY'S refusal to issue either a building permit or an occupancy permit in the case that this covenant has not been fully observed in the construction, development and use of SITE by APPLICANTS or any of their successors in interest, or by the revocation of any such permits for the failure of APPLICANTS or their successors to observe any of the provisions of this covenant or any agreements made pursuant thereto, but said revocation may only occur after a hearing by the Board of County Commissioners or a three member body appointed by it, for which ten (10) days notice by publication in a paper of general circulation has been given as well as to affected parties by registered return receipt requested certified mail;

(2) By bringing a suit in any court of competent jurisdiction for monetary damages to cover the expected cost of the COUNTY'S performance of any and all obligations covenanted herein which obligor has failed to perform, and which are to be performed by the COUNTY, or at its direction, on behalf of any obligor;

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(3) For injunction to cause specific performance of this covenant, or for other appropriate relief as may be deemed desirable by COUNTY.

5. A copy of this covenant will be filed with the Clark County Auditor in his recording department so as to appear as a covenant within the chain of title for SITE, as the sole and exclusive transfer of an interest from APPLICANTS or any of them prior to the filing of this covenant, and before or immediately upon passage of the change of zone upon which this covenant is predicated.

6. If the zone regulations which will govern SITE if it is rezoned as contemplated herein are at any time in the future changed, or if in the future SITE is given a zoning different than that which was granted as APPLICANTS requested herein, or if SITE is rezoned in any manner so as to make the uses developed as contemplated herein nonconforming, APPLICANTS covenant on behalf of themselves and all of their heirs, assigns and successors in interest into whose ownership SITE might pass to fully observe and comply with this covenant and all of its provisions notwithstanding any such changes in regulation, designation or zone.

7. If any provision of this covenant, or the application of the provision to any person or circumstance is declared invalid, then the rest of the covenant or the application of the provision to other persons or circumstances shall not be affected.

8. In the event of any litigation arising hereunder, or with respect hereto, the law of the State of Washington will control and APPLICANTS, and all signators hereto, do hereby submit themselves personally to the jurisdiction of the courts of the State of Washington, and do hereby agree that any action arising hereunder may be instituted by COUNTY in Clark County Superior Court, if the parties are served, including anywhere not within the State of Washington, in the following manner: 171

(a) By any method authorized by Washington law, or

(b) By registered mail, return receipt requested at

last known address; or

(c) By the service of papers upon the signator personally at any place, or upon anyone at his last known address; or

(d) By publication of notice in a newspaper of general circulation at the location of his last known address and in Clark County in the event that reasonable attempts to provide service as contemplated in (a), (b) and (c) have failed; or

(e) For corporations by service upon their registered agent either in this state or in another state.

9. That at such time as any signator hereto shall cease to have legal right of control over the use and development of the SITE, such signator shall not be bound to the extent of the loss of such control to perform any contractual duties hereunder arising after the cessation of such right of control, but such signator shall continue to be bound to perform contractual duties arising during such right of control and shall continue to be liable hereunder for breaches of such prior contractual duties.

10. This covenant and all of its provisions, and each of them, shall be binding upon APPLICANTS and any and all of their heirs, assigns and successors in interest into whose ownership SITE may pass, and any obligations made herein by APPLICANTS, shall be enforceable against all of their heirs, assigns and successors in interest into whose ownership SITE may pass, and all of them, except as this covenant shall expressly provide to the contrary by specifically stating that a provision is not binding upon successors.

11. The provisions of this covenant may be modified or rescinded only upon execution of an appropriate written instrument by the Board of Clark County Commissioners and the APPLICANTS or their then existing successors and assigns:

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Provided, that no such modification or rescission which materially alters the original purpose of the provisions of this covenant shall be made until the Board of County Commissioners has held a public hearing thereon giving such notice as is given for rezone applications.

DATED this 27th day of February, 1980.

Ronald E. Lauser
Ronald E. Lauser

Shirley A. Lauser By Ron Lauser attorney in fact
Shirley A. Lauser

Otto Gaither
Otto Gaither

Lois O Gaither By Otto Gaither Attorney in fact
Lois Gaither

STATE OF WASHINGTON

County of Clark

On this 26 Day of Feb., 1980, before me personally appeared Ronald E. Lauser to me known to be the individual ~~who executed~~ the foregoing instrument as attorney in fact for Shirley A. Lauser and acknowledged that he signed the same as his free and voluntary act and deed as Attorney in fact for said principle for the uses and purpose therein mentioned, and on oath stated that the Power of Attorney authorizing execution of this instrument has not been revoked and that said principle is now living and is not insane.

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Given under my hand and official seal the day and year last above written.

Thomas M. Neal

Notary Public in and for the State of Washington, residing at Vancouver

STATE OF WASHINGTON)
:ss.
COUNTY OF CLARK)

On this day personally appeared before me RONALD E. LAUSER and SHIRLEY A. LAUSER, husband and wife, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this _____ day of _____, 19____.

_____
NOTARY PUBLIC in and for the State

STATE OF WASHINGTON

County of Clark

On this Day of ,1980,before me personnally appeared Otto Gaither to me known to be the individual who executed the foregoing instrument as Attorney in fact for Lois Gaither and acknowledged that he signed the same as his free and voluntary act and deed as Attorney in fact for said principal for the uses and purposes therin mentioned, and on oath stated that the Power of Attorney authorizing execution of this instrument has not been revoked and that said principal is now living and is not insane.

Given under my hand and official seal the day and year last above written.

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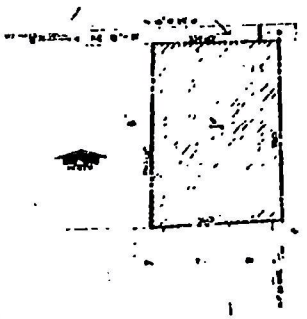
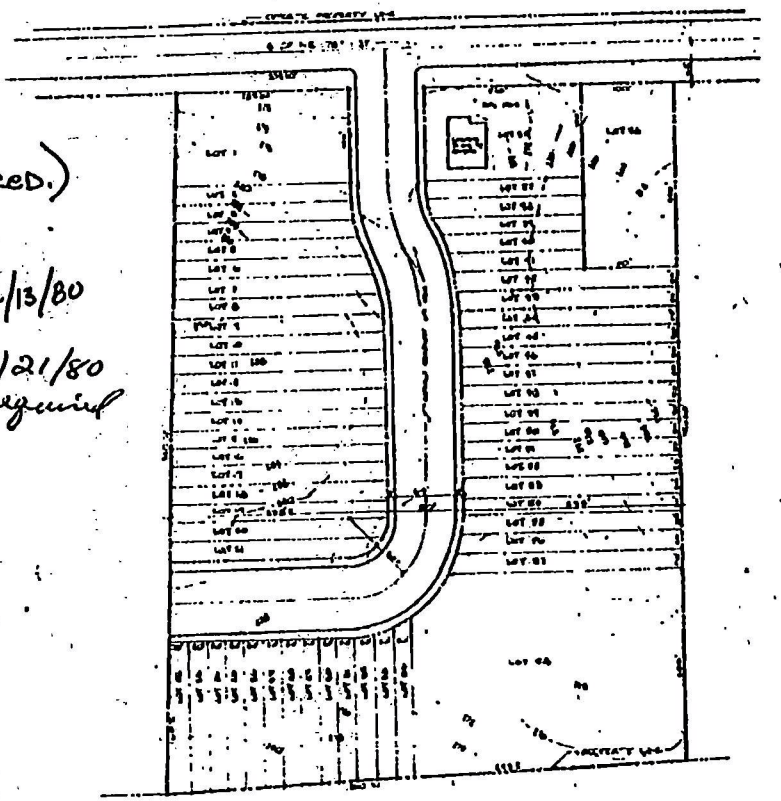
Notary Public in and for the State of Washington, residing at Vancouver.

FILE
CLERK
County Commissioners
FEB 23 2 4 PM '80
FOR
RON BUTZAUER

CONCEPTUAL PLAN
(LOT PATTERN NOT CONSIDERED.)
Street Alignment OK
OB 2/13/80
G.J. O.K. 2/21/80
plotting required



AREA SITE PLAN



SITE PLAN

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#78-06

PROPOSED SITE PLAN

PROPOSED M-L SUBDIVISION 8.5 ACRES

LAYNE A. REPLUGED AIA - ARCHITECT

ORDINANCE NO. 2019-02-02

An ordinance relating to land use; adopting amendments to the Clark County 20-year Comprehensive Growth Management Plan 2015-2035 map; zoning map; arterial atlas map; comprehensive plan text; and Clark County Code Title 40.

WHEREAS, Clark County adopted a 20-Year Comprehensive Growth Management Plan through ordinances 1994-12-47 and 1994-12-53 on December 20, 1994 to meet the goals and requirements of Chapter 36.70A RCW (also known as the Growth Management Act "GMA"); and

WHEREAS, the 20-Year Comprehensive Growth Management Plan has been updated and amended numerous times since 1994, through periodic updates and through annual reviews, all pursuant to GMA; and

WHEREAS, pursuant to RCW 36.70A.130, Clark County adopted an updated 20-Year Comprehensive Growth Management Plan 2015-2035 through ordinance 2016-06-12 on June 28, 2016; and

WHEREAS, the county needs to address certain requests for comprehensive plan and zoning changes to meet the goals and requirements of Chapter 36.70A RCW; and

WHEREAS, certain property owners of, and parties with interests in, one or more below-described real properties have each requested a 20-Year Comprehensive Growth Management Plan Amendment and Zone Change or correction of mapping errors affecting their property; and

WHEREAS, the Planning Commission reviewed the applications, docket items, amendments and modifications of the plan text, arterial atlas amendments, at duly noticed Public Hearings on May 17, 2018, June 21, July 19, August 2, August 16, September 6, and December 6, and has forwarded its recommendations to the County Council; and

WHEREAS, SEPA notices with determinations of non-significance were issued on March 19, 2018, April 9, April 28, June 4, July 17, and August 1; and

WHEREAS, comments were received regarding the State Environmental Policy Act (SEPA) reviews for CPZ 2018-00006 Gaither, CPZ 2018-00015 Urban Holding 179th Street/Killian and CPZ 2018-00001 Yacolt Mountain Quarry, and were included in the public record for each case and were considered by the Planning Commission and the County Council; and

WHEREAS, the council considered amendment cases CPZ 2018-00001 Yacolt Mountain Quarry; CPZ 2018-00003 Faith Center; CPZ 2018-00004 Strawberry Hill; CPZ 2018-00006 Gaither; CPZ 2018-00007 NE 99th St Extension; CPZ2018-00011 Complete Streets; CPZ 2018-00014 Rural Center-Proebstel; CPZ 2018-00015 Urban Holding 179th Street/Killian; and CPZ 2018-00020 Clark Regional Waste Water District CFP Update, at duly advertised public hearings on November 6, 2018, November 27, December 11; December 18; and January 8, 2019; and

WHEREAS, the council took public testimony from interested parties and considered all comments presented; and

WHEREAS, the council in reviewing all the proposed comprehensive plan changes considered the cumulative impacts of those changes, consistent with CCC Section 40.560.010 Plan Amendment Procedural Ordinance and Section 40.560.010(S), cumulative impacts; and

WHEREAS, the council also considered the staff reports and the recommendations of the Clark County Planning Commission; and

WHEREAS, the council finds that adoption of the amendments are in the best public interest and will further the public health, safety and welfare; now therefore,

BE IT HEREBY ORDERED, RESOLVED AND DECREED BY THE CLARK COUNTY COUNCIL, CLARK COUNTY, STATE OF WASHINGTON, as follows:

Section 1. Findings.

The findings and analysis contained in the Clark County Planning Commission's Recommendations to council dated November 6, 2018, November 27, December 11, December 18, and January 8, 2019, relating to the 2018 Comprehensive Plan and Dockets Amendments, are hereby adopted and incorporated herein by reference except where inconsistent with the following.

Section 2. Comprehensive Land Use Plan and Zoning Map Modifications.

1. In the matter of **Annual Review item number CPZ2018-00001 Yacolt Mountain.** Amend the Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property, 107 acres in size, located at 36400 NE 10th Ave, Ridgefield, WA, by expanding the surface mining overlay to two parcels with an FR-1 comprehensive plan designation with Forest-80 (FR-80) zoning as recommended by the Planning Commission and indicated on the attached map (Exhibit 1). The council **approved** the expansion of the surface mining overlay on parcel number 230301000 and a portion of parcel number 230061000 adjacent to the Yacolt Mountain Quarry. This approval was contingent upon a covenant running with the land and restricting use of property on the two subject parcels (Exhibit 1B). The covenant states that the property owner will not extract material from the property, will only use the property for storage of materials removed from the Yacolt Mountain Quarry and for ancillary uses as may be necessary to support that use, for a period of ten (10) years. Tax serial number 230301000 and a portion of 230061000; located in the South Half of the Southeast Quarter of Section 5, Township 4 North, Range 3 East of the Willamette Meridian, and a portion of the South 120 acres of the South Half of Section 4, Township 4 North, Range 3 East of the Willamette Meridian.

2. In the matter of **Annual Review item number CPZ2018-00002 Ward 162nd LLC.** The applicant **withdrew** their application for the 2018 cycle on November 19, 2018. The proposal would have amended the Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property, 8.26 acres in size, located west of the intersection of NE 162nd Ave and NE Ward Rd., Vancouver, WA, from Commercial with Community Commercial (CC) zoning to Urban High Density Residential with R-30 zoning. The Planning Commission recommended denial. Tax serial numbers 104130000 and 104143000; located in the SE ¼ of Section 1, Township 2 North, Range 2 East of the Willamette Meridian.

3. In the matter of **Annual Review item number CPZ2018-00003 Faith Center.** Amend the Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property, 2.5 acres in size, located at 10800 and 10818 NE 117th Ave, Vancouver, WA from Mixed Use with Mixed Use (MX) zoning to Urban Low Density Residential with R1-6 zoning as recommended by the Planning

Commission and indicated on the attached map (Exhibit 2). The council **approved** the amendment of the comprehensive plan and zoning designation from Mixed Use (MX) to Urban Low (R 1-6). Tax serial numbers 200145000, 200080000/200080001; located in the NW and SW ¼ of Section 34, Township 3 North, Range 2 East of the Willamette Meridian.

4. In the matter of **Annual Review item number CPZ2018-00004 Strawberry Hill II Live-Work.** Amend the Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property, 1.65 acres in size, located west of NE 47th Ave, between NE 188th Ave and NE 119th Ave, Vancouver, WA, from Commercial with Neighborhood Commercial (NC) zoning to Urban Low Density Residential with R1-6 zoning as recommended by the Planning Commission and indicated on the attached map (Exhibit 3). The council **approved** the amendment of the comprehensive plan and zoning designation from Commercial with Neighborhood Commercial (NC) zoning to Low Density Residential with R1-6 zoning. Tax serial numbers 1898100000 and 189835000; located in the NE ¼ of Section 36, Township 3 North, Range 1 East of the Willamette Meridian.

5. In the matter of **Annual Review item number CPZ2018-00006 Gaither.** Amend the Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property,13.78 acres in size, located on NE 78th Street ,Vancouver, WA, from Commercial with General Commercial (GC) zoning to Urban Medium Density Residential with OR-22 zoning as recommended by the Planning Commission and indicated on the attached map (Exhibit 4). The council **approved** the amendment of the comprehensive plan and zoning designation from Commercial (General Commercial) to Urban Medium Density Residential (OR-22). Tax serial numbers 144534000, 144492000, 144514000, and 144516000; located in the NW ¼ of Section 12, Township 2 North, Range 1 East of the Willamette Meridian.

Section 3. Docket Items/Clark County Initiated.

1. In the matter of **Docket item number CPZ2018-00011 Complete Streets,** the council **approved** the following amendments to the text of the Comprehensive Growth Management Plan 2015-2035:

Chapter 5 – Transportation, page 142.

Complete Streets

The Complete Streets concept promotes streets that are safe and convenient for all users. Streets constitute a large portion of the public space and should be designed, constructed, operated, and maintained to be an appropriate and integrated transportation system that will meet the needs of motorists, pedestrians, bicyclists, wheelchair users, transit vehicles and riders, freight haulers, emergency responders, and residents of all ages and abilities.

Transportation facilities that support the concept of complete streets includes, but are not limited to, pavement markings and signs, street and sidewalk lighting, sidewalk and pedestrian safety improvements, Americans with Disabilities Act and Title VI compliance, transit accommodations, bicycle accommodations including appropriate signage and markings, and as appropriate

streetscapes that appeal to and promote pedestrian use. The system's design will be consistent with and supportive of local neighborhoods, recognizing that transportation needs vary and must be balanced in a flexible, safe, and cost effective manner.

Those involved in the planning and design of projects within the public right-of-way will give consideration to all users and modes of travel from the start of planning and design work. Transportation improvements shall be viewed as opportunities to create safer, more accessible streets for all users. This shall apply to new construction, reconstruction, and rehabilitation.

Chapter 5 – Transportation, page 152

Goal: Develop a multi-modal transportation system.

5.2 Multi-modal System Policies

5.1.1 Roadway improvements which provide for additional capacity for the automobile shall also accommodate alternative travel modes.

5.1.2 Transit related options, including high capacity transit, shall be encouraged in order to reduce congestion and to improve and maintain air quality.

5.1.3 The regional public transportation system shall serve the needs of those with transportation disadvantages in accordance with adopted service standards. The county, C-TRAN and local agencies shall maintain specialized transportation services and facilities to meet the requirements of the Americans with Disabilities Act.

5.1.4 The county shall support new and improved passenger rail transportation services between Clark County and the Portland metropolitan area and along the I-5 corridor from Vancouver, BC to Eugene, Oregon.

5.1.5 Regional airport planning shall include all affected jurisdictions to provide compatibility with surrounding land uses and to support adequate ground transportation to move people and goods to and from airports.

5.1.6 The 2010 Clark County Bicycle and Pedestrian Master Plan and its policies are included by reference in the Comprehensive Plan.

5.1.7 The county supports the development of its bicycle and pedestrian network identified in the 2010 Clark County Bicycle and Pedestrian Master Plan.

5.1.8 The county supports coordination among the jurisdictions and agencies in the development of bikeway and pedestrian facilities.

5.1.9 Supports efforts to fund construction of bicycle and pedestrian improvements in the Clark County Bicycle and Pedestrian Master Plan without the loss of streets and/or highway vehicular lane capacity.

5.1.10 Long range land use and transportation plans shall be coordinated with high capacity transit plans.

5.1.11 Promote bicycle and pedestrian safety and increased bicycling and walking through safety and encouragement of activities.

5.1.12 Endorse the concept of complete streets, which promotes roadways that are safe and convenient for all users.

5.1.13 Design and construct complete streets wherever feasible and practicable.

2. In the matter of **Docket item number CPZ2018-00014 Rural Center - Proebstel,** the council **denied** the following amendments: establish Proebstel as a rural center by amending the Clark County 20-Year Comprehensive Growth Management Plan Map designation and corresponding zoning from Rural 5 (R-5) to Rural Center with RC-1, RC-2.5, and CR-2 zoning for approximately 112 acres.

3. In the matter of **Docket item number CPZ 2018-00015 Urban Holding 179th Street/Killian,** the council **approved** the following amendments: remove the urban holding zoning and comprehensive plan overlays on approximately 40 acres near the NE 179th St/Interstate 5 interchange on properties identified by account numbers 181199000, 181190000, and 181206000. A developer's agreement was approved concurrently that ensures the completion of localized critical links and intersection improvements necessary to provide adequate infrastructure to serve urban-level development of the parcels (Exhibit 5).

4. In the matter of **Docket item number CPZ2018-00020 Clark Regional Waste Water District CFP Update (CRWWD),** the council **approved** the following amendments: amendment to the Comprehensive Growth Management Plan 2015-2035 Capital Facilities and Utilities Element and Appendix E Capital Facility Plans Review and Analysis to reflect the update to CRWWD's General Sewer Plan (GSP), including estimated costs of the 6-year and 20-year capital facilities plan and accompanying text edits as indicated in exhibits 6 and 7. Council also approved language to be added to the GSP (Exhibits 6-8) that addresses the study areas that are included in the GSP and the process that needs to be followed prior to CRWWD providing service to the study areas.

Section 4. Arterial Atlas Amendments

1. In the matter of **Docket item number CPZ2018-00007 NE 99th St Extension,** the council **approved** the following amendments: amend the Arterial Atlas alignment to improve neighborhood circulation on NE 99th St. connecting between NE 87th Ave and NE 72nd Ave (Exhibit 9).

Section 5. Severability.

If any section, sentence, clause, or phrase of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction or the Growth Management Hearings Board, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 6. Effective Date.

This ordinance shall go into effect on February 22, 2019, ten (10) days after its adoption.

Section 7. Instructions to Clerk.

The Clerk to the council shall:

1. Transmit a copy of this ordinance to the Washington State Department of Commerce within ten (10) days of its adoption pursuant to RCW 36.70A.106.
2. Transmit a copy of this ordinance to the Washington State Department of Ecology within ten (10) days of its adoption pursuant to RCW 36.70A.106.
3. Transmit a copy of the adopted ordinance to Code Publishing, Inc., forthwith to update the electronic version of the Clark County Code.

4. Transmit a copy of the adopted ordinance to the Clark County Geographic Information Systems (Megen Britell and Jesse Manley).
5. Transmit a copy of the adopted ordinance to the Community Development Department (Mitch Nickolds and Susie Davidson).
6. Transmit a copy of the adopted ordinance to the Community Planning (Sharon Lumbantobing).
7. Record a copy of this ordinance with the Clark County Auditor.
8. Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 36.70A.290 and Clark County Code 1.02.140, and transmit a copy to Community Planning.

Section 8. Roll Call Vote. The following persons voted in favor of the above ordinance [amendments]: Temple Lentz, Julie Olson, John Blom, Gary Medvigy, and Eileen Quiring.

The following persons voted in opposition of the above ordinance [amendments]: _____.

ADOPTED this 12th day of February, 2019.

Attest:

Clerk to the Council

COUNTY COUNCIL
CLARK COUNTY, WASHINGTON

By: _____
Eileen Quiring, Chair

Approved as to Form Only:
Anthony F. Golik
Prosecuting Attorney

By: _____
Christine Cook
Sr. Deputy Prosecuting Attorney

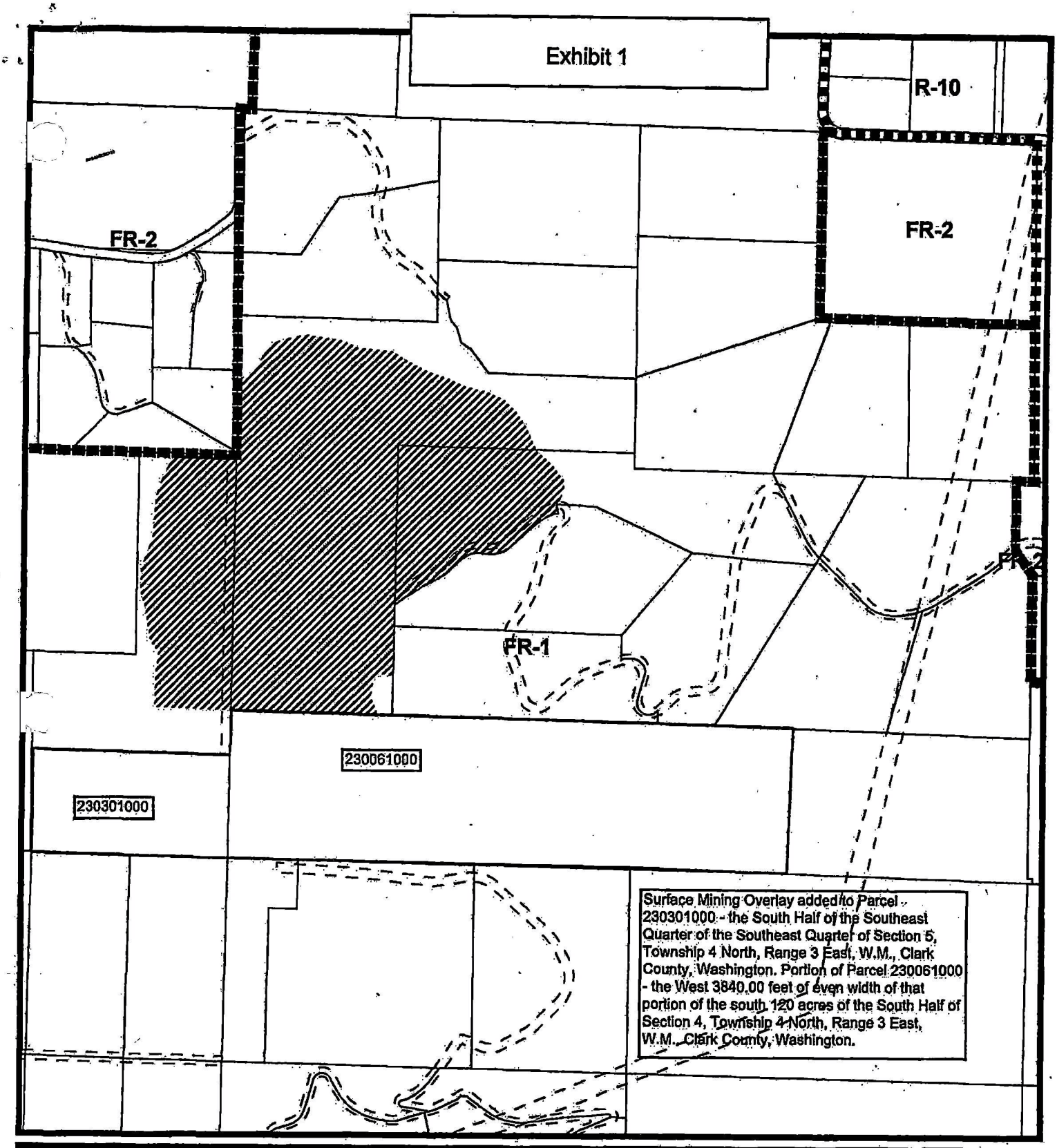
By: _____
Temple Lentz, District 1

By: _____
Julie Olson, District 2

By: _____
John Blom, District 3

By: _____
Gary Medvigy, District 4

CLARK COUNTY, WASHINGTON 1844



CLARK COUNTY, WASHINGTON

Geographic Information System

1:10,300

0 425 850 1,275 Feet

Comprehensive Plan Designation

Account No: 230061000, 230301000, 230067000
Owner: STOREDAHL PROPERTIES LLC
Address: 2233 TALLEY WAY
C/S/Z: KELSO, WA 98626

- Subject Parcel
- Public Road
- Transportation or Major Utility Easement
- Comprehensive Plan Boundary
- Urban Reserve
- Industrial Reserve
- Railroad Industrial Reserve
- Mining
- Rural Center Mixed Use
- Columbia River Gorge Scenic Area

Printed on: September 29, 2017

53132 53133 43105 43104 43103 43108 43109 43110

Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

Exhibit 1A

Exhibit A

Parcel 230301000 - the South Half of the Southeast Quarter of the Southeast Quarter of Section 5, Township 4 North, Range 3 East, W.M., Clark County, Washington.

Portion of Parcel 230061000 - the West 3840.00 feet of even width of that portion of the South 120 acres of the South Half of Section 4, Township 4 North, Range 3 East, W.M., Clark County, Washington.

Exhibit 1B

Return Address
Christine Cook
Clark County Prosecuting Attorney's Office,
Civil Division
P.O. Box 5000
Vancouver, WA 98666-5000

CP 18-08

COVENANT RUNNING WITH THE LAND AND RESTRICTING USE OF PROPERTY

Grantor(owner): Storedahl Properties LLC

Grantee: Clark County

Abbreviated Legal Description The South Half of the Southeast Quarter of the Southeast Quarter of Section 5, Township 4 North, Range 3 East, W.M., Clark County, Washington.
A portion of the South 120 acres of the South Half of Section 4, Township 4 North, Range 3 East, W.M., Clark County, Washington.

Assessor's Property Tax Parcel/Account No. 230061000, 230301000

Review Case No.:

This Covenant Running with the Land and Restricting Use of Property (Covenant) is made this 7TH day of December, 2018 by Storedahl Properties LLC, a Washington limited liability company, (Storedahl), and Clark County, a Washington municipal corporation.

BACKGROUND

A. Storedahl owns property legally described on Exhibit A to this Agreement and referred to as the Storedahl Property (parcel serial numbers 230061000 and 230301000).

Exhibit 1B

Storedahl is the sole and exclusive owner of the Storedahl Property, and/or has authority to bind all persons or entities that have a known interest in the Storedahl Property.

B. Storedahl currently operates a surface mine on adjacent properties which is the subject of permits issued by the County under CPZ2002-00009, CUP2002-00003, PSR2002-00015, SEP2002-00025, and ARC2001-00050, and is referred to here as the Yacolt Mountain Quarry. The properties on which the Yacolt Mountain Quarry is permitted are designated by the Clark County Comprehensive Plan map with an existing Surface Mining Overlay.

C. Storedahl has applied to the County through Annual Review Application CPZ2018-00001 for an amendment to the Clark County Comprehensive Plan Map to designate the Storedahl Property with a Surface Mining Overlay (the Application). The Application states that Storedahl would use the Storedahl Property to extend the life of the Yacolt Mountain Quarry by providing a location to store material removed from the Yacolt Mountain Quarry. Storedahl contemplates that the Storedahl Property may be mined later when the minerals from the Yacolt Mountain Quarry are exhausted; provided, that both the storage of material on the Storedahl Property and potential eventual mining of the Storedahl Property will require additional environmental review and land use permitting.

D. Following State Environmental Policy Act review, and review by the Clark County staff and Planning Commission, the County Council conducted a public hearing on November 27, 2018, which hearing was continued to a time certain on December 11, 2018, to consider the Application. During the hearing, Storedahl was asked by the Council whether it would agree to a condition limiting the use of the Storedahl Property so as to exclude mineral extraction for at least five (5) years. Storedahl indicated it would agree to such a limitation.

E. To make the Storedahl representation a binding commitment running with the land, and as a further clarification of its Application, Storedahl covenants and agrees as set forth below.

COVENANT RUNNING WITH THE LAND

1. Restriction. If the County Council approves the Application, Storedahl covenants and agrees for itself and its successors and assigns, and for any subsequent possessor or owner of the Storedahl Property, which hereinafter shall be together referred to as "Storedahl", that for a period of ten (10) years from the date of this Covenant, it will not extract material from the Storedahl Property. During the term of this Covenant, Storedahl shall only use the Storedahl Property for the storage of materials removed from the Yacolt Mountain Quarry and for such ancillary uses as may be necessary to support that use, such as haul roads and storm drainage improvements. These ancillary uses do not include extraction of material, asphalt mixing, concrete batching, clay bulking, rock crushing or temporary offices, shops, or other accessory buildings and structures used for management and maintenance of mining and processing equipment.

2. Other Permits. Nothing in this Covenant is intended to excuse Storedahl from applicable County requirements for any proposed activities on the Storedahl Property. Storedahl

Exhibit 1B

shall obtain fill and grade, Conditional Use Permits and/or other permits that may be necessary under applicable County Code.

/////

3. Expiration and Termination. This Covenant shall expire 10 years from the date this Covenant is signed by Clark County. The Covenant shall also be null and void if the County does not approve the Application. Storedahl may earlier terminate the Covenant only as provided in Section 4 below.

4. Release or Modification of Covenant. Storedahl agrees not to seek a release or modification any term of the Covenant by any means other than a Type IV legislative procedure, to be considered for approval by the Clark County Council, as set forth in the Clark County Code.

5. Successors and Assigns: Enforceability. This Covenant shall run with the Storedahl Property as a restrictive covenant and shall be binding upon Storedahl until its expiration or termination as set forth above. All obligations made herein by Storedahl shall be enforceable in law or in equity by Clark County against Storedahl, as that term is defined above to include Storedahl Properties LLC, and all of its successors, assigns, and any future possessors or owners of the Storedahl Property.

IN WITNESS WHEREOF, the parties cause this Covenant to be executed the day and date indicated below.

DATED this 7th day of December, 2018.

STOREDAHL PROPERTIES LLC	CLARK COUNTY, WASHINGTON
By: Kevin R. Storedahl	By: Marc Boldt
Its: Vice President JLS Member of Properties, LLC	Its: County Chair

Approved as to Form Only:
Anthony F. Golik
Clark County Prosecuting Attorney

Christine M. Cook

By: Christine M. Cook, Senior Deputy Prosecuting Attorney

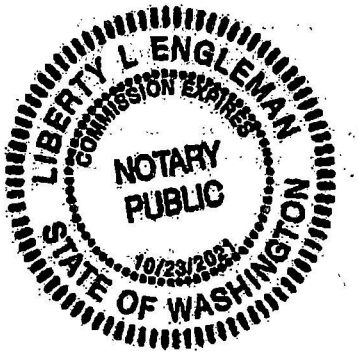
CLARK COUNTY, WASHINGTON 1844

Exhibit 1B

STATE OF WASHINGTON)
) ss.
COUNTY OF Cowlitz)

On this 7th day of December, 2018, before me personally appeared Kevin Storedahl, to me known to be ~~the~~ a Member of Storedahl Properties, LLC, the limited liability company that executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said limited liability company for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute and in fact executed said instrument on behalf of the limited liability company.

DATED this 7th day of December, 2018.



Liberty Engleman
Type/Print Name: Liberty Engleman
NOTARY PUBLIC in and for the State of Washington, residing at Kelso WA
My Commission Expires 10/23/21

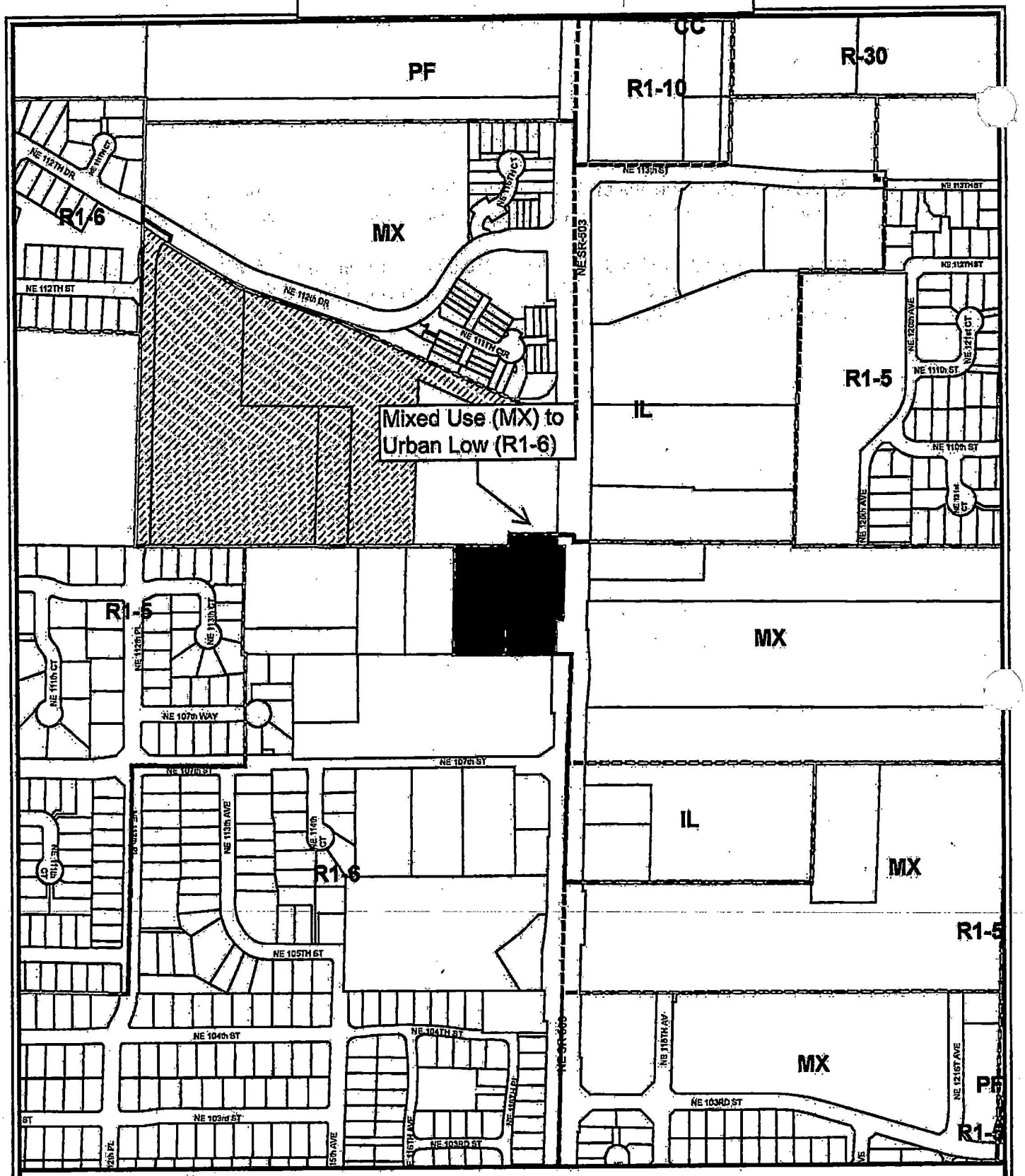
Exhibit 1B

Exhibit A

Parcel 230301000 - the South Half of the Southeast Quarter of the Southeast Quarter of Section 5, Township 4 North, Range 3 East, W.M., Clark County, Washington.

Portion of Parcel 230061000 - the West 3840.00 feet of even width of that portion of the South 120 acres of the South Half of Section 4, Township 4 North, Range 3 East, W.M., Clark County, Washington.

Exhibit 2



File # CPZ2018-00003, SN 200080000 200080001 200145000
T3N R2E Sec 34
Preliminary Land Division

Owner: FAITH CENTER FELLOWSHIP OF

Subject Property
Zoning Boundary
Mining Combining District
Contingent Zoning
Urban Holding-10
Urban Holding-20

Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

Geographic Information Systems
Printed on: Mar 20, 2018
Project: ta\mpus\gis\Projects\storefront\Standard_maps\python\AnnualRoview\Maps\scripts\production\AnnRov1.mxd

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL I

COMMENCING at the Southeast corner of the Southwest quarter of the Northwest quarter of Section 34, Township 3 North, Range 2 East of the Willamette Meridian; and running thence North 160 feet; thence West 290.63 feet; thence South 160 feet, more or less, to the South line of the Northwest quarter of Section 34; thence East along the South line of said quarter Section 290.63 feet to the Point of Beginning.

EXCEPT any portion lying within the right-of-way of NE 117th Street, now known as SR-503.

ALSO EXCEPT that portion conveyed to the State of Washington by deed recorded July 8, 1988, under Auditor's File Number 8807060061 records of Clark County, Washington.

PARCEL II

BEGINNING at the Northeast corner of the North half of the Northwest quarter of the Southwest quarter of Section 34, Township 3 North, Range 2 East of the Willamette Meridian; and thence West 40 rods; thence South 20 rods; thence East 40 rods; and thence North 20 rods to the Point of Beginning.

EXCEPT for the following described tract;

That portion of the North half of the Northwest quarter of the Southwest quarter of Section 34, Township 3 North, Range 2 East of the Willamette Meridian, described as follows:

BEGINNING at a point 509 feet West of the Northeast corner of said subdivision; thence West 148 feet; thence South 330 feet; thence East 148 feet; thence North 330 feet to the Point of Beginning.

ALSO EXCEPT that portion of the North half of the Northwest quarter of the Southwest quarter of Section 34, Township 3 North, Range 2 East of the Willamette Meridian, described as follows:

BEGINNING at a point 360 feet West of the Northeast corner of said subdivision; thence West 149 feet; thence South 330 feet; thence East 149 feet; thence North 330 feet to the Point of Beginning.

ALSO EXCEPT that portion of the Northwest quarter of the Southwest quarter of Section 34, Township 3 North, Range 2 East of the Willamette Meridian, described as follows:

BEGINNING at a point on the East line of said subdivision 20 rods South of the Northeast corner thereof, said point being the Southeast corner of the tract conveyed to Marvin Mackey, et ux, by deed recorded under Auditor's File No. G 381679; thence West along the South line of said Mackey Tract 200 feet; thence North parallel with the East line of said tract 100 feet; thence East on the East line of the Northwest quarter of the Southwest quarter of said Section 34; thence South along said east line 100 feet to the Point of Beginning.

ALSO EXCEPT a tract of land situated in the Southwest quarter of Section 34, Township 3 North, Range 2 East of the Willamette Meridian, Clark County, Washington, described as follows:

BEGINNING at the Southeast corner of that tract of land conveyed to Marvin Mackey and Nellie Mackey, husband and wife as described in Deed recorded under Auditor's File No. G 381679; thence North 100 feet to the True Point of Beginning; thence West parallel with the South line of said Mackey Tract, a distance of 200 feet; thence North parallel with the centerline of N.E. 117th Avenue, 20 feet; thence East parallel with the South line of said Mackey tract to the center of N.E. 117th Avenue; thence South 20 feet to the True Point of Beginning.

ALSO EXCEPT that portion lying within the Right-of-Way of NE 117th Street, now known as SR-503.

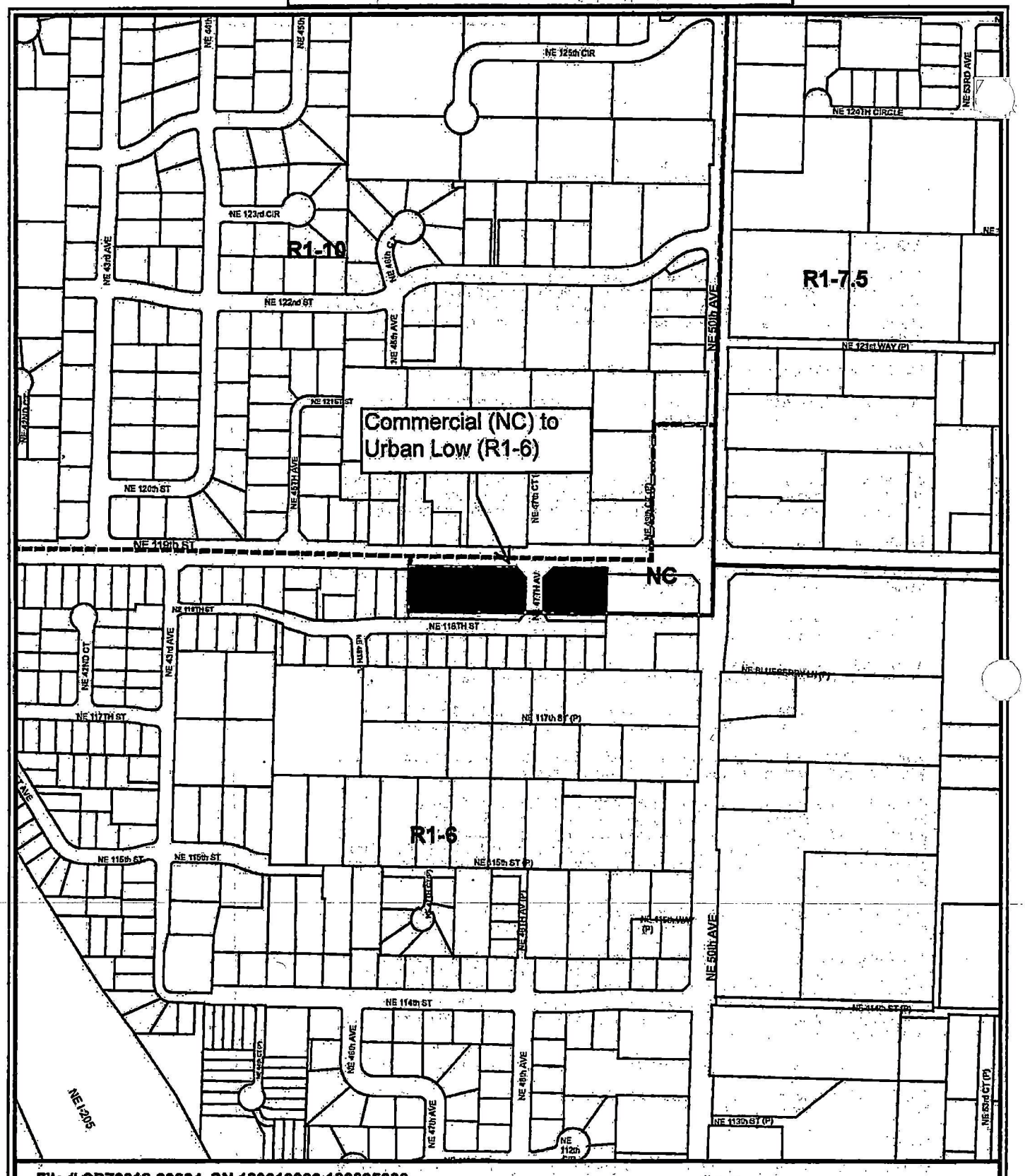
ALSO EXCEPT that portion conveyed to the State of Washington as recorded under Auditor's File Number 8601180033 and 8607060061.

PARCEL III

That portion of the North half of the Northwest quarter of the Southwest quarter of Section 34, Township 3 North, Range 2 East of the Willamette Meridian, described as follows:

BEGINNING at a point 360 feet West of the Northeast corner of said subdivision; thence West 149 feet thence South 330 feet; thence East 149 feet; thence North 330 feet to the Point of Beginning.

Exhibit 3



File # CPZ2018-00004, SN 189810000 189835000
T3N R1E Sec 36
Preliminary Land Division

Owner: WOLLAM TERRY SR & WOLLAM TERRY JR

Subject Property
Zoning Boundary
Mining Combining District
Contingent Zoning
Urban Holding-10
Urban Holding-20

Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

Geographic Information System
Printed on: Mar 20, 2018
Project: [illegible]

Exhibit 3A

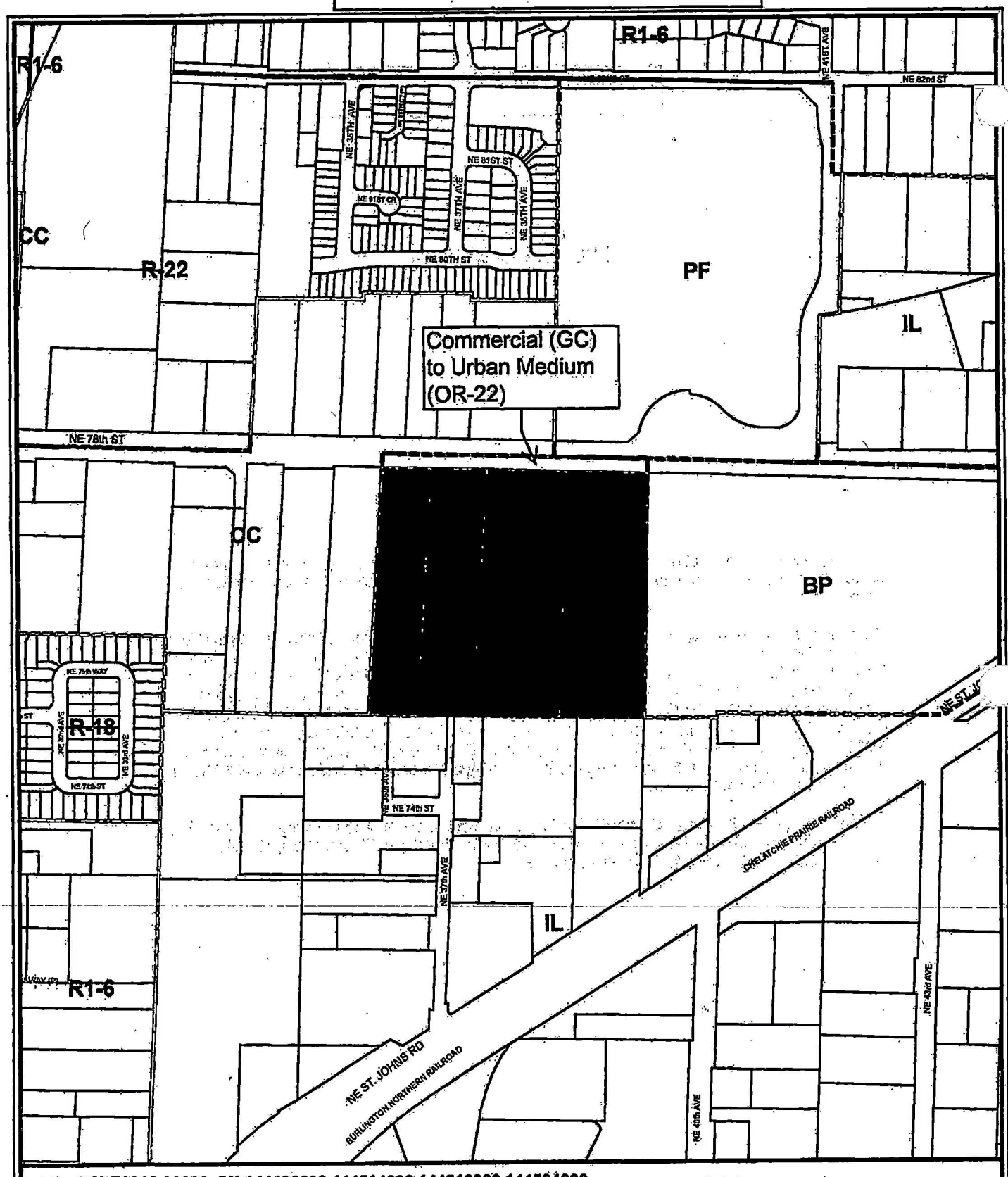
EXHIBIT "A"
LEGAL DESCRIPTION

A tract of land in a portion of the Northeast quarter of the Northeast quarter of Section 36, Township 3 North, Range 1 East, Willamette Meridian, Clark County, Washington, more particularly described as follows:

BEGINNING at the Northeast corner of said Section 36; thence South 89°27'02" West, along the North line of the Northeast quarter of said Section 36, for a distance of 321.02 feet; thence South 00°03'01" West, for a distance of 30.00 feet to a point on the Southerly right of way line of Northeast 119th Street, said point being the True Point of Beginning; thence South 00°03'01" West, for a distance of 299.27 feet; thence South 89°29'39" West, for a distance of 339.76 feet; thence North 00°08'37" East, for a distance of 168.39 feet; thence South 89°38'07" West, for a distance of 283.69 feet; thence North 00°08'44" East, for a distance of 131.78 feet to a point on the Southerly right of way line of Northeast 119th Street; thence North 89°27'02" East, along the Southerly right of way line for a distance of 603.25 feet to the True Point of Beginning.

EXCEPT that portion known as STRAWBERRY HILL PHASE 2, as conveyed to Pahlisch Homes, Inc., an Oregon corporation by deed recorded June 14, 2013 under Auditor's File No. 4982008 and re-recorded under Auditor's File Nos. 5060013 and 5066402.

Exhibit 4



File # CPZ2018-00006, SN 144492000 144514000 144516000 144534000
T2N R1E Sec 12
Preliminary Land Division

Owner: GAITHER FAMILY II LLC

Subject Property
Zoning Boundary
Mining Combining District
Contingent Zoning
Urban Holding-10
Urban Holding-20

Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

Geographic Information System
Printed on: Feb 13, 2010
Project: c:\usr_proj\mxDrd\D195251_131132\AnnRovi.mxd 0

Exhibit 4 A

3406694
Page: 2 of 2
12/24/2001 01:44P
OTTO & LOIS GAITHER D 9.00 Clark County, WA

"Exhibit A"

Order No.: 160059-B
Page No.: 2

LEGAL DESCRIPTION:

The East half of the following described property:

That portion of the Peter Fulkerson Donation Land Claim lying Southerly of the North line of the Northeast quarter of Section 12; Township 2 North, Range 1 East of the Willamette Meridian in Clark County, Washington.

EXCEPT the Easterly 1360 feet as measured along the North line thereof.

AND EXCEPT the Westerly 260.61 feet as measured along the North line thereof.

AND EXCEPT the Westerly 467.38 feet as measured along the South line of that portion thereof lying Easterly of the West 260.61 feet as measured along the North line thereof.

AND EXCEPT the North 30 feet thereof conveyed to Clark County for road purposes by deed recorded under Auditor's File No. G 292030.

Situate in the County of Clark, State of Washington.

OTT GAITHER D 9.00

Exhibit 4B

Exhibit "A"

The W½ half of the following described property:

That portion of the Peter Fulkerson Donation Land Claim lying Southerly of the North line of Section 12; Township 2 North, Range 1 East of the Willamette Meridian in Clark County, Washington.
EXCEPT the Easterly 1360 feet as measured along the North line thereof. AND EXCEPT the Westerly 260.61 feet as measured along the North line thereof.
and EXCEPT the Westerly 467.56 feet as measured along the South line of said portion thereof lying Easterly of the West 260.61 feet as measured along the North line thereof.

AND EXCEPT the North 30 feet thereof conveyed to Clark County for road purposes by deed recorded under Auditor's File No. G 292030.

Situate in the County of Clark, State of Washington
Subject to easements, restrictions, covenants and conditions of record

Exhibit 4C

CHICAGO TITLE INSURANCE COMPANY

EXHIBIT 'A'

DESCRIPTION: ORDER NO: K148346 JB

BEGINNING at the Southwest corner of the Peter Fulkerson Donation Land Claim No. 58 in Township 2 North, Range 1 East of the Willamette Meridian, and running thence Northerly along the West line of said Donation Land Claim, 780.02 feet to the North line of Section 12, Township 2 North, Range 1 East of the Willamette Meridian; thence Easterly, along the North line of said Section, 409.53 feet to the East line of the R. J. Horn tr act, the TRUE Point of Beginning of the real property herein described; thence Southerly parallel with the West line of said Donation Land Claim, 780.02 feet, more or less, to the South line thereof; thence Easterly along the South line of said Donation La nd Claim, 148.92 feet; thence Northerly parallel with the West line of said Donation Land Claim, 780.02 feet to the North line of said Section; thence Westerly 148.92 feet to the Point of Beginning.

EXCEPT the North 42 feet for N.E. 78th Street.

Exhibit 4D

EXHIBIT A

BEGINNING at the Southwest corner of the Peter Fulkerson Donation Land Claim No. 58 in Township 2 North, Range 1 East of the Willamette Meridian, and running thence Northerly, along the West line of said Donation Land Claim, 780.02 feet to the North line of Section 12, in said Township and Range; thence Easterly along the North line of said Section, 558.45 feet to the true point of beginning of the real property herein described, and running thence Easterly, along the North line of said Section, 169.54 feet; thence Southerly, parallel with the West line of said Donation Land Claim, 780.02 feet, more or less, to the South line thereof; thence Westerly, along the South line of said Donation Land Claim, 169.54 feet; and thence Northerly, parallel with the West line of said Donation Land Claim, 780.02 feet, more or less, to the point of beginning.

EXCEPT County Roads.

Exhibit 5

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

Stephen W. Horenstein,
Attorney Horenstein Law
Group PLLC 500
Broadway, Suite 120
Vancouver, WA 98660

Grantor	:	Three Creeks- Mumford LLC, Three Creeks North LLC,
Grantee	:	Clark County, Washington
Abbreviated Legal	:	Sec 14, T3N, R1E, WM; Sec 11, T3N, R1E, WM
Assessor's Tax Parcel Nos.	:	181190-000; 181199-000; 181206-000; 181200-000

DEVELOPMENT AGREEMENT

Effective Date: Dec. 18, 2018

Parties:

THREE CREEKS-MUMFORD LLC, a Washington limited liability company

THREE CREEKS NORTH LLC, a Washington limited liability company

(collectively the "Developer");

And

CLARK COUNTY, WASHINGTON, a political subdivision of the State of Washington (the "County").

Exhibit 5

RECITALS

A. The Developer and the County have collaborated over a number of years through a public-private partnership, to facilitate the improvement of transportation infrastructure in the area of the 179th Street interchange with Interstate 5 ("179th Interchange Area"), an area which faces challenges to development including a lack of capacity on the local roadways and intersections, congestion on existing roadways, and lack of access to underdeveloped properties, and resulting traffic safety problems. Each Party has dedicated significant resources to planning for that area, which provides a gateway to development of currently underutilized land in the 179th Interchange Area. It is necessary for the Parties to complete certain planning efforts in the area, so that public and private funding will be available to complete the needed infrastructure, and that development of the infrastructure can go forward. Completion of certain intersections and other transportation links in the area will allow certain properties to develop, thereby generating further resources for more transportation improvements, and addressing the continuing harm to the public because of the problems and challenges listed above. This Agreement will document the completion of planning relevant to the subject property, the Developer's contributions to the completion of certain infrastructure in the area, and the County's assurances that the Developer may proceed as set forth herein.

B. The Developer owns several parcels of property in the 179th Interchange Area which will be developed cohesively with a master development plan for all of the parcels. The Developer and the County entered into a Development Agreement dated December 18, 2012 ("Prior Agreement") regarding the southern portion of the planned master development, the legal description for which is set forth in Exhibit A, attached hereto (the "South Property"). The Prior Agreement was recorded on January 8, 2013 under Clark County Auditor Number 4929770 and re-recorded on September 1, 2016 under Clark County Auditor Number 5321604. Trips for the Prior Agreement were evaluated in two phases. The first phase of this evaluation was for a 60,000 SF parcel legally described in Exhibit A1to this Development Agreement. The trip analysis for this parcel determined that no mitigation is required for development on that parcel to occur.

C. In the northern portion of the planned master development, the Developer owns several parcels zoned for mixed use. Some of those properties – namely Parcel Nos. 181190-000 and 181199-000 and the northern portion of Parcel No. 181206-000 are subject to an Urban Holding Overlay Plan Designation and Zone ("UH Property"). The legal description for the UH Property is set forth in Exhibit B, attached hereto.

1. Parcel No. 181200-000 is not subject to the Urban Holding overlay.

2. The Parties understand and agree that within six months of the date this Agreement is recorded, the Developer will adjust the boundary line between Parcel No. 181200-000 and Parcel No. 181199-000, as conceptually depicted on Exhibit D, so that the northeastern corner of Parcel No. 181200-000 and land extending westward from that corner will become part of Parcel No.

181199-000. As the concept develops, the boundary between Parcel No. 181206-000 and 181199-000 may need to be adjusted as well, to facilitate the master plan. The portion of the now existing Parcel Nos. 181200-000 and 181206-000 that become part of Parcel 181199-000 pursuant to that boundary line adjustment shall be referred to as the "Adjusted Property," as conceptually depicted on Exhibit H.

3. The Developer desires to subject the UH Property and the Adjusted Property to the terms and provisions of this Agreement.

4. The Prior Agreement will remain in effect according to its terms, except that it is not applicable to the UH Property or the Adjusted Property. This Agreement is not applicable to the South Property, except according to its terms herein, and except to the extent that a portion of the trips vested to the South Property are deferred pursuant to Clark County Code ("CCC") 40.350.020.M and are reallocated to the UH Property by this Agreement.

D. The South Property is designated on the Clark County Comprehensive Growth Management Plan Map ("Plan Map") as Commercial and on the Zoning Map as General Commercial.

E. The UH Property is designated on the Plan Map and the Zoning Map as Mixed Use. All the UH Property is subject to an overlay designated as Urban Holding ("UH") on the Plan Map and as UH - 10 or UH - 20 on the Zoning Map. The Adjusted Property will be designated on the Plan Map and Zoning Map as Mixed Use or General Commercial use, consistent with the current designations of the source properties. The Adjusted Property is not currently subject to a UH restriction.

F. This Agreement addresses the Comprehensive Plan criteria to lift the UH overlay from the UH Property and includes the Developer's agreement to satisfy the criteria. The County's approval of this Agreement represents the County Council's determination for the UH Property that the completion of localized critical links and intersection improvements are reasonably funded.

G. In order for Developer to facilitate the items identified in this Agreement, Developer desires to obtain removal of the UH overlay designation and zoning from the UH Property so that development may occur thereon. In this regard, the removal of the UH overlay from the UH Property via a County ordinance will be processed concurrently with the approval, execution and recording of this Agreement.

H. Developer and County will continue to cooperate on certain master planning and infrastructure improvements for the 179th Interchange Area. Developer hereby agrees to mitigate the impacts of the removal of the UH overlay from and the development of the UH Property and the Adjusted Property as follows:

Exhibit 5

1. Developer shall continue to work with County in a master plan process for the overall 179th Interchange Area to assist in the identification of necessary right-of-way needs for future road alignments.

2. Within six months of the date this Agreement is recorded with the Clark County Auditor, Developer shall transfer sufficient property to County from each of the eastbound and westbound sides of 179th Street east of Interstate 5, between the Interstate 5 ramps and Northeast 15th Avenue, to constitute 50 feet of half-width right-of- way on each side of 179th Street. Attached hereto as Exhibit C is a conceptual plan for the widening of 179th Street and for improvements thereon and on the UH Property.

3. Attached to this Agreement as Exhibit G is a conceptual plan for the location of a future two-lane minor arterial with bike lanes and a center turn lane as it traverses Developer's property. The alignment of the future minor arterial, as shown on Exhibit G, crosses certain UH Property subject to this Agreement, as well as other property owned by Developer. Developer shall transfer this agreed-upon right-of-way to County as necessary to connect 15th Avenue from its connection at 179th Street on the south to 10th Avenue on the north upon determination of its final alignment. The parties shall work collaboratively to determine the final alignment and will update Exhibit G, accordingly, once the final alignment is agreed upon.

4. Developer shall construct and dedicate to the County an eastbound to southbound right turn lane on NE 179th Street at NE 15th Avenue. The construction of the right turn lane will meet Clark County's standard details for roadway, drainage, sidewalk, and development. In addition to the requirements for constructing the right turn lane, the required construction will include replacement of traffic signal poles, cabinets, and associated infrastructure as needed to accommodate the new right-turn lane, in accordance with the specifications of Clark County Public Works' Signal Engineering and Operations Division.

5. The County agrees to allow Developer to develop access to Developer's property for circulation to and within Developer's property, on the north side of NE 179th Street opposite the Three Creeks Shared Access (identified in Exhibit G). Developer will pay for the construction of this access. The Developer's traffic engineer has prepared trip generation and distribution information based on the expected development of the UH Property and the Adjusted Property and has prepared the same information based on the expected development of the South Property. A copy of the trip generation estimates is attached hereto as Exhibit E.

I. The Developer owns and/or controls all the real property subject to this Agreement and that property is located within the County's jurisdiction. Thus, pursuant to

Exhibit 5

RCW 36.70B.170(1), the parties are authorized to enter into a development agreement that sets forth the development standards and other provisions that apply to, govern and vest the development and use of the UH Property and the Adjusted Property.

NOW, THEREFORE, the parties agree as follows:

1. **Terms of Agreement.**

1.1 Recitals. The Recitals set forth above are hereby agreed to be binding provisions of this Agreement as their terms provide.

1.2 Development Subject to Code. With respect to the removal of Urban Holding from the UH Property and its development and the development of the Adjusted Property, the Developer shall be bound by all applicable provisions of the Clark County Code, except as otherwise set forth in this Agreement.

1.3 Amendments. The Parties may mutually agree to any necessary amendments to this Agreement to facilitate infrastructure improvements and other matters. Any amendments hereto shall be in writing and duly executed by both parties.

2. **Purpose.** The purposes of this Agreement include the following: to continue the public-private collaboration on both planning and funding necessary for improvements to infrastructure in the 179th Interchange Area, which collaboration the Council finds is beneficial to the public welfare and safety; to remove the UH overlay from the UH Property; to reserve transportation capacity for the future development and use of the UH Property and the Adjusted Property; to plan for transportation and other infrastructure for the South Property, the UH Property and the Adjusted Property; to provide certain right-of-way and improvements to increase transportation capacity in the area; and to participate with the Washington Department of Transportation and others in providing for off-interchange infrastructure improvements; all as more particularly described herein.

3. **Expected Development of the UH Property and Adjusted Property.** The Developer intends to and shall only utilize trips vested herein to residential uses on the UH Property and the Adjusted Property in compliance with applicable zoning district standards. However, this trip restriction shall not preclude the Developer from developing other uses as permitted on the UH Property and the Adjusted Property through an amendment hereto or through the standard County land use and development processes.

4. **Reservation of Transportation Capacity and Concurrency.** This Agreement sets forth on Exhibit F, attached hereto, the critical local transportation links and intersection improvements necessary to remove UH from the UH Property and the Adjusted Property. Together with other contemplated funding, this Agreement ensures that the improvements to these links and the intersections will be reasonably funded, as required by the Comprehensive Plan. The Developer's transportation engineer has calculated average daily trips and peak hour trips based on the expected development of the South

Property and the UH Property and Adjusted Property, as identified on Exhibit E, attached hereto. County Public Works staff has approved the calculation of the peak hour trips and average daily trips, and the County hereby reserves and vests under CCC 40.350.020.K, and CCC 40.350.020.M, such trips for the UH Property and the Adjusted Property for use throughout the term of this Agreement, subject to the terms of CCC 40.350.020.M and to the Developer's agreement to dedicate right-of-way and construct the off-site mitigation measures. The peak hour trips and average daily trips for the UH Property and the Adjusted Property can only be reserved, vested and used on the UH Property and the Adjusted Property. All calculations provided for herein include the trips vested as hereinabove described by the Prior Agreement for the South Property, as well as the trips for UH Property and the Adjusted Property

4.1 **Off-Site Mitigation.** In compliance with the county code, and pursuant to Recital H, above, Developer shall provide right-of-way and construct infrastructure for mitigation of the direct impacts of the contemplated development of the UH Property and the Adjusted Property as determined by Developer and County Public Works staff after County's review and approval of Developer's traffic study, concurrency modeling, and safety analysis of the Developer's project. Any dedication of right-of-way or construction of infrastructure described in Recital H above that does not mitigate the direct impacts of development contemplated on the UH Property and Adjusted Property provided by Developer is intended to mitigate some of the direct impacts of Developer's larger development in the 179th Interchange Area. Transportation mitigation provided by Developer shall be subject to potential credits granted according to the County's regulations and policies governing traffic impact fees and credits. Exhibit F attached hereto identifies the conceptual description of the transportation mitigation efforts described in Recital H above.

4.2 **Re-allocated Trips.** Pursuant to CCC 40.350.020.M, Developer wishes to defer 4,072 daily trips and 402 weekday PM peak hour trips reserved and vested to Phase 2 of the South Property by the Prior Agreement, and to re-allocate those trips to another portion of its development, namely the UH Property and the Adjusted Property. Pursuant to CCC 40.350.020.M and this Agreement, those trips will not be available for Developer's use on Phase 2 of the South Property until 5 years after this Agreement is first recorded.

4.3 **No Other Conditions for Concurrency.** No off-site transportation improvements other than those described and depicted in this Agreement, including the attached Exhibits, will be required of Developer so long as development of the UH Property and the Adjusted Property do not generate more than those peak hour trips described on Exhibit E. If changes to the anticipated uses of the South Property and UH Property and Adjusted Property are found to cause the site to generate new peak hour trips over those set forth on Exhibit E, the relevant additional trips will be subject to review and required mitigation under the County's concurrency ordinance in effect when the application vests.

Exhibit 5

5. **Traffic Impact Fees (TIF).** Developer shall pay TIF for the total trips, calculated and identified on Exhibit E attached to this Agreement, at the TIF rate in effect at issuance of the relevant building permit(s) according to the terms of the Clark County Code.

6. **Site Circulation and Access.** The County will review site circulation and access at the time of preliminary development application.

7. **Vesting.**

7.1 **Vesting to Standards.** The parties agree that the development of the UH Property vests as to the uses set forth on Exhibit E, and the County's standards in its Comprehensive Plan and Code in effect as of the time of the recording of this Agreement (with the exception of environmental laws deemed by a Washington Court decision to not be subject to vesting). Building Permit Codes and regulations are not vested by this Agreement.

7.2 **Amendment of Standards.** Subject to the provisions of Section 7.3 below, this Agreement and the vested standards govern during the term of this Agreement and may not be subject to an amendment to a zoning ordinance, land use regulation, or development standard adopted after the effective date of this Agreement.

7.3 **Public Health and Safety Issues.** Nothing contained herein shall preclude the County from exercising any and all rights it has under RCW 36.70B.170 to address issues of public health and safety.

8. **Cooperation and Necessary Acts.** The Parties agree to work together in good faith and using best efforts to plan their projects together and in a way that will make them functionally compatible. Each Party agrees to execute this Agreement and other reasonably necessary instruments and documents, and perform all acts reasonably necessary, to give effect to the terms of this Agreement.

9. **Disputes.** Either Party may bring an action in the Superior Court for Clark County, State of Washington, for the purpose of construing or enforcing this Agreement. Each Party shall bear its own costs and attorneys' fees.

10. **Recording and Run with the Land.** This Agreement shall be recorded with the Clark County Auditor. This Agreement shall be re-recorded after the concept for the Adjusted Property described in Exhibit D and again after the concept for the transportation mitigation efforts described in Recital H and Exhibits C, F, and G become finalized into full legal descriptions and/or maps. This Agreement shall run with the land and be binding on the Parties' successors and assigns.

11. **Term.** This Agreement shall be effective commencing on the date it is first recorded with the Clark County Auditor and ending fifteen (15) years from the date of recording of the Prior Agreement, on January 8, 2013, under Clark County Auditor Number 4929770.

Exhibit 5

12. Public Hearing. The Clark County Council has approved execution of this Agreement in a public hearing.

CLARK COUNTY,
Washington

By: _____
Shawn Henessy, County Manager
Date: 12-3-18

Approved as to form only:

_____
Anthony F. Golik,
Prosecuting Attorney

By: _____
Christine M. Cook,
Senior Deputy Prosecuting Attorney

THREE CREEKS -MUMFORD LLC, a
Washington limited liability company

By: _____
Print Name: Lance Killian
Title: Manager
Date: 1/7/2019

THREE CREEKS NORTH LLC, a
Washington limited liability company

By: _____
Print Name: Lance Killian
Title: Manager
Date: 1/7/2019

Exhibit 5

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Exhibit 5

State of Washington)
) ss.
County of Clark)

I certify that I know or have satisfactory evidence that Lance Killian is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as Mgr. of Three Creeks-Mumford LLC, a Washington limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: Jan. 7, ~~2018~~ 2019.

Notary Seal

REBECCA L MESSINGER
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION NUMBER 3715
COMMISSION EXPIRES APRIL 26, 2021

Rebecca L. Messinger
Notary Public for Washington

Rebecca L. Messinger
Name of Notary

My appointment expires: 4/26/2021

Exhibit 5

State of Washington)
) ss.
County of Clark)

I certify that I know or have satisfactory evidence that Lance Killian is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as Mgr. of Three Creeks North LLC, a Washington limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: Jan. 7, ~~2018.~~ 2019

Notary Seal

REBECCA L MESSINGER
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION NUMBER 3715
COMMISSION EXPIRES APRIL 26, 2021

Rebecca L. Messinger
Notary Public for Washington

Rebecca L. Messinger
Name of Notary

My appointment expires: 4/26/2021

Exhibit 5

EXHIBIT A

DESCRIPTION OF SOUTH PROPERTY

117840-000

Lot 8 and 9, MOUNTAIN VIEW ACRES, according to the plat thereof, recorded in Volume "D" of plats, Page 074, records of Clark County, Washington.

EXCEPT that portion of said premises lying East of the West line of NE 15th Avenue (as conveyed by deeds recorded under Auditor's File No.'s 4114159, 4165351 and 4162120).

ALSO EXCEPT any portion lying within William Smith Road (now known as NE 173rd Street).

181930-000

That portion of the Northwest quarter of Section 14, Township 3 North, Range 1 East of the Willamette Meridian, described as follows:

BEGINNING at a point that is North 89°35' East 832 feet from the Northwest corner of said Section 14; thence South 825 feet; then South 89°35' West 225.72 feet; thence North 796.1 feet to the South line of the County Road; thence North 69°57' East 79.54 feet; thence North 89°35' East 151.0 feet to the Point of Beginning.

EXCEPT that portion conveyed to the State of Washington under Auditor's File No. G 274953.

181937-000

That portion of the Northwest quarter of Section 14, Township 3 North, Range 1 East of the Willamette Meridian, described as follows:

BEGINNING at a point that is North 89°35' East 1100 feet East from the Northwest corner of Section 14, Township 3 North, Range 1 East of the Willamette Meridian; thence South 89°35' West 268.4 feet; thence South 825 feet; thence North 89°35' East 239.4 feet; thence Northerly 825 feet, more or less, to the Point of Beginning.

EXCEPT any portion lying within NE 179th Street.

Exhibit 5

181905-000. 181963-000 and 181971-000

PARCEL A

BEGINNING at a point 16 chains East of the Northwest corner of Section 14, Township 3 North, Range 1 East of the Willamette Meridian, in Clark County, Washington; thence East 191.4 feet, more or less, to the Northwest corner of the Stuart tract as conveyed by deed recorded under Auditor's File No. G 624943; thence South along said Stuart tract 660 feet to the Southwest corner of said Stuart tract; thence West 191.4 feet, more or less, to a point 660 feet South of the Point of Beginning; thence north 660 feet to the Point of Beginning.

EXCEPT that portion conveyed to Clark County by deed recorded July 14, 2005, under Auditor's File No. 4017134, records of Clark County, Washington.

EXCEPT any portion lying within N.E. 179th Street.

ALSO EXCEPT beginning at a point that is North 89°35' East 1100 feet East from the Northwest corner of Section 14, Township 3 North, Range 1 East of the Willamette Meridian, in Clark County, Washington; thence South 89°35' West 44 feet; thence South 825 feet; thence North 89°35' East 15 feet; thence Northerly 825 feet, more or less, to the Point of Beginning.

PARCEL B

BEGINNING at a point 1412.4 feet East of the Northwest corner of Section 14, Township 3 North, Range 1 East of the Willamette Meridian, in Clark County, Washington; thence South 660 feet; thence West 165 feet; thence North 660 feet; thence East 165 feet to the Point of Beginning.

EXCEPT that portion conveyed to Clark County by deed recorded July 14, 2005, under Auditor's File No. 4017134, records of Clark County, Washington.

EXCEPT any portion lying within N.E. 179th Street.

PARCEL C

BEGINNING at a point 1742.4 feet East of the Northwest corner of Section 14, Township 3 North, Range 1 East of the Willamette Meridian, in Clark County, Washington; thence South 660 feet; thence West 330 feet; thence North 660 feet; thence East 330 feet to the Place of Beginning.

Exhibit 5

EXCEPT that portion conveyed to Clark County by deed recorded July 14, 2005, under Auditor's File No. 4017134, records of Clark County, Washington.

EXCEPT any portion lying within N.E. 179th Street.

181957-000

That portion of the Northwest quarter of Section 14, Township 3 North, Range 1 East of the Willamette Meridian, described as follows:

BEGINNING at a point which is 1,742.4 feet East and 660 feet South of the Northwest corner of Section 14; thence South 165 feet; thence West 671.4 feet; thence Northerly along the tract presently owned by Grantee 165 feet more or less to a point located 666.2 feet West of the Place of Beginning; thence East to the Place of Beginning.

TOGETHER WITH a 30 foot wide easement for ingress, egress and utilities, described as follows:

A 30 foot easement over the East portion of the following described property:

That property beginning at a point that is North 89°35' East 1,100 feet East of the Northwest corner of Section 15 Township 3 North, Range 1 East of the Willamette Meridian; thence South 89°35' West 44 feet; thence South 825 feet; thence North 89°35' East 15 feet; thence Northerly 825 feet, more or less, to the Point of Beginning.

EXCEPT that portion conveyed to Clark County by deed recorded October 26, 2005, under Auditor's File No. 4072444, records of Clark County, Washington.

TOGETHER WITH that portion of the Northwest quarter of Section 14, Township 3 North, Range 1 East of the Willamette Meridian, in Clark County, Washington, described as follows:

BEGINNING at a point that is North 89°35' East 1,100 feet East from the Northwest corner of Section 14, Township 3 North, Range 1 East of the Willamette Meridian; thence South 89°35' West 268.4 feet; thence South 825 feet; thence North 89°35' East 239.4 feet; thence Northerly 825 feet, more or less, to the Point of Beginning.

Exhibit 5

EXHIBIT B

DESCRIPTION OF UH PROPERTY

181190-000

The South Half of the North Half of the Northwest Quarter of the Southwest Quarter of Section 11, Township 3 North, Range 1 East of the Willamette Meridian in Clark County, Washington.
EXCEPT that portion lying within SR-502, also known as NE 10th Avenue.

181199-000

The South half of the Northwest quarter of the Southwest quarter of Section 11, Township 3 North, Range 1 East of the Willamette Meridian, Clark County, State of Washington.

EXCEPT any portion lying within SR-502, also known as NE 10th Avenue.

181206-000

The West half of the West half of the East half of the Southwest quarter of Section 11, Township 3 North, Range 1 East of the Willamette Meridian, Clark County, Washington.

EXCEPT that portion lying within the right of way of NE 179th Street.
EXCEPT the portion of the property that is zoned for General Commercial use.

Exhibit 5

EXHIBIT C

CONCEPTUAL PLANS FOR WIDENING 179th STREET

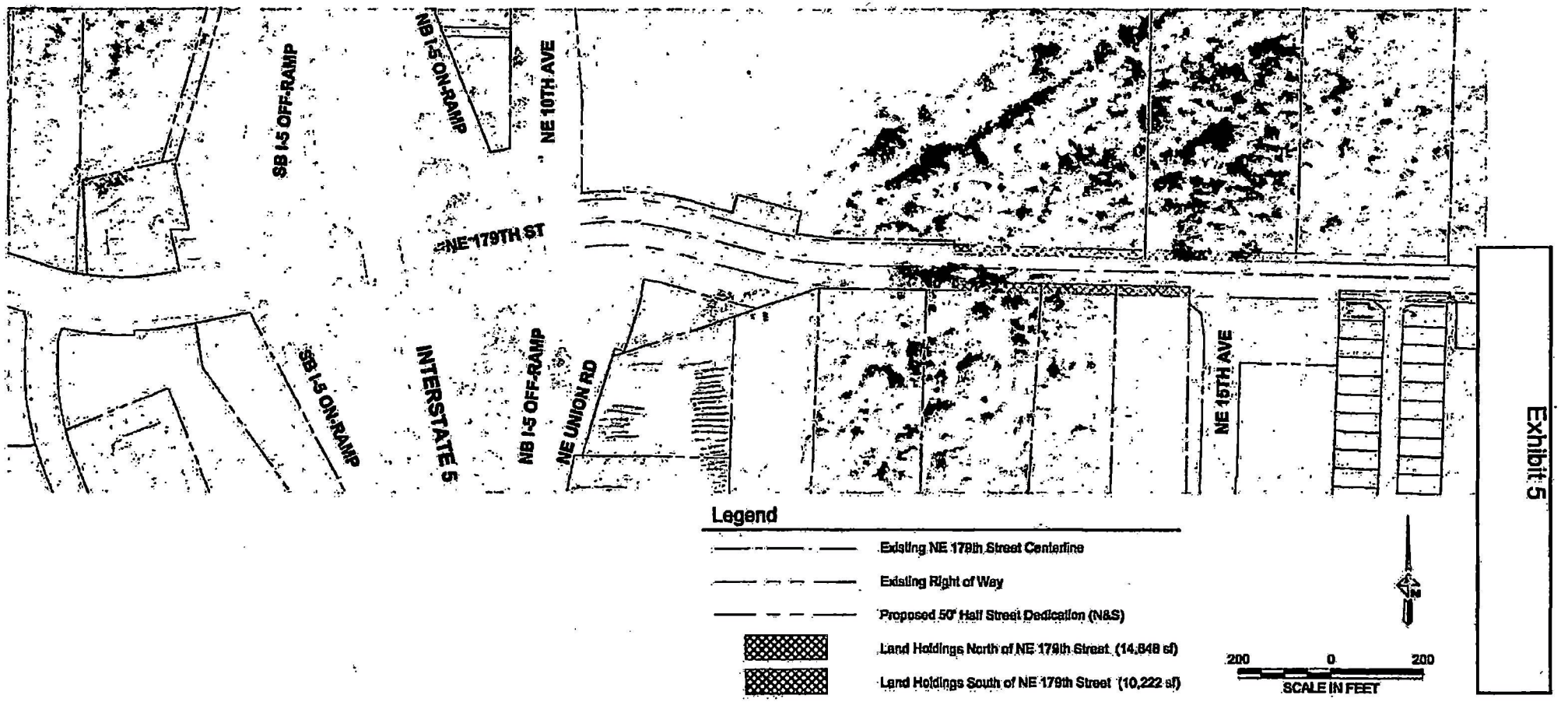

Exhibit 5

DOWL

Contact: Read Stapleton AICP

Three Creeks Infrastructure Partnership

Right of Way Dedication Exhibit

Clark County, Washington

Exhibit 5

EXHIBIT D

ADJUSTED PROPERTY CONCEPTUAL DESCRIPTIONS

Exhibit 5

Potential "Adjusted Property"

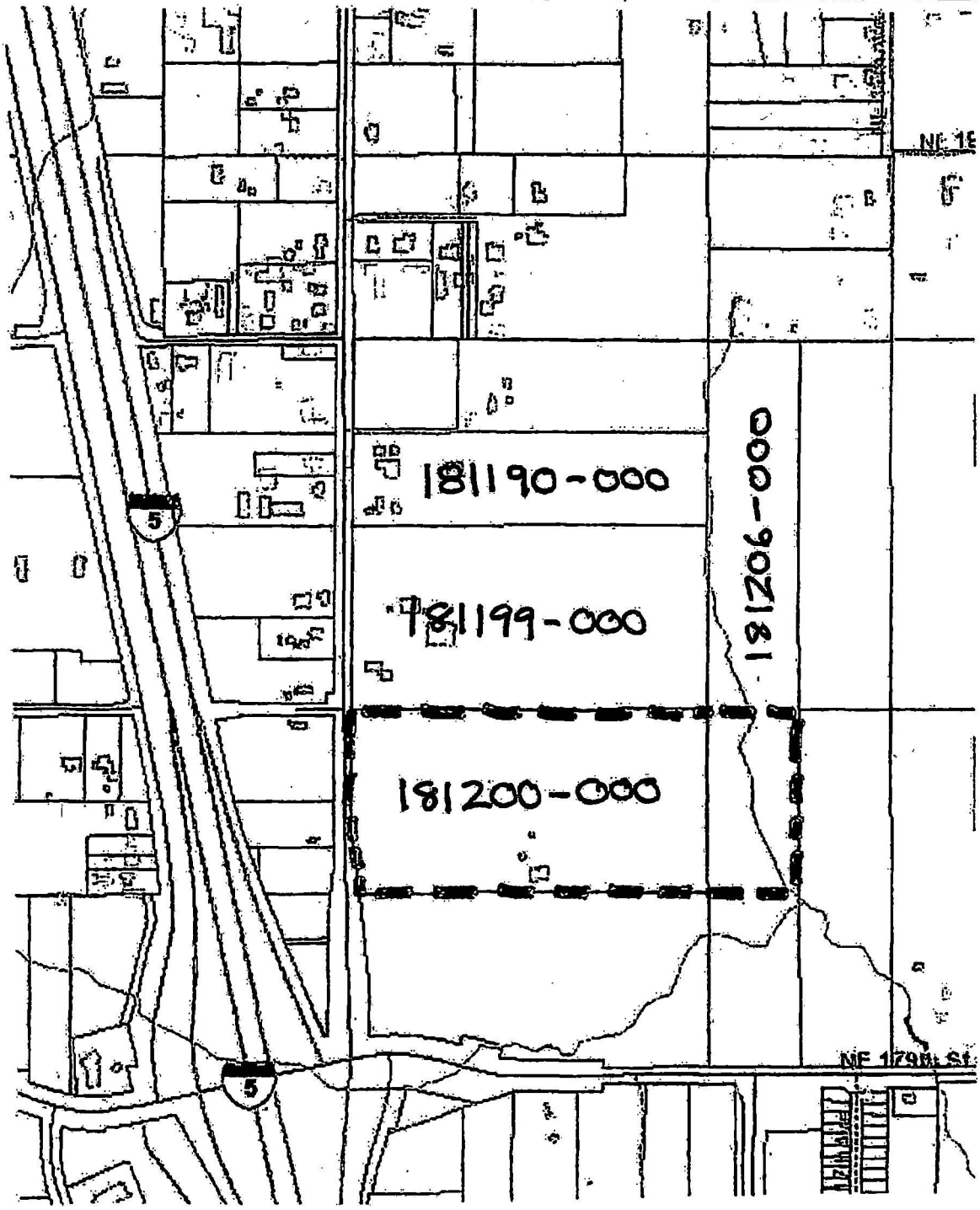

Exhibit 5

EXHIBIT E

TRIP GENERATION ESTIMATE AND APPROVED TRIPS
(as calculated pursuant to Clark County Code §40.360.040)

Table 1. UH Property & Adjusted North Property Trip Generation Estimate

Land Use	ITE Code	Size	Weekday Daily	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total	In	Out	Total	In	Out
Single Family Detached Homes	210	200 units	1,904	150	37	113	200	126	74
Apartments	220	326 units	2,168	166	33	133	202	131	71
		Total Trips	4,072	316	70	246	402	257	145

Exhibit 5

EXHIBIT F

OFFSITE MITIGATION CONCEPTUAL DESIGN

Developer shall transfer sufficient property to County from each of the eastbound and westbound sides of 179th Street east of Interstate 5, between the Interstate 5 ramps and Northeast 15th Avenue, to constitute 50 feet of half-width right-of- way on each side of 179th Street, as described in Exhibit C.

Developer shall facilitate the location of a future two-lane minor arterial with bike lanes and a center turn lane from 179th Street at NE 15th Avenue to NE 10th Avenue, as conceptually described on Exhibit G, and shall transfer this agreed-upon right-of-way to County as provided in Recital H.3 of the Agreement. The parties shall work collaboratively to determine the final alignment and will update Exhibit G, accordingly, once the final alignment is agreed upon.

Developer shall construct and dedicate to the County an eastbound to southbound right turn lane on NE 179th Street at NE 15th Avenue. The construction of the right turn lane will meet Clark County's standard details for roadway, drainage, sidewalk, and development. In addition to the requirements for constructing the right turn lane, the required construction will include replacement of traffic signal poles, cabinets, and associated infrastructure as needed to accommodate the new right-turn lane, in accordance with the specifications of Clark County Public Works' Signal Engineering and Operations Division.

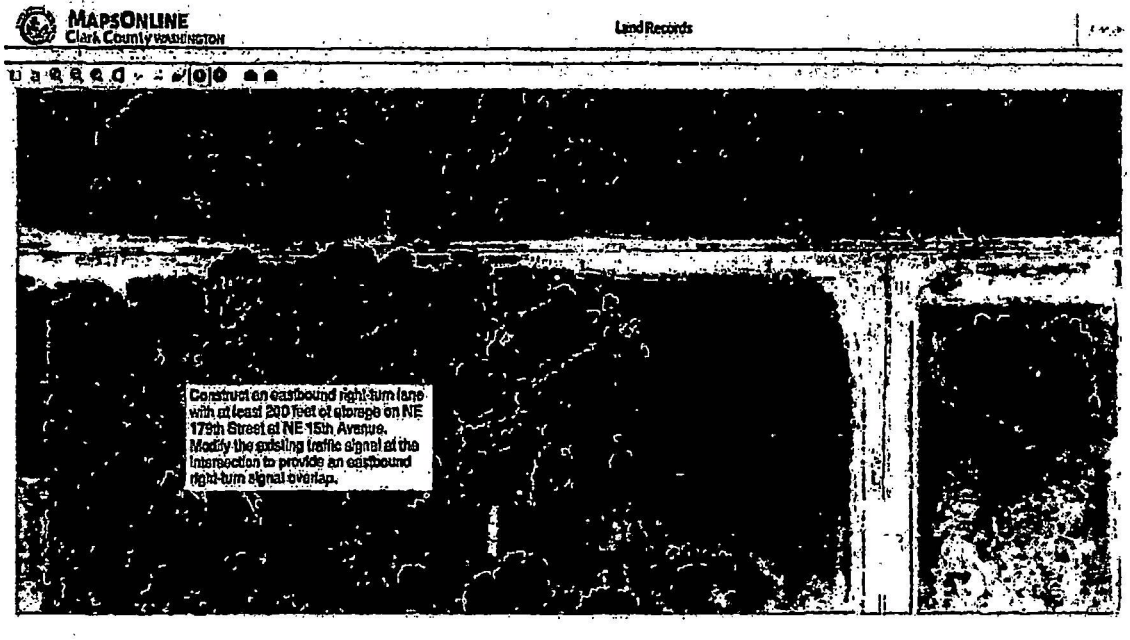

Exhibit 5

EXHIBIT G

SITE CIRCULATION ACCESS

EXHIBIT 6

Chapter 6
Capital Facilities and Utilities Element

Introduction

Capital facilities and utilities are the basic services which the public sector provides to support land use developments, both as they currently exist and as they are anticipated to develop over the course of the 20-year growth management planning horizon. The Capital Facilities and Utilities Element provide a general summary of how and when these basic services will be provided to support future growth as envisioned by the 20-Year Plan and proposed funding.

The Growth Management Act (GMA) establishes many of the requirements for the Capital Facilities and Utilities Element. The GMA establishes an overall goal to "ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards" (RCW 36.70A.020). The GMA requires that the capital facilities element include an inventory of existing publicly owned capital facilities, a forecast for the future needs for new or expanded facilities and a six-year financial plan. The GMA defines public facilities to include water, sewer, stormwater, schools, parks and recreational facilities, law enforcement and fire protection. The Capital Facilities and Utilities Element is intended to provide a general assessment of major public services which impact land use issues, rather than a detailed analysis of every service provided by government.

The Capital Facilities and Utilities Element must be consistent with the other elements of the 20-Year Plan, particularly the Land Use Element. Future development should be encouraged to occur in generally more compact patterns where public facilities already exist, because it can be served more efficiently and inexpensively than dispersed or sprawling land use patterns. The GMA dictates that "urban growth should be located first in areas already characterized by urban growth that have existing public facility and service capabilities to serve such development and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and any additional needed public facilities and services that are provided by public or private sources" (RCW 36.70A.110).

Providing new capital facilities in previously undeveloped and unserved areas may in turn lead to new development in dispersed patterns and should also be avoided. The GMA states that "...cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development."

The GMA also emphasizes the concept of concurrency, which requires that needed public facilities and services be in place, or officially planned and scheduled to be put into place, concurrent with new development. This concept requires cities and counties to establish explicit levels of service, or minimum threshold measures, to determine if particular service is adequately provided. New development applications which cause the minimum levels of service to be exceeded will not be approved unless improvements are made to correct the deficiency or unless corrective measures are scheduled and

funded to occur within a locally established time frame, up to a maximum of six years. The GMA requires that at a minimum level-of-service standards be adopted for transportation. Other services should be reviewed for adequacy, but specific threshold standards are not required to be universally applied. This element is organized into two sections:

- inventory and review of existing facilities and services, along with 6-year future plans for water, sewer, storm drainage, schools, law enforcement, fire, solid waste, libraries, general government buildings, electricity, telecommunications and natural gas services. The Inventory and Capital Facilities Plan for Schools, Transportation and Parks can be found in their respective elements; and,
- policies regarding the provision of these services. The policies provide direction in three areas:
  - ensuring the overall provision of needed facilities and services by public or private agencies;
  - providing direction for the establishment of minimum levels of service and concurrency obligations for new developments to assist in the provision of these services; and,
  - ensuring that the provision of services is fully consistent with overall growth management objectives, which is ultimately linked to the ability to efficiently provide the services in the first place.

Emphasis throughout this document is placed on those services provided by Clark County government and, in particular, on transportation, sewage treatment and storm drainage services which are mandated by the GMA for direct concurrency requirements. Capital facilities plans for all services provided within individual cities of the county are included within the individual comprehensive plans of Battle Ground, Camas, La Center, Ridgefield, Vancouver, Washougal and Yacolt, although available information is included in this document for context. The 6-year capital facility and financing summaries are an estimate of future needs and are not official policy or budget documents of the service providers except where indicated.

Services Summaries and Projected Future Needs

- Table 6.1 summarizes who the providers of services are for the various jurisdictions within Clark County. Additional information regarding city services can be found in each jurisdiction's Capital Facilities Element.

- Table 6.2 attempts to isolate the direct capital costs attributable to Clark County over the next six years. In cases where services are provided by outside agencies, Table 6.2 estimates the direct costs of providing service to county residents only. Table 6.2 also attempts to exclude services constructed by developers as part of the development process, such as road, sewer, water, or storm drainage extensions or improvements.

Direct and Indirect Concurrency Services

Direct concurrency will be applied on a project by project basis for public facilities of streets, water and sanitary sewer. While the GMA requires direct concurrency only for transportation facilities, this plan extends the concept of direct concurrency to cover other critical public facilities of water and sanitary sewer. Indirect services include schools, fire protection, law enforcement, parks and open space, solid waste, libraries, electricity, gas and government facilities.

EXHIBIT 6

Table 6.1 | Direct and Indirect Concurrency Services in Clark County

Service	Battle Ground	Camas	La Center	Ridgefield	Vancouver	Washougal	Yacolt	County
				DIRECT				
Transportation	City	City	City	City	City	City	City	County
Water Supply System	City	City	CPU	City	City	City	CPU	CPU, Vancouver
Sanitary Sewer Collections Services	City	City	City	City Clark Regional Wastewater District	City	City	NA	CPU, Clark Regional Wastewater District, Vancouver
Sewage Treatment Facilities	County Discovery Cleanwater Alliance	City	City	City Clark Regional Wastewater District, Discover y Cleanwater Alliance	City	City	NA	County Discovery Cleanwater Alliance, Vancouver
				INDIRECT				
Public Schools	Battle Ground S.D.	Camas S.D.	La Center S. D.	Ridgefield S.D.	Vancouver, Camas, Evergreen S.D.	Washougal, Camas S.D.	Battle Ground S.D.	NA
Fire Protection	City Fire Marshal City provides facilities; F.D. #3 provides personnel	City Camas-Washougal Fire Department	District 14Clark County Fire and Rescue	District 12 and City Fire Marshal; Clark County Fire and Rescue	City	City Camas-Washougal Fire Department	F.D. #13	All non-municipal fire districts
Law Enforcement	City	City	City	City	City	City	Sheriff's Department	Sheriff's Department
Solid Waste	Private Hauler	City	Private Hauler	Private Hauler	Private Hauler	Private Hauler	Private Hauler	Private Hauler
Libraries	FVRLS	City	FVRLS	FVRLS	FVRLS	FVRLS	FVRLS	FVRLS
Government Buildings	City	City	City	City	City	City	City	County
Electricity	CPU	CPU	CPU	CPU	CPU	CPU	CPU	CPU
Natural Gas	NW Natural Gas	NW Natural Gas	NW Natural Gas	NW Natural Gas	NW Natural Gas	NW Natural Gas	NA	NW Natural Gas

FVRLS--Fort Vancouver Regional Library System, NA--Not Applicable, CPU--Clark Public Utilities

EXHIBIT 6

Table 6.2 | Summary of Estimated 6-Year Capital Facilities Expenditures in Clark County

Service or Utility	Major Capital Projects	Estimated Cost	Funding Sources
Transportation	2016-2021 Transportation Improvement Program	$163,818,000	• County Road Fund • Traffic Impact Fees • Federal and State Grants
Water	Well source, storage and distribution	$50,090,000	• Systems charges • Contributed capital
Sewer Collection and Treatment	Treatment plant and interceptor system expansions	~~$59,987,700~~ $64,840,700	• Rates and charges • Revenue bond sale
Stormwater Drainage	Develop regional drainage facilities, complete drainage basin studies, Stormwater treatment retrofit and repair	$9,603,000	• Future Drainage Utility (or similar mechanism) and systems development charges • Existing drainage fund
Schools	New Facilities and expansions of existing facilities	$585,479,377	• Impact Fees • Voter Approved Bonds • State Matching Funds
Fire Protection	Land acquisition, construction, remodel of stations and purchase of vehicles	$37,420,000	• Bonds • Dedicated tax revenue
Law Enforcement/ Corrections	Expansion of detention facilities, construction of new administrative bldg.	$98,200,000 to $108,200,000	• General Obligation Bonds • REET • Grants
Solid Waste and Recycling	Land acquisition and construction of new compost facility. Central, Transfer Station Site Improvements	$4,000,000	• User fees • State grants
Libraries	Two new libraries in Washougal and Ridgefield	$9,000,000	• Capital reserves • Capital bonds • Private donations
Parks and Recreational Facilities	Acquisitions, park development, Improvements and repairs	$110,639,231	• County General Fund • Impacts Fees • REET • Bonds
Government Buildings	Completed administrative space and expanded facilities including 78th Street/WSU Extension Service property	$167,000,000	• Bonds financed through REET

Note 1: Schools, Fire Protection and Libraries costs pertain to the entire county, incorporated and unincorporated areas. Other services pertain only to the unincorporated areas.
Note 2: Electricity and natural gas are not included in the Table as users are assessed direct fees for service.

Transportation

The capital facilities plan for transportation, including a projection of six-year needs and policies regarding concurrency requirements for the county are included in Chapter 5, Transportation. Transportation services include provisions for roads and associated improvements, transit and pedestrian and bicycle systems.

Water

Water service is an essential element of all types of land uses. Water supply development must consider the needs of threatened and endangered species. The majority of water users in the county are served by public water suppliers. The county does not own or operate public water systems. In the urban areas of Clark County, public water is provided by the cities of Battle Ground, Camas, Ridgefield, Vancouver,

EXHIBIT 6

Washougal and Clark Public Utilities (CPU), a publicly owned utility which serves unincorporated areas of the county and the City of La Center's and Town of Yacolt water systems.

Extensive water service in the central portion of the county, in portions of the unincorporated Vancouver Urban Growth Area, is provided by CPU. In some of the more remote rural areas of the county where water service is not readily available, CPU manages "satellite water systems" which serve small developments and clusters of homes. The Clark County Coordinated Water System Plan, was last updated in 2011, defined service boundaries and established policies for the provision of water service in the county. For further information on water provisions for the individual water purveyors, refer to their respective Water System Plan.

The water providers' systems consist of three basic components: source, storage and distribution/transmission. The source for virtually all water in Clark County, public or private, is from groundwater aquifers. Although adequate water supplies for individual domestic or small consumption commercial wells can be found in most parts of the county, aquifers capable of yielding large amounts of water for extended periods of time, without environmental impacts, are less common. Identifying and developing adequate water supply to meet future demand is essential in order to ensure the continued growth and economic viability of Clark County. County officials in Clark, Skamania, and Cowlitz counties adopted the Salmon-Washougal & Lewis Watershed Management Plan Water Resource Inventory Areas (WRIAs) 27-28, in July, 2006. The plan recognizes that new groundwater supplies should be developed in the tidally influenced areas of the Columbia River, near large sources, where the tidally influenced rivers and groundwater discharging to the Columbia River have a negligible effect on upper basin river and stream flows. Individual water providers are required under the federal Safe Drinking Water Act to monitor the water quality of their production wells, subject to the review of the State Department of Health.

Although the physical water carrying capacity is determined by the capital facilities constructed for each water system, the source of supply of an individual purveyor is determined by the allocation of water rights issued by the Washington State Department of Ecology. A groundwater permit exemption allows groundwater withdrawal for a single home or group of homes, such as a small subdivision, limited to 5,000 gallons per day and watering a lawn or garden up to ½ acre in size. Water rights are prioritized by seniority, which includes exempt wells for the amount of water that is beneficially used. The Department of Ecology must find that no previously established water rights will be impaired by a proposed junior withdrawal.

Clark Public Utilities, the principal purveyor within the unincorporated area, obtains water from 66 production wells throughout the county, including satellite water systems, with a pumping capacity of approximately 20,800 gallons per minute. To ensure readily available water supplies, CPU also maintains 37 reservoirs comprising a total storage capacity of 20.4 million gallons. CPU currently has 8 emergency interconnections or interties: 3 with the City of Battle Ground, 3 with the City of Ridgefield and 2 with the City of Vancouver. Clark Public Utilities projected future needs and funding sources are summarized in Table 6.3.

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Table 6.3 | Summary of Clark Public Utilities

Projects	Estimated Cost	Reason for Need	Funding Source
Project Type : 21 - General Plan	$670,000	Concurrency items; needed to maintain adequate water service	System charges, rates and bonds
Project Type : 53 - Reservoirs & Boosters	7,970,000	Concurrency items; needed to maintain adequate water service	System charges, rates and bonds
Project Type : 54 - Main /Upgrades	29,500,000	Concurrency items; needed to maintain adequate water service	System charges, rates and bonds
Project Type : 56 - Source of Supply	9,200,000	Concurrency items; needed to maintain adequate water service	System charges, rates and bonds
Project Type: 58 –Meters/Meter Installation	2,750,000	Concurrency items; needed to maintain adequate water service	System charges, rates and bonds
Total	$50,090,000		

Source: Clark Public Utilities Capital Facilities Plan (2016-2021)

Clark Public Utilities is funded by user fees and system development charges. CPU uses bonds, rates and system development charges to fund their capital facilities plan. Contributed capital consists of developer driven improvements that connect to the water system. Total costs through 2021 are estimated at $50,090,000. The CPU Plan contains the necessary requirements of RCW 36.70A.070 (3), including inventories, forecasts and analyses of future plans and financing mechanisms. Clark County incorporates the CPU Water System Plan into the County's Capital Facilities Plan. Future changes made to the CPU Plan should be reviewed for consistency with county plans on an annual basis.

Clark Public Utilities has reviewed the adopted county land use designations and the adopted countywide population target of 577,431 and has determined that the CPU Water System Plan is fully consistent with the land use provisions and the additional service demands which they entail, subject to the timely issuance of approvals and permits by Clark County.

Water is also supplied to individual homes through the use of private wells. The number of private wells in the county has been estimated at 17,000 to 25,000. Use of private wells is subject to the review and approval of Clark County Public Health. Private wells continue to be the primary water source in the rural area, but should be aggressively phased out within the urban area as public water becomes fully available. (Readers interested in water service provisions for individual cities within Clark County should refer to each water provider's Water System Plans and each city's 20-Year Capital Facility Plans.)

The collective water provisions of the individual city and outside agency capital facilities plans are consistent with the Land Use Element of the 20-Year Plan. Outside of urban growth areas, there is limited public water provision and future expansions are generally discouraged by policies of the Land Use and Capital Facilities Elements of the 20-Year Plan. Rural water provision is provided by Clark Public Utilities, or by individual or group private wells, subject to the review of Clark County Public Health.

Within unincorporated Urban Growth Areas other than Vancouver UGA, the 20-Year Plan Map has designated very little land for short term urban density development which would require public water service. These UGA lands are affixed with an "Urban Holding" overlay designation, which explicitly precludes urbanization until a site-specific demonstration of service ability is made. Provision for lands within corporate limits is addressed in the city comprehensive plans.

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Within the Vancouver UGA there is a substantial amount of land under county jurisdiction which is designated for near term urban development without the Urban Holding Overlay. Clark Public Utilities is the water purveyor for a large portion of the Vancouver UGA north of the Burlington Northern Rail Road tracks. See the water service area map in the 2011 Clark County Coordinated Water System Plan Update for specific service areas. The City of Vancouver formally adopted a Capital Facilities Plan in 2014 specifying how their water service area would be served. The City Department of Public Works reviewed the proposed county land use designations and the 2035 countywide population projection of 577,431 and concluded that projected population in the Vancouver service area can be served by the central facilities listed within the city's adopted Capital Facilities Plan. Additional line extensions needed to serve the higher population would be financed by development proposals.

Sanitary Sewer/Treatment Plant

Clark County no longer provides wastewater collection, having transferred operation of its collection system to the Clark Regional Wastewater District (formally Hazel Dell Sewer District) in 1993 and treatment system to the Discovery Clean Water Alliance (Alliance) in 2015. Sanitary sewer services in Clark County are provided by the Cities of Vancouver, Washougal, Camas, Battle Ground and La Center, as well as Clark Regional Wastewater District (District). In general, the city sewer districts tend to be slightly larger than current city boundaries and Vancouver, Washougal, Camas and La Center have their own sewage treatment facilities. For further information on sewer provisions for the individual cities, refer to the respective city's comprehensive plans.

Within the county's unincorporated urban area, sanitary sewer service is provided by the City of Vancouver and the Clark Regional Wastewater District. The Vancouver service area encompasses over 55 square miles, extending well beyond city limits to Vancouver Lake to the west, 202nd Avenue to the east and NE 99th Street to the north. The Vancouver system includes two treatment plants and an industrial pretreatment lagoon.

The Clark Regional Wastewater District encompasses more than 47 square miles and serves a population of approximately 100,000 within the unincorporated urban area north and northeast of Vancouver, portions of the Orchards area and Hockinson and Meadow Glade and the City of Ridgefield. Effective January 1, 2014 the City of Ridgefield transferred ownership of their collection system to the District. The District completed construction of phase one of the Discovery Corridor Wastewater Transmission System (DCWTS) in 2016. DCWTS provides a way for wastewater generated in Ridgefield to be conveyed south into the District's central service area for treatment at the Salmon Creek Wastewater Treatment Plant. The District's service area within the unincorporated Vancouver Urban growth area is estimated to be developed at 60 percent of full coverage based on 2016 population.

Projected needs and funding sources for the Clark Regional Wastewater District are included in the District's Comprehensive General Sewer Plan (GSP), December 2017. ~~March 2001 (with amendments in June 2006 and March 2013) which incorporates the City of Ridgefield General Sewer Plan, March 2013.~~ These plans have the necessary contents required by RCW 36.70A.070 (3), including inventories, forecasts and analyses of future plans and financing mechanisms. The District has reviewed the proposed county land use designations and determined that the plans are fully consistent with these provisions and the additional service demands which they entail. ~~The District is currently in the process of updating these plans. This update will be reviewed for consistency with the County's Comprehensive Plan.~~ Annually the District updates and adopts a six-year capital improvement program. The current adopted six-year program for the period of ~~2016-2021~~ 2017-2022, consistent with the GSP, is

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summarized in Table 6.4 below. The program presents figures for both capital projects, new infrastructure and capacity, and restoration and replacement (R&R) projects, which represents re-investment in existing infrastructure.

Table 6.4 | Clark Regional Wastewater District: 6-yr Capital Program Summary, ~~2016-2021~~ 2017-2022

Projects	Estimated Cost	Reason for Need	Funding Source
General Facilities	$18,089,100	New capacity	Rates and charges
District Installed Infrastructure	$1,000,000	New capacity	Rates and charges
Septic Elimination Program	$750,000	New capacity	Rates and charges
Developer Reimbursement	$9,460,000	New capacity	Rates and charges
CIP – Fleet & Facilities	$220,000	New capacity	Rates and charges
R&R – Gravity	$5,366,500	Aging Infrastructure	Rates and charges
R&R – Pump Stations & Force Mains	$2,440,100	Aging Infrastructure	Rates and charges
R&R – Fleet & Facilities	$1,922,000	Aging Infrastructure	Rates and charges
Total	$39,247,700		

	(MILLLIONS OF $)		
	R&R PROJECTS	CAPITAL PROJECTS	GRAND TOTAL
6-YEAR CIP (2017-2022)	**10.34**	**36.76**	**47.10**
Salmon Creek Service Area	*8.19*	*36.13*	*44.32*
Vancouver UGA	7.73	22.08	29.81
Ridgefield UGA	0.46	14.05	14.51
Westside Service Area (WVUGA)	*2.15*	*0.63*	*2.78*
Reason for Need	Aging Infrastructure	New capacity	
Funding Source	Rates and charges	Rates and charges	

Source: Clark Regional Wastewater District ~~Approved Budget GSP~~.
Note: R&R Service area in the Table above ~~stands for Restoration and Replacement~~ refers to the treatment plan.

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APPENDIX E
Capital Facility Plans Review and Analysis

FACILITIES AND SERVICES CFP REVIEW
Sanitary Sewer Systems

In a similar fashion to water, sewer service to the urban areas is generally provided by the jurisdiction associated with each urban area with the exceptions of Vancouver, Battle Ground, Ridgefield and the Three Creeks Special Planning Area. Sewer capital facilities plans provide for sewage collection and treatment to meet the expected needs of the future population. The provision of treatment capacity in some areas may represent a constraint in the timing of urban development, as major expansions to treatment capacity are necessary to accommodate the growth. Some of these constraints have been relieved through regional cooperation between sewer system providers.

Sewer Service Areas
Sewer service is confined to the urban areas (as shown in the Existing Inventories) except where sewer was extended to address declared health emergencies or regional public facilities. For the most part, the jurisdictions associated with particular urban areas are the providers of sewer service.

Clark Regional Wastewater District (District) provides sewer service to the Three Creeks Special Planning Area, the northeastern section of the Vancouver Urban Growth Area and the Ridgefield Urban Growth Area. Treatment for service within the District is provided at the Discovery Clean Water Alliance (Alliance) Salmon Creek and Ridgefield Sewage Treatment Plants and the City of Vancouver's Westside Treatment Plant. The City of Battle Ground conveys all of its wastewater through Alliance transmission system to the Salmon Creek Wastewater Treatment Plant and treatment system. The City of Ridgefield transferred the ownership and operation of its collection system to the District effective January 1, 2014 and the Ridgefield Treatment Plant to the Alliance effective January 1, 2015.

Analysis
The following analysis reviews the required components under RCW 36.70A.070 (3). The county completed a comprehensive review of the resource documents submitted by the service providers which are incorporated by reference in the Resource Document section of this Appendix.

1. ***Does the CFP contain an inventory of existing publicly owned facilities, with location and capacities?***

   Discovery Clean Water Alliance, Vancouver and Washougal contain a detailed inventory of publicly-owned facilities, including location and capacities. A summary of current facilities and their associated capacity is listed below.

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Table E.10 | Wastewater Treatment Facilities Inventory

Agency	Type of Treatment	Design Flow Maximum Calendar Month (MGD)*	Actual Flow Average Calendar Month 2015 (MGD)*	Actual Flow Minimum Calendar Month 2015 (MGD)*	Actual Flow Maximum Calendar Month 2015 (MGD)*	Sludge Disposal Method
Discovery Clean Water Alliance						
Salmon Creek Treatment Plant	Secondary Activated sludge treatment	14.95	7.31	6.24	10.73	Land Application
Ridgefield Treatment Plant	Secondary Activated sludge treatment	0.70	0.33	0.23	0.60	Transferred to Salmon Creek Treatment Plant
City of Camas	Secondary Activated sludge treatment	8.42	2.3	1.9	3.1	Land Application
City of La Center	Secondary Activated sludge treatment	0.56	0.27	0.21	0.32	Land Application and Silviculture
City of Vancouver						
Westside	Secondary Activated sludge treatment	28.3	10.4	8.3	14.5	Incineration at the Westside Plant. Ash disposed at the Boardman Landfill
Marine Park	Secondary Activated sludge treatment	16.0	10.7	8.5	14.9	
Industrial Pretreatment	Secondary Lagoons Facultative treatment	3.2	1.52	0.8	2.6	
City of Washougal	Secondary Activated sludge treatment	2.24	1.2	1.06	1.49	Land Application

*Millions of gallons per day

2. ***A forecast of future needs is provided that is consistent with the land use plan that the Board identified on February 23, 2016.***

The cities of **Battle Ground, Camas, La Center, Vancouver and Washougal, Clark Regional Wastewater District and the Discovery Clean Water Alliance** have completed forecasts of future needs for wastewater capital facilities. These plans were based on assumptions of future households and ERUs equal to or greater than the future needs that would result from the Comprehensive Land Use map.

Town of Yacolt does not have a public sanitary sewer system. Residents use individual onsite wastewater treatment and disposal systems—septic systems. There are 395 septic systems within the community. Septic system discharge risks contaminating groundwater—the drinking water supply for the town. Use of septic systems has stymied development at urban densities in the community. In 2012 the Town completed a Facility Plan for the future public sanitary sewer system and received approval from the Department of Ecology on August 1, 2012. This facility plan was incorporated into the Town's Comprehensive Plan in 2013 and is consistent with the land use plan the Board identified on February 23, 2016.

3. ***A listing is provided of proposed expansions to capital facilities or new capital facilities that are capable of providing for the needs identified in the forecast. This should be a "20-year listing" since the land use plan covers a 20-year period.***

Discovery Clean Water Alliance Capital Facilities Plan (2014) has provided a 20-year list of proposed capital projects that are capable of providing for the needs identified in the forecast.

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The total program cost is identified at $100,560,000 in 2014 dollars. Salmon Creek Wastewater Treatment Plant (SCWTP) Phase 5 and 6 improvements, line extensions and pump stations necessary to serve the urban expansion areas are identified and costs for providing these facilities have been estimated.

Clark Regional Wastewater District has provided a 20-year list of proposed capital facilities that are capable of providing for the needs identified in the forecast. The total program cost is ~~$122,989,428~~ [redacted] within the unincorporated Vancouver urban growth area and ~~$36,899,000~~ 40,640,000 in the Ridgefield Urban Growth Area. Line extensions and pump stations necessary to serve the urban expansion areas within its service district are identified and costs for providing these facilities have been estimated.

City of Battle Ground's Plan includes a list of proposed projects totaling $19,170,000 in 2015 dollars, to accommodate 20-year growth projections. The city may also share in the costs of SCWTP capacity improvements for Phases 5 and 6, since their growth is dependent upon plant expansion.

City of Camas's Plan includes a $24.2 million list of expansions and new wastewater capital projects proposed as part of the city's 20-year CFP. The listing does not address any major expansion of capacity for the wastewater treatment plant, which is expected to reach capacity in 2015. Currently, Camas is working on preliminary engineering for the wastewater facility upgrade that will provide capacity for at least the next 20 years. The city is in the process of securing a public work trust fund loan to build the expansion.

City of La Center's Plan contains a list of 20-year system improvements and capacity upgrades that total $34,697,000 to accommodate La Center's 2036 population growth. The city is planning for future commercial and industrial development at the La Center I-5 Junction. The city has the treatment capacity to serve the Junction but does not have the collection system in place.

City of Vancouver's Comprehensive Plan shows planned sewer improvements through 2021. The city's Comprehensive Plan indicates existing sewer system meets all federal and state standards and has adequate capacity for existing and future demands. The city's sanitary sewer capital programs and projects consist of $73 million of public projects of the next 20 years.

City of Washougal's CFP has collection system improvements and treatment facilities totals equaling $39,267,000 to accommodate additional growth over the next 20 years.

Town of Yacolt's Comprehensive Growth Management Plan contains a 20-year list of wastewater management projects including the estimated costs and financing methods to be used. Long-term costs for Yacolt's wastewater management program were estimated to be $4,752,000 - $5,017,000 through year 2029.

4. ***A 6-year financial plan is developed for funding those expansions or new capital facilities that are expected to be needed within the first 6-years of the plan. That financial plan must be fully balanced. The identified needs must have known funding sources (even if those funding sources may require voter approval).***

Clark Regional Wastewater District ~~2016 adopted Budget~~ Comprehensive General Sewer Plan (GSP) contains a 6-year program of system improvements for the period of ~~2016-2021~~2017-2022. The District service area includes the unincorporated Vancouver Urban Growth area and the Ridgefield Urban Growth Area. A listing of capital improvement projects to provide for service to each urban growth area is included. The ~~2013 Amended General Sewer Plan (~~2017 GSP~~)~~ shows

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improvements and estimated costs. System components needed to support the proposed growth include: interceptor sewers, trunk sewers, 8" ~~and smaller~~ service lines, pump stations, and related appurtenances. Table E.11 shows the 6-yr Capital Improvement program costs. The district's funding sources for capital improvements include but are not limited to the following: revenue bonds, utility local improvement districts, connection charges, rates, developer contributions and extensions, grants and loans.

Table E-11 | Clark Regional Wastewater District 2016-2021 6-Year Capital Program Summary

~~Capital Facility Project Type~~	~~Number of Projects~~	~~Cost~~	~~Funding~~
~~General Facilities~~	~~19~~	~~$18,089,100~~	~~$18,089,100~~
~~District Installed Infrastructure~~	~~4~~	~~$1,000,000~~	~~$1,000,000~~
~~Septic Elimination Program~~	~~4~~	~~$750,000~~	~~$750,000~~
~~Developer Reimbursement~~	~~13~~	~~$9,460,000~~	~~$9,460,000~~
~~CIP – Fleet & Facilities~~	~~2~~	~~$220,000~~	~~$220,000~~
~~R&R – Gravity~~	~~8~~	~~$5,366,500~~	~~$5,366,500~~
~~R&R – Pump Stations & Force Mains~~	~~9~~	~~$2,440,100~~	~~$2,440,100~~
~~R&R – Fleet & Facilities~~	~~13~~	~~$1,922,000~~	~~$1,922,000~~
~~Total~~	~~66~~	~~$39,247,700~~	~~$39,247,700~~

	(MILLLIONS OF $)					
	R&R PROJECTS		CAPITAL PROJECTS		TOTAL COST	FUNDING
	Number of Projects	Cost	Number of Projects	Cost		
6-YEAR CIP (2017-2022)	**16**	**10.34**	**34**	**36.76**	**47.10**	**47.10**
Salmon Creek Service Area	*15*	*8.19*	*33*	*36.13*	*44.32*	*44.32*
Vancouver UGA	13	7.73	19	22.08	29.81	29.81
Ridgefield UGA	2	0.46	14	14.05	14.51	14.51
Westside Service Area (WVUGA)	*1*	*2.15*	*1*	*0.63*	*2.78*	*2.78*

City of Battle Ground has identified capital facility needs, costs and funding sources for the proposed expansion areas shown in the Comprehensive Plan Land Use map. Several funding sources exist in addition to those listed in Table E.12 below such as local improvement district, connection charges, revolving loan fund program, developer funding and State/Federal funding programs.

Table E.12 | Battle Ground 2016-2021 6-Year CFP Sewer Summary

Capital Facility Project Type	Number of Projects	Cost	Funding
Mainline Repairs	7	$1,270,000	$1,270,000
Pump Stations Rehabilitation or Replacements	2	350,000	350,000
General Facilities	4	670,000	670,000
TOTAL	13	$2,290,000	Revenue Bonds and Public Works Trust Fund

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City of Camas has indicated in their adopted March 2004 capital facilities plan sewer facility costs. Table E.13 lists capital needs, costs and funding sources for their projects. The last line item in table below shows costs associated with the October 24, 2006 expansion.

Table E.13 | Camas 2016-2021 6-Year CFP Sewer Summary

Capital Facility Project Type	Number of Projects	Cost	Funding
Main Lift Station Upgrade	1	$1,352,000	$1,352,000
Step System	3	3,767,000	4,217,000
Sewer Main Repair & Replacement	3	225,000	225,000
Joy Street Sewer Main Extension	1	1,338,480	1,338,480
Treatment, pumping, trunk collection lines	N/A	12,700,000	12,700,000
TOTAL	8	$19,382,480	System Development and Developer Financing

City of La Center has assumed responsibility from Clark Public Utilities for their sewer system. The city has proposed system improvements to accommodate proposed growth in the February 23, 2016 map. La Center has several funding options for capital improvements such as local improvement districts, bonds, connection charges, revolving loan fund program, developer financing and state and federal funding programs. Table E.14 displays capital needs and costs. At this time, financing system projects will require La Center to acquire debt.

Table E.14 | La Center 2016-2021 6-Year CFP Sewer Summary

Capital Facility Project Type	Number of Projects	Cost	Funding
Treatment plant design, general sewer plan	2	$15,880,000	$5,880,000
New pump stations and sewer lines	12	$11,051,000	$11,051,000
Construct treatment plant	1	$6,850,000	$6,850,000
TOTAL	15	$33,781,000	General obligation

City of Vancouver sanitary sewer capital programs and projects are listed in Table E.15 below. Conversations with city staff indicate that identified capital programs and projects can provide service for the proposed growth in the Comprehensive Plan Land Use map. The table below shows capital needs from 2016 to 2021.

Table E.15 | Vancouver 2016-2021 6-Year CFP Sewer Summary

Capital Facility Project Type	Cost	Funding
Westside Sewer Treatment	$4,735,000	$4,735,000
Marine Park Sewer Treatment	620,000	620,000
Both Westside and Marine Park Sewer Treatment	3,480,000	3,480,000
Sewer Collection	13,672,000	13,672,000
TOTAL	$22,507,000	System Development and Developer Financing

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City of Washougal's July Sewer System Capital Facility Plan lists improvements that can serve the proposed growth in October 24, 2006 map. Table E.16 below shows the city's capital needs. Washougal estimates that they will have to finance approximately $19 million over the next six years.

Table E.16 | Washougal 2016-2021 6-Year CFP Sewer Summary

Capital Facility Project Type	Number of Projects	Cost	Funding
Pump station upgrade and force main	2	$2,063,000	$2,063,000
Trunk sewer	1	838,000	838,000
Relief sewer	1	1,116,000	1,116,000
Stiles Road interceptor	1	1,916,000	1,916,000
Interceptor upgrades	1	326,000	326,000
Treatment plant expansion	3	23,490,000	23,490,000
TOTAL	9	$29,749,000	System Development and Developer Financing

Town of Yacolt lists capital expenses for 2013-2018 in their 2013 Comprehensive Growth Management Plan. Yacolt has proposed adding Urban Reserve to the February 23, 2016 map. According to the GMA, sewer service must be provided in urban areas. Therefore, GMA regulations do not apply for this proposed urban reserve area.

Table E.17 Yacolt 2016-2021 6-Year CFP SEPTIC Summary

Capital Facility Project Type	Cost	Funding
Applications for wastewater management program funding	$26,000	$26,000
Collection system engineering report	24,000	24,000
Treatment plan facility plan	88,000	88,000
Install septic tank inspection ports	217,500	217,500
Septic Tank Inspection Study	21,600	21,600
TOTAL	$377,100	Grants and Loans

Discovery Clean Water Alliance lists the projected 6-year capital improvements required for the regional treatment plants and transmission system in their Capital Plan. The Alliance provides services to the District and City of Battle Ground at the Salmon Creek and Ridgefield Treatment Plants.

Table E.18 | Discovery Clean Water Alliance 2016-2021 Capital Plan Summary

Capital Facility Project Type	Cost	Funding
Regional Treatment	$17,700,000	$17,700,000
Regional Conveyance	$2,590,000	$2,590,000
TOTAL	$20,290,000	$20,290,000

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RESOURCE DOCUMENTS

City of Battle Ground

1. City of Battle Ground, Comprehensive Water System Plan, May 2013.
2. City of Battle Ground, 2015 General Sewer Plan, November 2015.
3. City of Battle Ground, Stormwater Management Plan, 2015-2035, August 2015.
4. City of Battle Ground, Fire Capital Facilities Plan, Adopted September 1999, Update April 2005.
5. City of Battle Ground, Transportation System Plan Update, 2015-2035, June 2015.

City of Camas

1. City of Camas, Comprehensive Plan, March 2016.
2. City of Camas, Capital Facilities Plan 2004-2009 & 2010-2023, March 2004.
3. City of Camas, Water Systems Plan, June 2010.
4. City of Camas, General Sewer/Wastewater Facility Plan, May 2007, revised November 2009.

City of La Center

1. City of La Center, General Sewer Plan, March 2013.
2. City of La Center, Final Draft General Sewer Plan, March 2013.
3. City of La Center, Comprehensive Plan, March 1, 2016.
4. City of La Center, Transportation Capital Facilities Plan, December 2004.
5. City of La Center, letter from Jeff Sarvis, La Center Public Works Director to the then Clark Board of County Commissioners, dated July 10, 2014.

City of Ridgefield

1. ~~City of Ridgefield, General Sewer Plan, Volumes I and II, March 2013.~~
2. City of Ridgefield, Comprehensive Plan, 2016-2035.
3. City of Ridgefield, Water System Plan Update, September 2013.
4. City of Ridgefield, Transportation Improvement Program, 2016-2021.

City of Vancouver

1. City of Vancouver, Comprehensive Water System Plan, December 2015.
2. City of Vancouver, Capital Facilities Plan, 2015-2018.
3. City of Vancouver, Comprehensive Plan 2011-2030.
4. City of Vancouver, Capital Improvement Program for Water, Sewer, Surface Water 2016-2021, July 13, 2015.
5. City of Vancouver, Transportation Improvement Program (TIP), 2016-2021.

City of Washougal

1. City of Washougal, Sewer System Capital Facility Plan, Update July 2006.
2. City of Washougal, Water System Plan Update, June 2012.
3. City of Washougal, Draft Transportation Capital Facilities Plan and associated Traffic Impact Fees, Update July 2006.
4. City of Washougal, Capital Facilities Plan 2006.

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City of Woodland

1. City of Woodland, Comprehensive Plan (Capital Facilities Plan Element), October 2005.

Town of Yacolt

1. Town of Yacolt, Comprehensive Growth Management Plan Update, April 2013.

C-TRAN

1. 20 Year Transit Development Plan: A Comprehensive Strategy to Meet Public Transportation Needs for Clark County Residents, June 8, 2010.

Clark Public Utilities

1. Clark Public Utilities Water System Plan, February 2003, Updated CFP project lists, March 2004 and March 2007.

Clark Regional Wastewater District

1. Clark Regional Wastewater District, Comprehensive General Sewer Plan ~~Amendment (Final), March 2013~~ December 2017.
2. ~~Clark Regional Wastewater District, Capital Facilities plan, June 2006.~~
3. ~~Clark Regional Wastewater District, Six-Year Capital Program 2014-2019.~~

Clark County Environmental Services

1. Stormwater Management Plan 2016, March 2016.
2. Stormwater Capital Program 2013-2018.

Clark County General Services

1. Capital Inventory 2015.

Clark County School Districts

1. Battle Ground School District Capital Facilities Plan 2015-2021, May 2015.
2. Evergreen School District Capital Facilities Plan 2015-2021, May 2015.
3. Ridgefield School District Capital Facilities Plan 2015-2021, June 2015.
4. Camas School District Capital Facilities Plan 2015-2021, May 2015.
5. Vancouver School District Capital Facilities Plan 2015-2021, May 2015.
6. Hockinson School District Capital Facilities Plan 2015-2021, May 2015.
7. La Center School District Capital Facilities Plan 2015-2021, June 2015.
8. Green Mountain School District Capital Facilities Plan 2015-2021, May 2015.
9. Washougal School District Capital Facilities Plan 2015-2021, May 2015.

Clark County Parks

1. Clark County Parks, Recreation and Open Space Plan, July 2015.

Clark County Public Works

1. Clark County Transportation Improvement Program (TIP) 2016-2021, November 2015.
2. Clark County Road Log 2015.

Clark County Water Utility Coordinating Committee

1. Clark County Coordinated Water System Plan Update, Regional Supplement, November 2011.

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STUDY AREAS

The District has studied the following areas as part of this Plan (Study Areas), consistent with the requirements of RCW 57.16.010(2), which requires the District to consider "present and reasonably foreseeable future needs" of the sewer system. (See Maps 2-1712A, B & 3-602A, B). This Plan establishes that the District sewer system has adequate capacity for the Study Areas and that sewer service is feasible for the Study Areas. Because Clark County has not yet approved sewer service for the Study Areas, the District cannot currently extend sewer service to the Study Areas. If Clark County (or the local government with jurisdiction if applicable) approves sewer service for a Study Area, the District then will have authority to extend sewer service to the Study Area. Clark County's or the local government's approval must be consistent with the requirements of RCW 36.70A.110 and RCW 57.16.010(7), which states in part that: "The general comprehensive plan [of the District] shall not provide for the extension or location of facilities that are inconsistent with RCW 36.70A.110."

» Rural Industrial Land Bank adjacent to the Vancouver UGA. This area has been designated as a future industrial hub by Clark County and an Industrial Urban Reserve. In 1996, the GMA was amended to allow major industrial developments to be sited outside of urban growth areas where there is a specific development application. Section 36.70A.367 RCW allows counties to establish up to 2 rural industrial land banks with the intent that they develop as industrial properties.

» Freight Rail Dependent Uses Overlay. In accordance with 3ESB 5517, this area has been designated for freight rail-dependent uses, which are buildings and other infrastructure used in the fabrication, processing, storage and transport of goods where the use is dependent on and makes use of an adjacent short line railroad.

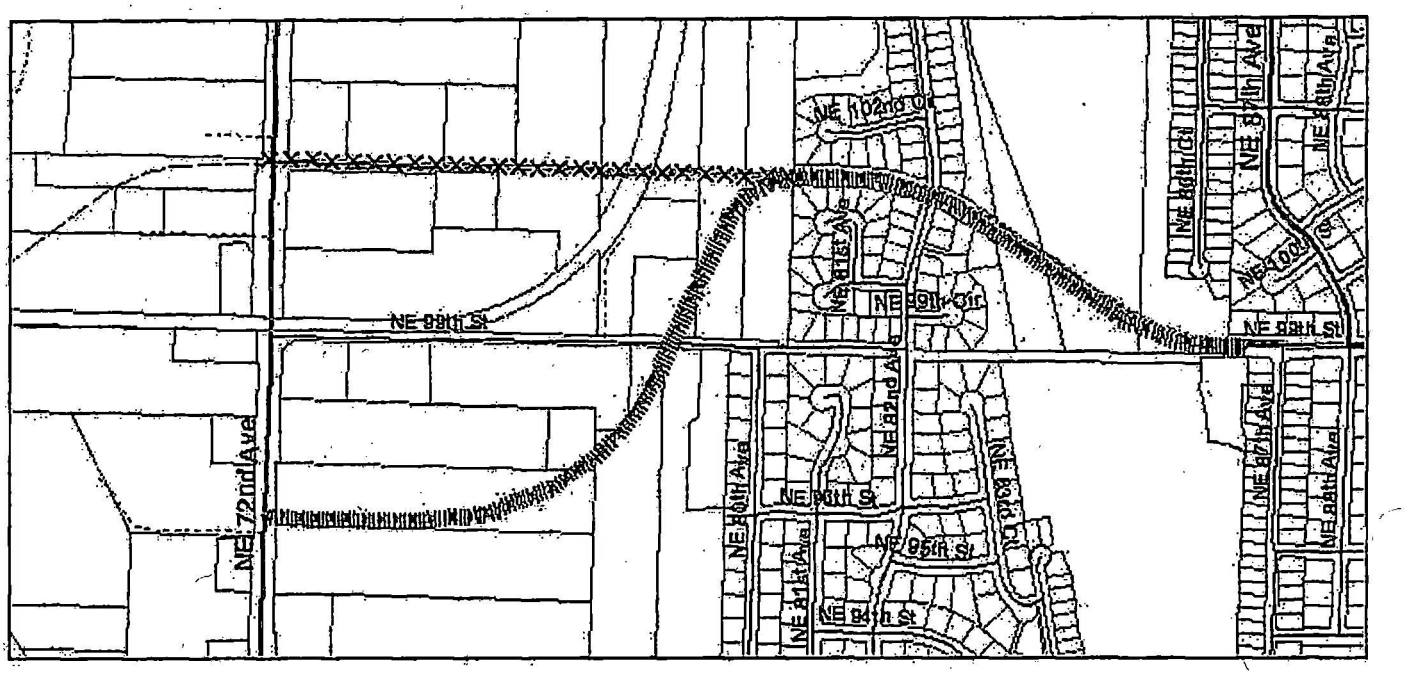
» Allen Creek West Expansion Study Area adjacent to the Ridgefield UGA. This area has been annexed by the City of Ridgefield.

3.3.2 Zoning

Zoning within the District service area is presented in Figure 3.8. Zoning is determined by the local government with land use jurisdiction over that portion of the service area, which includes the cities as well as Clark County. The zoning is generally classified as commercial, office, industrial, single-family and multi-family residential, public facilities, and undeveloped lands such as public right of ways, parks, and open space. Low-density multi-family zoning allows a variety of low-density multi-family housing including townhouses, multi-family structures and attached or detached homes on small lots.

Exhibit 9

Proposed NE 99th Street Realignment



Legend

Approved Proposed Road

X-X-X-X Approved Removed Segment

M-2cb