



# Memorandum

To: Joe Turner, Hearing Examiner

From: Robert Maul, Planning Manager

Date: July 31, 2019

Re: Green Mountain PRD Pod B1 (SUB18-04)

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The original Green Mountain Planned Residential Development (SUB14-03) required a traffic study from the applicant to analyze impacts to regional intersections and roadways for the entire multi-phase development. One possible off-site intersection identified early on is north of the project site located in Clark County's jurisdiction on a State Route (SR 500) at NE 199<sup>th</sup> Avenue and NE 58<sup>th</sup> Street. At the time of the original development application this intersection did not meet failure warrants for phase 1 or 2, but monitoring concurrency would indicate when the intersection met failure.

Phase 3 of the Green Mountain PRD (SUB17-03) did trigger the requirement for off-site mitigation via concurrency for pro-rata share mitigation payments to be made by the applicant. The final order for Phase 3 did include a condition for the applicant to coordinate with Washington State Department of Transportation and Clark County for making pro-rata payments to meet their obligation to mitigate off site impacts. During the coordination both agencies have indicated that they are not currently in a position to do the intersection improvements anytime soon, so they have declined to enter into an agreement with the applicant to make those payments. Attached to this memo is an email chain that provides correspondence from both agencies declining to enter into an agreement with the applicant, or other designees to collect funds for off-site impacts. As such, the City will not be conditioning the applicant for Pod B1 to provide any off site mitigation pro-rata share payments, or improvements for NE 199<sup>th</sup> Avenue and NE 58<sup>th</sup> Street.

## Robert Maul

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**From:** Curleigh (Jim) Carothers  
**Sent:** Tuesday, May 21, 2019 4:58 PM  
**To:** Shawn R. MacPherson  
**Cc:** Phil Bourquin; Robert Maul  
**Subject:** FW: 199th/58th intersection mitigation for Green Mt. PRD  
**Attachments:** AGREEMENT TO ESTABLISH AND COLLECT A TRANSPORTATION MITIGATION FEE FOR T....pdf; 8938.DA-COVENANT.PDF

Shawn,

We have a draft of an agreement from Randy Printz for the collection of money for future improvements to 199<sup>th</sup> and 58<sup>th</sup> Street (County Road meets State Route). Both the County and the State have refused to participate in this agreement and the County will not collect nor hold the funds for these improvements. I am fairly certain that the State will not do so, either, based on the email response below.

My thought is to have a meeting to discuss how to address this COA for GM PRD Phase 3.

- Wednesday 3:30 to 5:00
- Friday 10:30 to noon and 1:00 to 2:00

Please let me know if you can meet in any of the above windows. Thanks.

James E. Carothers, P.E.  
Engineering Manager/City Engineer



616 NE 4th Avenue  
Camas, WA 98607  
360-817-7230  
360-834-1535 FAX  
[jcarothers@cityofcamas.us](mailto:jcarothers@cityofcamas.us)

**From:** Barsness, Jeff [mailto:BarsneJ@wsdot.wa.gov]  
**Sent:** Tuesday, May 21, 2019 1:59 PM  
**To:** Randall B. Printz <Randy.Printz@landerholm.com>; Jardin, David <David.Jardin@clark.wa.gov>; Curleigh (Jim) Carothers <jcarothers@cityofcamas.us>; Steve Wall <SWall@cityofcamas.us>; Robert Maul <RMaul@cityofcamas.us>  
**Cc:** Kurt Stonex <kurt@olsonengr.com>; Qayoumi, Ahmad <Ahmad.Qayoumi@clark.wa.gov>  
**Subject:** RE: 199th/58th intersection mitigation for Green Mt. PRD

Sorry to take so long on this, things move a little slower here than at the County. I have also presented this to our staff and have gotten a similar response to Clark County's concerning signing the agreement. Even though we agree with the intent of the agreement, because WSDOT does not have a project at this intersection, is not collecting the funds, and is not the lead agency conditioning this requirement we respectfully decline the opportunity to be a signatory on this agreement. We do appreciate the hard work and dedication everyone has put into this agreement.

Jeff Barsness  
Development Services Engineer



WSDOT SW Region  
11018 NE 51<sup>st</sup> Circle  
Vancouver, WA 98682  
360-905-2059  
[barsnej@wsdot.wa.gov](mailto:barsnej@wsdot.wa.gov)

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**From:** Randall B. Printz <[Randy.Printz@landerholm.com](mailto:Randy.Printz@landerholm.com)>  
**Sent:** Tuesday, May 21, 2019 12:07 PM  
**To:** Jardin, David <[David.Jardin@clark.wa.gov](mailto:David.Jardin@clark.wa.gov)>; Barsness, Jeff <[Barsnej@wsdot.wa.gov](mailto:Barsnej@wsdot.wa.gov)>; Curleigh (Jim) Carothers <[jcarothers@cityofcamas.us](mailto:jcarothers@cityofcamas.us)>; Steve Wall <[SWall@cityofcamas.us](mailto:SWall@cityofcamas.us)>; Robert Maul <[RMaul@cityofcamas.us](mailto:RMaul@cityofcamas.us)>  
**Cc:** Kurt Stonex <[kurt@olsonengr.com](mailto:kurt@olsonengr.com)>; Qayoumi, Ahmad <[Ahmad.Qayoumi@clark.wa.gov](mailto:Ahmad.Qayoumi@clark.wa.gov)>  
**Subject:** RE: 199th/58th intersection mitigation for Green Mt. PRD

Jeff/Steve:

Here is the final form of the agreement without the County. Jeff, if you could print and execute it and then send that original to Steve for signature, I will then pick it up and have it signed by Green Mt. I will then circulate a fully executed copy to everyone. Thanks.

**Randall B. Printz | Attorney at Law**

  
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**From:** Randall B. Printz  
**Sent:** Tuesday, May 21, 2019 11:58 AM  
**To:** Jardin, David <[David.Jardin@clark.wa.gov](mailto:David.Jardin@clark.wa.gov)>; 'Jeff Barsness' <[barsnej@wsdot.wa.gov](mailto:barsnej@wsdot.wa.gov)>; Curleigh (Jim) Carothers <[jcarothers@cityofcamas.us](mailto:jcarothers@cityofcamas.us)>; Steve Wall <[SWall@cityofcamas.us](mailto:SWall@cityofcamas.us)>; Robert Maul <[RMaul@cityofcamas.us](mailto:RMaul@cityofcamas.us)>  
**Cc:** Kurt Stonex <[kurt@olsonengr.com](mailto:kurt@olsonengr.com)>; Safayi, Ali <[Ali.Safayi@clark.wa.gov](mailto:Ali.Safayi@clark.wa.gov)>; Shafer, Greg <[Greg.Shafer@clark.wa.gov](mailto:Greg.Shafer@clark.wa.gov)>; Qayoumi, Ahmad <[Ahmad.Qayoumi@clark.wa.gov](mailto:Ahmad.Qayoumi@clark.wa.gov)>  
**Subject:** RE: 199th/58th intersection mitigation for Green Mt. PRD

David, I have edited the agreement to remove the County as a party and will be sending it out shortly to the other parties. Please, however, confirm that the County agrees with the City and WSDOT's per lot fee requirement for this intersection as the appropriate mitigation for this intersection with respect to the Green Mountain PRD project. Thanks.

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**From:** Jardin, David <[David.Jardin@clark.wa.gov](mailto:David.Jardin@clark.wa.gov)>  
**Sent:** Wednesday, May 8, 2019 2:44 PM  
**To:** Randall B. Printz <[Randy.Printz@landerholm.com](mailto:Randy.Printz@landerholm.com)>; 'Jeff Barsness' <[barsnej@wsdot.wa.gov](mailto:barsnej@wsdot.wa.gov)>; Curleigh (Jim) Carothers <[jcarothers@cityofcamas.us](mailto:jcarothers@cityofcamas.us)>; Steve Wall <[SWall@cityofcamas.us](mailto:SWall@cityofcamas.us)>; Robert Maul <[RMaul@cityofcamas.us](mailto:RMaul@cityofcamas.us)>  
**Cc:** Kurt Stonex <[kurt@olsonengr.com](mailto:kurt@olsonengr.com)>; Safayi, Ali <[Ali.Safayi@clark.wa.gov](mailto:Ali.Safayi@clark.wa.gov)>; Shafer, Greg <[Greg.Shafer@clark.wa.gov](mailto:Greg.Shafer@clark.wa.gov)>; Qayoumi, Ahmad <[Ahmad.Qayoumi@clark.wa.gov](mailto:Ahmad.Qayoumi@clark.wa.gov)>  
**Subject:** RE: 199th/58th intersection mitigation for Green Mt. PRD

Good Afternoon;

I have presented and discussed the proposed Agreement with individuals from our finance department, Prosecuting Attorney's Office, Development Engineering, and our Public Works Director's office. The discussions raised concerns with each of the offices with regard to the county's collection of monies from a development under the City of Camas jurisdiction. Based on the county's discussions and conclusions, the county respectfully declines the opportunity to be a party to the [Agreement to Establish and Collect a Transportation Mitigation Fee for the Intersection of 58<sup>th</sup> Street/199<sup>th</sup> Street](#).



**David Jardin**  
Concurrency Engineer  
PUBLIC WORKS DEVELOPMENT ENGINEERING

564.397.4354 Direct  
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**From:** Randall B. Printz [<mailto:Randy.Printz@landerholm.com>]  
**Sent:** Friday, April 26, 2019 5:13 PM  
**To:** 'Jeff Barsness'; Curleigh (Jim) Carothers; Steve Wall; Robert Maul; Jardin, David  
**Cc:** Kurt Stonex  
**Subject:** RE: 199th/58th intersection mitigation for Green Mt. PRD

**CAUTION:** This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Everyone, after reviewing the agreement I previously sent and thinking about it a little more, I think there could have been a little more clarity in the agreement with respect to the payment mechanism and number of trips through the intersection. We have all agreed that for every PM Peak hour trip that the future phases of Green Mountain put through the subject intersection, a fee of \$1,015 should be paid. What was lacking in the previous agreement that I sent you, was a clear mechanism for how that would be calculated on a subdivision by subdivision or site plan approval basis. It would likely have occurred as it currently is for the pro rata share payments at 192<sup>nd</sup>/ 1<sup>st</sup>, but I thought I should probably put some clarifying language in the agreement. The only other change that I made, was to add another party who is now in title to a portion of the property that we are talking about. Let me know if this agreement is acceptable and I will circulate for signature. Thanks.

**Randall B. Printz | Attorney at Law**



805 Broadway Street, Suite 1000  
P.O. Box 1086  
Vancouver, WA 98666-1086



**From:** Randall B. Printz

**Sent:** Monday, April 8, 2019 4:39 PM

**To:** 'Jeff Barsness' ([barsnej@wsdot.wa.gov](mailto:barsnej@wsdot.wa.gov)) <[barsnej@wsdot.wa.gov](mailto:barsnej@wsdot.wa.gov)>; Curleigh (Jim) Carothers <[jcarothers@cityofcamas.us](mailto:jcarothers@cityofcamas.us)>; Steve Wall <[SWall@cityofcamas.us](mailto:SWall@cityofcamas.us)>; Robert Maul <[RMaul@cityofcamas.us](mailto:RMaul@cityofcamas.us)>; Jardin, David <[David.Jardin@clark.wa.gov](mailto:David.Jardin@clark.wa.gov)>

**Cc:** Kurt Stonex <[kurt@olsonengr.com](mailto:kurt@olsonengr.com)>

**Subject:** 199th/58th intersection mitigation for Green Mt. PRD

This is a follow up to the previously agreed upon PM peak hour trip amount that would be paid at the time of building permit as mitigation for the Green Mountain PRD's future (all portions of the PRD except for phases 1,2 and 3, which already have mitigation payment amounts established) impacts to the 58<sup>th</sup> Street (SR 500)/ 199<sup>th</sup> Street intersection. To refresh everyone's memory, Green Mountain PRD, at the outset of its land use planning process, completed a traffic study for the full buildout of the PRD. Subsequently, a Development Agreement was entered into between the City and the Developer and applications for a Planned Residential Development were submitted to the City. The PRD contained a master plan for the entire PRD, as well as, the above mentioned traffic study.

After full public and agency review, including multiple public hearings, the Development Agreement and PRD were approved with conditions by the City. The approved PRD, based upon a recommendation in the traffic study, required that the 199<sup>th</sup>/58<sup>th</sup> intersection be monitored as each phase of the development occurred. That monitoring was done by Kittelson and at Phase 3 preliminary plat process, it was determined that some mitigation was appropriate. With input from Kittelson, Olson WSDOT, Clark County and the City, an agreement was reached for phase 3 that required a per trip payment for the lots in Phase 3. These payments were to go toward the potential construction of a round-a-bout.

At that time, it was also discussed by WSDOT, the City and the developer that it would be nice to not have to go through the same exercise for each future phase of the PRD; and if possible, the parties should try and analyze the rest of the PRD's impact to this intersection in the context of the area's future buildout. Amongst Kittelson, Olson and WSDOT that analysis was completed and a per PM peak hour trip fee was developed for application to the trips that would be generated after phase 3 for the Green Mountain PRD. As evidenced by an email dated 11/07/2018 from Jeff, WSDOT agreed with the per PM Peak hour trip cost for the remaining trips:

*Kurt,*

*Thanks for revising the estimate. WSDOT is in agreement with the new estimated cost per trip of \$1015.*

*Jeff*

The City and the County also agreed with the cost per trip. In the case of the County, David Jardin indicated:

*Thank you for allowing county comment on your efforts to ensure future mitigations, at the intersection NE 199<sup>th</sup> Avenue/SR 500 (NE 58<sup>th</sup> Street), as a result of transportation impacts with the development of Green Mountain PRD. The county would like to ensure that the funds collected, per PM Peak Hour vehicle trip, are available for county use should there be an intersection improvement project at this location. The county staff would like our Prosecuting Attorney's (PA's) Office to review any proposed language, prior to issuance of any decision, to ensure;*

- *Collected money's will be available to a county capital project and/or private development intersection improvement at this location*

- *The mechanism/process that the funds would be requested and distributed to the county and/or private development*

I think all of the parties involved: the City, the County, WSDOT and the developer agree that the funds collected should be able to be used by either the County, the City, WSDOT or a development that is conditioned upon constructing the round a bout. Having spoken with all of the governmental entities, the only question I have is which entity wants to collect and hold the money. Obviously, on the development side, we don't care which entity has the money, we simply want to know who to write the check to. Attached is a simple letter agreement to be signed by Green Mountain, the City, the County and WSDOT that obligates the payment of the now established mitigation fee; such payment to be made, like other impact fees, at the time of building permit issuance.

I have attached a proposed draft agreement and an Exhibit A which depicts the area upon which the fee will be charged. I have left a blank for which entity will collect and hold the money. Please send me any comments you have or redline the agreement and I will put into final form and circulate for signature. Also, please let me know which entity should collect and hold the money. Thanks.

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