
Legal Solutions for Schools

April 25, 2017

Mr. Joe Turner
City of Camas Hearings Examiner
625 NE 4th Avenue
Camas, WA 98607

Re: Lacamas Heights Elementary School / CUP 16-02

Dear Mr. Turner:

I represent the Camas School District and am submitting this letter with the following four documents for your review and consideration as you deliberate and make a decision regarding the District's land use application for an elementary school:

1. Charbonneau Engineering Traffic Analysis Report dated January 2017 and the email that accompanied this report when it was filed with the City.
2. The email Frank Charbonneau sent to Clark County Concurrency Engineer David Jardin regarding the traffic analysis and application of Clark County Code 40.350.020(G)(1)(c) and Mr. Jardin's response.
3. Charbonneau Engineering Memo dated June 17, 2016
4. Charbonneau Engineering Memo dated April 24, 2017

The above referenced documents, with the exception of the April 24th memo (item 4) were filed with the City prior to the hearing and should be in the record. The District submitted the May 2016 Traffic Report, the emails that were exchanged between Mr. Charbonneau and Mr. Jardin and the June 17, 2016 memo with the application under Section 7 – Traffic Study. After the application was filed, the District submitted an updated Traffic Analysis Report, dated January 2017. The January 2017 Traffic Report addressed the trips associated with the future addition of two double portables, bringing the student count to 700, as stated in the proposal. It also combined all traffic information into one final document. The January 2017 Traffic Analysis Report was filed with the City on January 9th with the request that it be placed in the record to take the place of the prior submissions. It appears the January 2017 traffic report was mistakenly left out of the materials that were made available for the hearing and may not have been included in the "record." We understand it has since been added to the record. It is being submitted with this letter for your review and consideration. We apologize for any confusion associated with multiple reports, all of which contain the same conclusion as it relates to the intersection at NE 28th Street and NE 232nd Avenue.

The traffic reports, emails and memos referenced above support the City staff recommendation to approve the District's application without mitigation at the intersection at NE 28th Street and

NE 232nd Ave (“the Intersection”). As reflected in Mr. Charbonneau’s memorandum dated April 24, 2017, the impacts caused by construction of the elementary school do not trigger an obligation to construct improvements at the Intersection.

Representatives for a prospective purchaser of Green Mountain Estates, a residential subdivision, are asserting improvements are required by the District under Clark County Code 41.350.020(G)(1)(c). The representatives suggest the May 2016 Charbonneau traffic analysis supports their conclusion and they pull out excerpts that are taken out of context. Their position that the District’s traffic report concludes or demonstrates improvements are required at the Intersection simply isn’t true.

Green Mountain PRD and Green Mountain Estates are recently approved residential subdivisions that will have significant impacts on the Intersection, as well as public services, including public schools. Frankly, trips at the intersection exist as a result of this new residential development, not because a school is being built. The school is being built to serve families living in the residential developments, which are using the roads and creating the trips/traffic impacts. Setting that aside, before construction can occur on lot 181 in Green Mountain Estates, the eventual developer is required to construct improvements to the Intersection so it operates at LOS D.

Representatives for a prospective purchaser of Green Mountain Estates are suggesting that the Clark County Concurrency Code be interpreted in a manner that would shift a significant obligation from Green Mountain to the District. The position being taken by representatives of a prospective purchaser is not about ensuring there is adequate capacity on the roads to accommodate the impacts associated with the elementary school, it is about helping a “prospective purchaser” become an owner and developer of future lots by reducing the “prospective purchaser’s” costs to improve the Intersection. That is not what the Clark County Concurrency Code requires and the code should not be interpreted or applied in that manner.

The Clark County Concurrency Code, specifically section 40.350.020(G)(1)(c), says “proposed developments shall not be required to mitigate their impacts in order to obtain concurrency approval unless: (1) the proposed development adds at least five (5) peak period trips to a failing intersection approach.” As stated in the April 24th memo (and the email and January 2017 Traffic Analysis Report), “the elementary school development project **will distribute only three trips** to the northbound left turn movement that causes the intersection to fail.” This is the same information the County received in the email when the County concluded “[s]taff concurs with the applicant’s findings. The County has determined this development can comply with adopted Concurrency Standards for unsignalized intersections.”

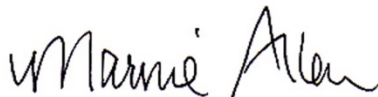
It is appropriate and reasonable to look at the number of trips that contribute to the Intersection's failure and not the total trips coming into the intersection. If the required improvement to prevent failure is a left turn lane, and the proposed development only contributes 3 trips that turn left, it is arbitrary and unreasonable to count trips that turn right and then use those trips to require construction of a left turn lane. Said another way, it doesn't make sense to say you have several trips coming into an intersection and turning right so we are going to deny your development if you don't construct a left turn lane. The County is acting appropriately and making a sound interpretation and decision by looking only at the trips the proposed development contributes to the features in the intersection that are failing. The elementary school adds less than five trips to the failing intersection and therefore, the District "shall not be required to mitigate their impacts." CCC 40.350.020(G)(1)(c)(1).

The District is disappointed in the late submission of Green Mountain's materials and the approach being taken. The City, through land use decisions, should not shift reasonable obligations that are imposed on private developers to the Camas School District. The District has limited resources and those resources cannot be diverted to build roads that are needed due to background and future traffic that is being generated by private development.

We are respectfully requesting that the District's application be approved as proposed, without a left turn lane at the intersection of NE 28th Street and NE 232nd Avenue. The application and requested approval is supported by the above-referenced transportation analysis documents and should be approved as initially recommended by City staff. If the County, City or others submit new or additional information, the District will submit its final response.

Thank you for considering the materials that are being submitted with this letter and the District's position. We would be happy to respond to questions.

Sincerely,



Marnie Allen
Attorney

c: Heidi Rosenberg, Director of Capital Programs, Camas School District
Cathy Carlson, Project Manager, Camas School District
Frank Charbonneau, PE, PTOE, Charbonneau Engineering
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