



**RIDGEFIELD CITY COUNCIL
MEETING AGENDA**

**Thursday, September 22, 2016
Ridgefield Community Center
210 N. Main, Ridgefield, WA 98642**

I. GENERAL SESSION CALL TO ORDER - 6:30 PM

- 1. Flag Salute**
- 2. Roll Call**
- 3. Late changes to the agenda**

II. PUBLIC COMMENT

Anyone requesting to speak to the Council regarding items not on the agenda may come forward at this time. Please state your name and address. Comments are limited to three minutes. Written comments may be submitted to the City Clerk prior to the meeting.

III. CONSENT AGENDA

- 1. Approval of Minutes from the September 8, 2016**
- 2. Approval of Claims And/Or Payroll**

IV. PRESENTATION

- 1. Clark Regional Emergency Services Agency Update**
- 2. Planning Commission Quarterly Update on 2016 Work Plan - Jeff Niten, Community Development Director**

V. BUSINESS

The public is invited to comment on business items at the conclusion of Council discussion prior to the vote. In cases where public record has been closed, no additional comments may be received.

- 1. Ordinance No. 1218 - Second Reading on Stephenson Vista Development Agreement - Jeff Niten, Community Development Director**
- 2. Resolution No. 514 – Approval of Bonding Reimbursement for Ridgefield Outdoor Recreation Complex Project-Kirk Johnson, Finance Director**

VI. PUBLIC COMMENT

Anyone requesting to speak to the Council regarding items not on the agenda may come forward at this time. Please state your name and address. Comments are limited to three minutes. Written comments may be submitted to the City Clerk prior to the meeting.

VII. COUNCIL/PRESIDING OFFICER/STAFF REPORTS

- 1. Council**

2. Mayor

3. City Manager

VIII. FROM THE COUNCIL

1. Proclamation: National Disability Employment Awareness Month

IX. ADJOURN

**CITY OF RIDGEFIELD
REQUEST FOR COUNCIL ACTION**

MEETING DATE: September 22, 2016
ITEM: CONSENT AGENDA
AGENDA ITEM TITLE: Approval of Minutes from the September 8, 2016

AGENDA ITEM TITLE:

Approval of minutes from the following meeting(s) of the council:

GOVERNING LEGISLATION:

Not applicable

PREVIOUS COUNCIL ACTION TAKEN:

Not applicable

SUMMARY/BACKGROUND:

Staff has prepared the minutes for Council consideration of adoption for the Council meeting(s)

BUDGET/FINANCIAL IMPACTS:

Not applicable

RECOMMENDED ACTION OR MOTION:

Staff recommends Council approve the minutes by making the following motion:

1. "I move to approve the consent agenda"

STAFF CONTACT: Julie Basarab, City Clerk

ATTACHMENTS: 09-08-2016 Meeting Minutes (PDF)

Approved to be placed on City Council Agenda:



CITY OF RIDGEFIELD, WASHINGTON
City Council MEETING MINUTES
September 8, 2016

Regular Meeting - 6:30 PM

GENERAL SESSION CALL TO ORDER - 6:30 PM

FLAG SALUTE

ROLL CALL

Attendee Name	Title	Status	Arrived
Ron Onslow	Mayor	Present	
David Taylor	Councilor	Absent	
Lee Wells	Councilor	Present	
Don Stose	Councilor	Present	
Darren Wertz	Councilor	Present	
John Main	Councilor	Present	
Sandra Day	Councilor	Present	

3. Motion to Excuse Council Member Taylor from the meeting.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Don Stose, Councilor
SECONDER: John Main, Councilor
AYES: Onslow, Wells, Stose, Wertz, Main, Day
ABSENT: Taylor

Late changes to the agenda - [6:32 PM](#)

None.

PUBLIC COMMENT - [6:32 PM](#)

Cynthia Carlson - Non Resident

Citizen read letter into the records regarding the annexation of the Brown property.

Lance Paul - Resident

Property 808 Pioneer St is a nuisance, property is an eye sore.

Condition of the property is enabling the sale of my property.

Has filed 3 complaints with the City - and has received no answers.

Dave Garrett - Non Resident

Development around 289th/annexation.

The public meeting site is accessible to persons with disabilities. Accommodations for persons with disabilities can be arranged with a two week advance notice by calling the City Clerk at (360) 887-3557. For other formats or special language needs, contact the City Clerk at (360) 887-3557.

Concerns regarding population and wildlife area.

City Manager Steve Stuart - Addressed the comments from Lance Paul, code enforcement is working on the complaint.

CONSENT AGENDA - MOTION TO APPROVE AS PRESENTED. - [6:46 PM](#)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Don Stose, Councilor
SECONDER:	Sandra Day, Councilor
AYES:	Onslow, Wells, Stose, Wertz, Main, Day
ABSENT:	Taylor

1. Approval of Minutes from August 25, 2016 Meeting - [6:46 PM](#)

2. Approval of Claims And/Or Payroll - [6:46 PM](#)

3. Approval of Donations - [6:46 PM](#)

PRESENTATION

1. Parks Board Quarterly Update on 2016 Work Plan - [6:49 PM](#)

Parks Board Chair Marie Bouvier presented Parks Board quarterly update on 2016 work plan.

2. Water and Stormwater Rate Study Final Draft Update - [7:05 PM](#)

Public Works Director Bryan Kast presented final draft update on water and stormwater rate study.

PUBLIC HEARING/BUSINESS

1. Public Hearing and First Reading on Ordinance No. 1218 - Stephenson Vista Development Agreement - [7:12 PM](#)

The Stephenson Vista subdivision (then known as Stephenson Manor) received preliminary approval on August 14, 2006. The current developer acquired the property in 2015 and has been diligently pursuing development of the parcel since acquisition. The applicant has requested a two year extension of the preliminary plat approval to August 14, 2018. As part of this agreement the applicant has agreed to provide LED lights, the establishment of a Home Owners Association, and has agreed to meet the architectural design guidelines contained in the Ridgefield Development Code.

Mayor opened the Public Hearing 7:16PM

Kristin French - Representative

This is a very smart decision for the City and property owner.

Development standards will need to be met prior to any development of the land.

Mayor Closed the Public Hearing 7:18PM

First reading of Ordinance No. 1218 - no action will be taken.

BUSINESS

1. Second Reading of Ordinance No. 1216 - Petition to Annex the Brown Property - [7:19 PM](#)

The City approved the Notice of Intent to Annex for the Brown property on August 11, 2016, the first step in the direct petition method for annexation. The City received a Notice of Petition to Annex on June 22, 2016, the second step in the process. The annexation notice is for 107.58 acres (111.42 acres with adjacent right of way) contained within 18 parcels. Staff provided the Petition to Annex to the Clark County Assessor's Office for review, Assessor's Office issued a certificate of sufficiency certifying that the

signatures represent 60% of the assessed property value within the annexation area, which meets the state annexation minimums

MOTION: Moved to adopt Ordinance No. 1216 as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Don Stose, Councilor
SECONDER:	Sandra Day, Councilor
AYES:	Onslow, Wells, Stose, Wertz, Main, Day
ABSENT:	Taylor

2. Motion - Approval of Amendment to the Comprehensive Plan Map - [7:27 PM](#)

During the sub-area planning process, the Council adopted the 45th and Pioneer sub-area plan on December 17, 2015. The preferred sub-area plan map for the 45th and Pioneer sub-area plan shows the zoning boundary following the natural topography of the land north of the proposed 15th Street/11th Street alignment east of 45th Avenue. While finalizing the documents for the 2016 Comprehensive Plan update, inadvertently followed the parcel lines to apply zoning controls in compliance with the adopted sub-area plan. In order to correct this error staff is presenting this item to Council so that Council can affirm that the 45th and Pioneer sub-area map was intended to control application of zoning controls within the sub-area.

MOTION: Affirm that the 45th and Pioneer sub-area map was adopted with the intention to control application of zoning within the sub-area.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sandra Day, Councilor
SECONDER:	Don Stose, Councilor
AYES:	Onslow, Wells, Stose, Wertz, Main, Day
ABSENT:	Taylor

3. Motion - Approval of Contract for Construction of N. 4Th Place Project - [7:34 PM](#)

In 2015 the City applied for and received a CDBG Grant for reconstruction and drainage improvements on North 4th Place between Mill Street and Division Street. This project will re-open the alley to through traffic and will connect to the Mill Street Improvements Project and the 5th Avenue Improvements project, both previous CDBG funded projects. City received eight bids on the project, with the lowest bid submitted by Advanced Excavating Specialists (AES) of Longview.

MOTION: Moved to award the North 4th Place improvement project to AES in the amount of \$170,590.00.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Don Stose, Councilor
SECONDER:	Sandra Day, Councilor
AYES:	Onslow, Wells, Stose, Wertz, Main, Day
ABSENT:	Taylor

4. Motion - Approval of Bid Award for Reiman Guardrail Project - [7:38 PM](#)

In 2015 the City identified a project to extend and add additional guardrail along Reiman Road. The roadway is adjacent to a creek and in some areas there is a slope down to the creek that could pose a

hazard to cars if they were to leave the roadway. The project was bid via the small works roster and the City received two bids on the project, with the lowest bid submitted by Peterson Brothers of Sumner WA.

MOTION: Moved to award the Reiman Road guardrail project to Peterson Brothers in the amount of \$124,482.56.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sandra Day, Councilor
SECONDER:	Don Stose, Councilor
AYES:	Onslow, Wells, Stose, Wertz, Main, Day
ABSENT:	Taylor

5. Motion-Approval of Bid Award for Division Street Storm Project - [7:42 PM](#)

The City's 2008 Stormwater management plan identifies the upsizing of the Division Street Storm line as the number one project. A majority of the runoff from the northeast section of down-town flows to this storm line. In 2015 heavy rain from a thunderstorm overwhelmed the pipe causing flooding on Division Street. This project will increase the pipe size from 12 to 24-inches and will include provisions to allow a stormwater treatment facility to be retrofitted to the line in the future. The project was bid via small works roster and the City received two bids on the project, with the lowest bid submitted by Tapani, Inc.

MOTION: Moved to award the Division Street storm project to Tapani, Inc in the amount of \$303,911.00.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sandra Day, Councilor
SECONDER:	Lee Wells, Councilor
AYES:	Onslow, Wells, Stose, Wertz, Main, Day
ABSENT:	Taylor

PUBLIC COMMENT - [7:49 PM](#)

None received.

COUNCIL/PRESIDING OFFICER/STAFF REPORTS - [7:49 PM](#)

Council

Council Member John Main: Attended City Manager briefing.

Council Member Darren Wertz: Attended City Manager briefing, off-leash dog park ribbon cutting dedication.

Council Member Sandra Day: Attended Farm-to-Table event, off-leash dog park ribbon cutting dedication, BIA meeting and City Manager briefing.

Council Member Don Stose: Attended oversight committee meeting with Clark Regional Wastewater District.

Council Member Lee Wells: Attended off-leash dog park ribbon cutting dedication, Heritage Days event and City Manager briefing.

Mayor

Mayor Ron Onslow: Attended Farm-to-Table event, RTC meeting, off-leash dog park ribbon cutting dedication, oversight committee meeting with Clark Regional Wastewater District.

Mayor read proclamation into the record: Legendary Teacher Day.

Mayor read proclamation into the record: Constitution Week.

Appointment of Parks Board Member, Position No. 7 - [7:59 PM](#)

Beth Wills introduced herself to City Council and staff.

MOTION: Moved to confirm Mayor's recommendation of Beth Wills to the Parks Board, Position No. 7.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lee Wells, Councilor
SECONDER:	John Main, Councilor
AYES:	Onslow, Wells, Stose, Wertz, Main, Day
ABSENT:	Taylor

City Manager - [8:05 PM](#)

Thanked Beth Wills for coming to the meeting and appointment to the Parks Board.

Big Thank you to everyone for all the events going on in the City.

Introduction of new Police Chief John Brooks and a big Thank You to Chief Garry Lucas for all of his hard work during the search for the new Police Chief.

John Brooks introduced himself to Mayor and City Council.

Community Development Jeff Niten - Community Development report provided.

Public Works Director Bryan Kast - Thanked Dave Holcomb for his service on Parks Board, Department of Ecology letter was received for outstanding operation at the WWTP for 2015.

Deputy City Manager Lee Knottnerus - Farm-to-Table was a fabulous event. Upcoming Events: Octoberfest is this Saturday, Community and Nature Center Community Meeting is September 10th, first Saturday in October is Birdfest event.

Finance Director Kirk Johnson- 2017 budget process update provided.

FROM THE COUNCIL

None.

ADJOURN - [8:21 PM](#)

Julie Basarab, City Clerk

Ron Onslow, Mayor

**CITY OF RIDGEFIELD
REQUEST FOR COUNCIL ACTION**

MEETING DATE: September 22, 2016
ITEM: CONSENT AGENDA
AGENDA ITEM TITLE: Approval of Claims And/Or Payroll

GOVERNING LEGISLATION:

Revised Code of Washington Title 35A

PREVIOUS COUNCIL ACTION TAKEN:

City Council approves claims and/or payroll of the City on a regular basis

BACKGROUND:

Vendor claims

BUDGET/FINANCIAL IMPACTS:

See vendor detail attached

RECOMMENDED ACTION OR MOTION:

Staff recommends Council approve the claims and/or payroll by making the following motion:

“I move to approve the consent agenda as presented”

STAFF CONTACT: Kirk Johnson, Finance Director
ATTACHMENTS: September 22 2016 - Claims Report (PDF)

Approved to be placed on City Council Agenda:

City of Ridgefield

Claims Payment Report

For Approval on: September 22, 2016

Vendor #	Vendor Name	Invoice No.	Description	Contract No.	Resp. Dept	Amount
9	ACCURATE AUTOMOTIVE*	4157	PD VEHICLE MAINT - '08 INTERCEPTOR		Pub Safety	221.95
						221.95
1026	AMERICAN PAYROLL ASSOCIATION*	201609-01	ANNUAL MEMBERSHIP DUES - BLEHM			219.00
						219.00
2569	ANDERSON SIGNS, INC.*	32196	NEW LOGO DECALS ON WINDOWS/TADS TRK/MAILBOX		Com Dev	575.00
						575.00
32	ARAMARK UNIFORM SERVICES*	862516216	FLOOR MATS - CITY HALL/PW/CDD/PD		Genl Govt	19.39
32	ARAMARK UNIFORM SERVICES*	862516217	UNIFORM SERVICES		Genl Govt	55.77
						75.16
1030	ASSOCIATED CONSULTANTS, INC.*	16-156-02	VIEW RIDGE MODULAR CLASSROOM REVIEW		Com Dev	1,147.50
1030	ASSOCIATED CONSULTANTS, INC.*	16-221-01	STORAGE RACK - COM-16-0021		Com Dev	1,126.25
						2,273.75
1708	BERGERABAM*	316021	LAND USE MAP GRAPHICS		Com Dev	2,318.34
1708	BERGERABAM*	316057	SMYTH RD TRAIL PROJ	P1012	Pub Wrks	1,587.07
						3,905.41
54	BLUMENTHAL UNIFORMS & EQUIPMENT*	005970193	PD UNIFORMS		Pub Safety	99.73
54	BLUMENTHAL UNIFORMS & EQUIPMENT*	005970194	PD UNIFORMS		Pub Safety	64.34
54	BLUMENTHAL UNIFORMS & EQUIPMENT*	005970196	PD UNIFORMS		Pub Safety	51.49
						215.56
59	BOB'S PAINTLAND*	7225A	PAINT FOR FROGS		Pub Wrks	184.23
59	BOB'S PAINTLAND*	7284A	TRAFFIC PAINT & PW TRAILER/WWTP LAB PAINT		Pub Wrks	645.74
59	BOB'S PAINTLAND*	7294A	WWTP LAB PAINT		Pub Wrks	173.39
59	BOB'S PAINTLAND*	7341A	CROSS WALK PAINT		Pub Wrks	130.03
59	BOB'S PAINTLAND*	7353A	STREETS PAINT		Pub Wrks	130.03
59	BOB'S PAINTLAND*	7395A	STREETS PAINT		Pub Wrks	151.71
						1,415.13
2119	BSK ASSOCIATES*	V602974	LAB ANALYSIS - ALKALINITY & COLIFORM		Pub Wrks	1,449.50
						1,449.50
84	CERTIFIED ENVIRONMENTAL CONSULTANT*	37590	ASBESTOS SURVEY - 400 ABRAMS PARK RD		Pub Wrks	750.00
						750.00
2551	CFM STRATEGIC COMMUNICATIONS, INC.*	23594	AUGUST 2016 LOBBYIST		Genl Govt	4,530.00

Attachment: September 22 2016 - Claims Report (1101 : Approval of Claims And/Or Payroll)

City of Ridgefield

Claims Payment Report

For Approval on: September 22, 2016

Vendor #	Vendor Name	Invoice No.	Description	Contract No.	Resp. Dept	Amount
						4,530.00
92	CITY OF BATTLE GROUND*	854	CORT COSTS - AUGUST 2016		Judicial	10,025.66
						10,025.66
95	CITY OF RIDGEFIELD*	PLZ-16-0070	PW - GEE CREEK TRAIL EXT. PLZ-16-0070	P1011	Pub Wrks	4,200.00
						4,200.00
96	CITY OF RIDGEFIELD-W/S*	20160915-1	111 S MAIN - STORM		Genl Govt	45.00
96	CITY OF RIDGEFIELD-W/S*	20160915-10	ABRAMS PARK KITCHEN - STORM		Pub Wrks	315.00
96	CITY OF RIDGEFIELD-W/S*	20160915-11	ABRAMS PARK KITCHEN & IRRIGATION - WATER		Pub Wrks	159.02
96	CITY OF RIDGEFIELD-W/S*	20160915-12	ABRAMS PARK CHLORINE INJECTOR - STORM		Pub Wrks	15.00
96	CITY OF RIDGEFIELD-W/S*	20160915-13	109 W DIVISION WWTP - STORM		Pub Wrks	630.00
96	CITY OF RIDGEFIELD-W/S*	20160915-14	109 W DIVISION WWTP - WATER		Pub Wrks	738.58
96	CITY OF RIDGEFIELD-W/S*	20160915-15	116 N MAIN AVE PD - STORM		Pub Safety	60.00
96	CITY OF RIDGEFIELD-W/S*	20160915-16	116 N MAIN AVE PD - WATER		Pub Safety	52.88
96	CITY OF RIDGEFIELD-W/S*	20160915-17	230 PIONEER ST CITY HALL - STORM		Genl Govt	105.00
96	CITY OF RIDGEFIELD-W/S*	20160915-18	230 PIONEER ST CITY HALL - WATER		Genl Govt	483.53
96	CITY OF RIDGEFIELD-W/S*	20160915-19	119 N 3RD AVE COMM PARK - WATER		Pub Wrks	233.78
96	CITY OF RIDGEFIELD-W/S*	20160915-2	111 S MAIN - WATER		Genl Govt	538.75
96	CITY OF RIDGEFIELD-W/S*	20160915-20	119 N 3RD AVE COMM PARK - STORM		Pub Wrks	30.00
96	CITY OF RIDGEFIELD-W/S*	20160915-21	301 N 3RD AVE CDD - STORM		Com Dev	30.00
96	CITY OF RIDGEFIELD-W/S*	20160915-22	301 N 3RD AVE CDD - WATER		Com Dev	58.56
96	CITY OF RIDGEFIELD-W/S*	20160915-23	315 N 3RD AVE - DAVIS PARK WATER		Pub Wrks	752.49
96	CITY OF RIDGEFIELD-W/S*	20160915-24	2311 N 5TH WAY CROW'S NEST PARK - STORM		Pub Wrks	30.00
96	CITY OF RIDGEFIELD-W/S*	20160915-25	2311 N 5TH WAY CROW'S NEST PARK - WATER		Pub Wrks	313.36
96	CITY OF RIDGEFIELD-W/S*	20160915-26	618 LARK DR - LARK PARK STORM		Pub Wrks	15.00
96	CITY OF RIDGEFIELD-W/S*	20160915-27	618 LARK DR - LARK PARK WATER		Pub Wrks	322.47
96	CITY OF RIDGEFIELD-W/S*	20160915-28	CEDAR RIDGE PARK STORM		Pub Wrks	15.00
96	CITY OF RIDGEFIELD-W/S*	20160915-29	CEDAR RIDGE PARK WATER		Pub Wrks	257.67
96	CITY OF RIDGEFIELD-W/S*	20160915-3	BLUE HERON COMM GARDEN - - WATER/STORM		Pub Wrks	81.84
96	CITY OF RIDGEFIELD-W/S*	20160915-30	1308 N HERON DR - HAYDEN PARK STORM		Pub Wrks	15.00

Attachment: September 22 2016 - Claims Report (1101 : Approval of Claims And/Or Payroll)

City of Ridgefield

Claims Payment Report

For Approval on: September 22, 2016

Vendor #	Vendor Name	Invoice No.	Description	Contract No.	Resp. Dept	Amount
96	CITY OF RIDGEFIELD-W/S*	20160915-31	1308 N HERON DR - HAYDEN PARK WATER		Pub Wrks	225.28
96	CITY OF RIDGEFIELD-W/S*	20160915-32	COLUMBIA HILLS IRR, TRACT B WIND RIVER WATER		Pub Wrks	326.94
96	CITY OF RIDGEFIELD-W/S*	20160915-33	COLUMBIA HILLS IRR, TRACT D CISPUS WAY WATER		Pub Wrks	573.94
96	CITY OF RIDGEFIELD-W/S*	20160915-34	GREEN GABLES TRACT-Q IRRIGATION M		Pub Wrks	206.04
96	CITY OF RIDGEFIELD-W/S*	20160915-35	GREEN GABLES TRACT-D IRRIGATION M		Pub Wrks	493.69
96	CITY OF RIDGEFIELD-W/S*	20160915-36	GREEN GABLES TRACT-D IRRIGATION MET		Pub Wrks	590.36
96	CITY OF RIDGEFIELD-W/S*	20160915-37	GREEN GABLES TRACT-C IRRIGATION M		Pub Wrks	416.24
96	CITY OF RIDGEFIELD-W/S*	20160915-38	1-5/SR501 NE INTERCHANGE IRR WATER		Pub Wrks	89.41
96	CITY OF RIDGEFIELD-W/S*	20160915-39	1-5/SR501 NW INTERCHANGE IRR WATER		Pub Wrks	3,204.82
96	CITY OF RIDGEFIELD-W/S*	20160915-4	CEMETERY WATER SPIGOTS - WATER		Pub Wrks	44.71
96	CITY OF RIDGEFIELD-W/S*	20160915-40	WATER TOWER - CEMETERY		Pub Wrks	45.00
96	CITY OF RIDGEFIELD-W/S*	20160915-41	PARK & RIDE LOT		Pub Wrks	165.00
96	CITY OF RIDGEFIELD-W/S*	20160915-42	JUNCTION WELL & RESERVOIR - STORM		Pub Wrks	115.00
96	CITY OF RIDGEFIELD-W/S*	20160915-43	PW HYDRANT METER		Pub Wrks	328.72
96	CITY OF RIDGEFIELD-W/S*	20160915-5	400 N ABRAMS PARK - STORM		Pub Wrks	15.00
96	CITY OF RIDGEFIELD-W/S*	20160915-6	400 N ABRAMS PARK - WATER		Pub Wrks	44.71
96	CITY OF RIDGEFIELD-W/S*	20160915-7	ABRAMS SOCCER FIELD - WATER/STORM		Pub Wrks	1,776.48
96	CITY OF RIDGEFIELD-W/S*	20160915-8	ABRAMS PARK RESTROOMS - STORM		Pub Wrks	15.00
96	CITY OF RIDGEFIELD-W/S*	20160915-9	ABRAMS RESTROOMS - WATER		Pub Wrks	137.86
						14,112.13
554	CLARK COUNTY TREASURERS OFFICE*	201609-01	AUGUST 2016 IMPACT FEES		Admin	140,362.00
						140,362.00
110	CLARK PUBLIC UTILITIES*	20160915-1	ELECTRICITY - 3701 N 3RD CIR		Pub Wrks	27.06
110	CLARK PUBLIC UTILITIES*	20160915-2	ELECTRICITY - 512 ALLEN DR		Pub Wrks	26.83
110	CLARK PUBLIC UTILITIES*	20160915-3	ELECTRICITY - PIONEER ST & GEE CREEK LOOP		Pub Wrks	26.74
110	CLARK PUBLIC UTILITIES*	20160915-4	ELECTRICITY - OVERLOOK PARK		Pub Wrks	62.01
110	CLARK PUBLIC UTILITIES*	20160915-5	ELECTRICITY - 2300 N 3RD WAY BELLWOOD TRAIL		Pub Wrks	34.42
110	CLARK PUBLIC UTILITIES*	20160915-6	ELECTRICITY - N ABRAMS PARK/E DIVISION		Pub Wrks	252.15
110	CLARK PUBLIC UTILITIES*	20160915-7	ELECTRICITY - 255 S 56TH PL		Pub Wrks	114.65

Attachment: September 22 2016 - Claims Report (1101 : Approval of Claims And/Or Payroll)

City of Ridgefield

Claims Payment Report

For Approval on: September 22, 2016

Vendor #	Vendor Name	Invoice No.	Description	Contract No.	Resp. Dept	Amount
						543.86
741	CLARK REGIONAL WASTEWATER DISTRICT*	20160915-1	301 N 3RD AVE - CDD SEWER		Com Dev	49.10
741	CLARK REGIONAL WASTEWATER DISTRICT*	20160915-2	109 W DIVISION WWTP SEWER		Pub Wrks	233.07
741	CLARK REGIONAL WASTEWATER DISTRICT*	20160915-3	116 N MAIN AVE - PD SEWER		Pub Safety	47.86
741	CLARK REGIONAL WASTEWATER DISTRICT*	20160915-4	230 PIONEER ST CITY HALL - SEWER		Genl Govt	88.88
741	CLARK REGIONAL WASTEWATER DISTRICT*	20160915-5	ABRAMS PARK KITCHEN & IRRIGATION - SEWER		Pub Wrks	44.13
741	CLARK REGIONAL WASTEWATER DISTRICT*	20160915-6	ABRAMS PARK RESTROOMS - SEWER		Pub Wrks	88.25
741	CLARK REGIONAL WASTEWATER DISTRICT*	20160915-7	ABRAMS PARK FORMER PARK MGR HOUSE - SEWER		Pub Wrks	40.68
741	CLARK REGIONAL WASTEWATER DISTRICT*	20160915-8	ABRAMS PARK CONCESSIONS		Pub Wrks	45.37
741	CLARK REGIONAL WASTEWATER DISTRICT*	20160915-9	255 S 56TH PL		Pub Wrks	43.65
						680.99
1151	COLUMBIA CASCADE COMPANY*	44985-04	PLAYGROUND TIMRE SWING		Pub Wrks	271.00
						271.00
2271	COMCAST BUSINESS*	201609-02	PD COMMUNICATIONS		Pub Safety	287.63
2271	COMCAST BUSINESS*	201609-03	CITY HALL COMMUNICATIONS		Genl Govt	239.37
						527.00
1101	COMDATA NETWORK, INC.*	20255393	PD FUEL XN795		Pub Safety	706.52
1101	COMDATA NETWORK, INC.*	20255402	PW FUEL XN173		Com Dev	1,286.07
						1,992.59
154	DEPARTMENT OF LICENSING*	201609-03	CPL FEES - FREDRICKS, WILLIAM		Admin	18.00
154	DEPARTMENT OF LICENSING*	201609-04	CPL FEES - FREDRICKS, DEBORAH		Admin	18.00
154	DEPARTMENT OF LICENSING*	201609-05	CPL FEES - SMITH		Admin	18.00
154	DEPARTMENT OF LICENSING*	201609-06	CPL FEES - LOUCKS		Admin	18.00
						72.00
485	E2 LAND USE PLANNING SERVICES, LLC*	201609-01	AUGUST 2016 PLANNING CONSULTING		Com Dev	21,677.60
						21,677.60
2081	ELCOR, INC*	9020	INSTALLATION OF WIFI @ COMMUNITY CENTER		Com Dev	2,606.34
2081	ELCOR, INC*	MSP-9019	INFORMATION TECHNOLOGY SERVICES			5,751.74
						8,358.08
958	FCS GROUP*	2491-21608030	UTILITY RATE STUDY		Pub Wrks	1,715.00

Attachment: September 22 2016 - Claims Report (1101 : Approval of Claims And/Or Payroll)

City of Ridgefield

Claims Payment Report

For Approval on: September 22, 2016

Vendor #	Vendor Name	Invoice No.	Description	Contract No.	Resp. Dept	Amount
						1,715.00
181	FERGUSON ENTERPRISES INC # 8423*	0539005	WATER METERS		Pub Wrks	7,766.04
181	FERGUSON ENTERPRISES INC # 8423*	0540714	WATER METERS		Pub Wrks	7,288.79
						15,054.83
212	H & H RECYCLERS*	0073426-IN	BRUSH REMOVAL - DOG PARK	P1014	Pub Wrks	292.68
212	H & H RECYCLERS*	0074961-IN	BRUSH REMOVAL - PARKS		Pub Wrks	112.00
						404.68
2036	H.D. FOWLER COMPANY*	I4312793	SERVICE REPLACEMENT - 380 N 4TH AVE		Pub Wrks	127.78
2036	H.D. FOWLER COMPANY*	I4319753	WATER METERS & OPERATIONAL SUPPLIES		Pub Wrks	1,025.20
						1,152.98
1678	HARPER HOUF PETERSON RIGHELLIS INC.*	38216	DIVISION ST. STORM DRAIN IMPROV.	P1022	Pub Wrks	2,430.01
						2,430.01
734	HDR ENGINEERING, INC.*	1200009080	UNDERSIZE WATER MAIN REPLACEMENT	P1016	Pub Wrks	17,599.73
734	HDR ENGINEERING, INC.*	1200011285	MAIN AVE PRESERVATION PROJECT	P1008	Pub Wrks	10,457.56
						28,057.29
1805	HOME DEPOT CREDIT CARD SERVICES*	3576219	PW SHOP TOOLS/SUPPLIES		Pub Wrks	18.40
						18.40
2187	INTERMEDIA.NET, INC*	1609002004	VOICE SERVICE CHARGES			80.02
						80.02
2199	JANEAN Z PARKER*	131	AUGUST 2016 LEGAL SERVICES		Com Dev	6,297.25
						6,297.25
2650	JENNIFER HALME*	201609-01	CANCELLATION - 1/2 DEP & RENTAL FEE REIMB.		Admin	215.00
						215.00
2099	JESSICA KIPP*	201609-02	MILEAGE REIMBURSEMENT - EVENT ERRANDS		Genl Govt	31.58
						31.58
2448	JOHN MAIN*	201609-01	AUGUST 2016 - MILEAGE REIMBURSEMENT		Council	68.80
						68.80
272	LES SCHWAB TIRES WOODLAND*	36900359565	CDD VEHICLE MAINT. - 2012 F-150		Com Dev	994.77
						994.77
2238	LINDSAY REGAN*	201609-01	MEALS PER DIEM - WSAPT CONF 2016		Com Dev	108.00
						108.00

Friday, September 16, 2016

City of Ridgefield

Claims Payment Report

For Approval on: September 22, 2016

Vendor #	Vendor Name	Invoice No.	Description	Contract No.	Resp. Dept	Amount
899	MACKAY & SPOSITO, INC.*	029093	GEE CREEK TRAIL PROJ	P1011	Pub Wrks	13,456.41
						13,456.41
498	NAPA AUTO PARTS*	930176	PW VEHICLE MAINT - MACK PUMP TRUCK		Genl Govt	96.11
498	NAPA AUTO PARTS*	931834	PW OPERATIONAL SUPPLIES		Pub Wrks	15.85
						111.96
1019	NORTHSTAR CHEMICAL, INC.*	91144	SODIUM HYPOCHLORITE		Pub Wrks	680.21
						680.21
315	NORTHWEST NATURAL GAS*	20160915-1	POLICE DEPARTMENT - NATURAL GAS		Pub Safety	7.10
						7.10
522	NORTHWEST STAFFING*	4066400	TEMP SERVICES - WEEK ENDING 8/28/16		Com Dev	904.80
522	NORTHWEST STAFFING*	4066828	TEMP SERVICES - WEEK ENDING 9/4/16		Com Dev	904.80
						1,809.60
1599	OFFICEMAX, INCORPORATED*	880094	OFFICE & OPERATIONAL SUPPLIES		Administration	125.27
1599	OFFICEMAX, INCORPORATED*	882473	CDD OFFICE SUPPLIES		Com Dev	22.70
						147.97
326	ONE CALL CONCEPTS*	6089087	EXCAVATION NOTIFICATION & MODEM TICKET DELIV		Pub Wrks	134.64
						134.64
2217	ON-HOLD CONCEPTS, INC*	412408	ON HOLD MUSIC SERVICE			24.95
						24.95
2372	PATRICK HILDRETH BRAND & DESIGN*	647	PD LETTERHEAD		Pub Safety	101.90
						101.90
1647	PAUL LEWIS*	201609-01	CITY MANAGER EVALUATION		Exec	1,260.00
						1,260.00
341	PITNEY BOWES*	3301348299	POSTAGE MACHINE LEASE		Genl Govt	405.12
						405.12
348	POSTMASTER*	201609-02	PD ANNUAL BOX #546 FEE		Pub Safety	82.00
						82.00
354	PUBLIC SAFETY TESTING*	PSTI16-579	NEW POLICE CHIEF BACKGROUND INVESTIGATION		Pub Safety	7,041.59
						7,041.59
369	REFLECTOR*	93454	ORDINANCE NO. 1213		Com Dev	49.61
369	REFLECTOR*	93455	ORDINANCE NO. 1214		Com Dev	63.96
369	REFLECTOR*	93456	ORDINANCE NO. 1217		Pub Wrks	48.48

Attachment: September 22 2016 - Claims Report (1101 : Approval of Claims And/Or Payroll)

City of Ridgefield

Claims Payment Report

For Approval on: September 22, 2016

Vendor #	Vendor Name	Invoice No.	Description	Contract No.	Resp. Dept	Amount
369	REFLECTOR*	93457	PETITION TO ANNEX BROWN PROP.		Com Dev	53.69
369	REFLECTOR*	93458	UNION RIDGE LOT 6 SELF STORAGE		Com Dev	123.16
						338.90
1662	RICOH USA, INC.*	97410962	PD COPIER LEASE		Pub Safety	140.57
						140.57
376	RIDGEFIELD HARDWARE*	201609-01	OPERATIONAL SUPPLIES		Pub Wrks	992.30
						992.30
2649	ROD DALLUM*	201609-01	PARK REFUNDABLE DEPOSIT		Admin	50.00
						50.00
1688	SENVOY, LLC*	98245	COURIER SERVICES		Finance	48.48
						48.48
2550	SMARSH*	INV00177026	SOCIAL MEDIA & EMAIL ARCHIVING			188.00
						188.00
2655	SOLAR ECLIPSE WINDOW TINTING*	201609-01	PD VEHICLE WINDOW TINT		Pub Safety	35.00
						35.00
295	SPOK, INC.*	Z0364104I	COMMUNICATIONS		Pub Wrks	19.51
						19.51
156	STATE OF WASHINGTON*	18862312	AUGUST 2016 EXCISE & B&O TAX		Pub Wrks	5,251.66
						5,251.66
2504	STERICYCLE*	3003555765	HAZARDOUS WASTE DISPOSAL		Pub Safety	10.36
						10.36
1634	TAC 1 SYSTEMS*	SI005679	SURVEILLANCE KITS/ACCESSORIES		Pub Safety	535.94
						535.94
561	TERESA D JOHNSON, CPA INC.*	4548	FINANCIAL SERVICES - AUGUST 2016		Finance	1,625.00
						1,625.00
1459	THE CHURCH OF JESUS	201609-01	PARK REFUNDABLE DEPOSIT		Admin	50.00
						50.00
1786	THE MASTERS TOUCH, LLC*	47377	UTILITY STATEMENTS JULY/AUG 2016		Pub Wrks	571.02
1786	THE MASTERS TOUCH, LLC*	P47377	POSTAGE - UTILITY STATEMENTS JULY/AUG 2016		Pub Wrks	862.64
1786	THE MASTERS TOUCH, LLC*	S161550	UTILITY STATEMENT STOCK STORAGE		Pub Wrks	1,044.98
						2,478.64
2654	THE REGENTS OF U.C.*	01-41295245	MARECHAL GRAPEVINES		Pub Wrks	536.08

Attachment: September 22 2016 - Claims Report (1101 : Approval of Claims And/Or Payroll)

City of Ridgefield

Claims Payment Report

For Approval on: September 22, 2016

Vendor #	Vendor Name	Invoice No.	Description	Contract No.	Resp. Dept	Amount
						536.08
2236	TRABUCCO CONSULTING, LLC*	6793	ENHANCE BUSINESS OPPORTUNITY		Com Dev	5,689.27
2236	TRABUCCO CONSULTING, LLC*	6794	1ST SATURDAY POSTCARDS		Genl Govt	300.00
						5,989.27
747	TRIBECA TRANSPORT LLC*	COR-1613	SLUDGE HAULING		Pub Wrks	2,745.00
						2,745.00
2237	US BANK*	201609-01	AUGUST 2016 CUSTODY CHARGES		Finance	36.00
						36.00
452	VERIZON WIRELESS*	20160915-1	CDD CELL PHONES		Com Dev	206.88
452	VERIZON WIRELESS*	20160915-2	IPADS		Pub Safety	568.58
452	VERIZON WIRELESS*	20160915-3	PD CELL PHONES		Pub Safety	793.77
452	VERIZON WIRELESS*	20160915-4	PW CELL PHONES		Genl Govt	549.66
						2,118.89
464	WALLIS ENGINEERING*	12864	REIMAN RD GURADRAIL	P1009	Pub Wrks	325.93
						325.93
463	WASHINGTON STATE PATROL*	I17001396	CPL BACKGROUND CHECKS		Admin	73.75
						73.75
1474	WASTE CONTROL*	1125143	PW WASTE A/C & CONCRETE DISPOSAL		Genl Govt	67.07
						67.07
1681	WELLS FARGO*	201609-1765	AUGUST 2016 VISA STATEMENT - HOOTS		Pub Safety	498.00
1681	WELLS FARGO*	201609-2725	AUGUST 2016 VISA STATEMENT - STUART		Exec	738.71
1681	WELLS FARGO*	201609-4542	AUGUST 2016 VISA STATEMENT - BASARAB		Com Dev	1,079.87
1681	WELLS FARGO*	201609-4689	AUGUST 2016 VISA STATEMENT - JOHNSON		Finance	742.35
1681	WELLS FARGO*	201609-4814	AUGUST 2016 VISA STATEMENT - KAST	P1010	Pub Wrks	24.25
1681	WELLS FARGO*	201609-5651	AUGUST 2016 VISA STATEMENT - BLEHM		Genl Govt	1,655.13
1681	WELLS FARGO*	201609-5669	AUGUST 2016 VISA STATEMENT - ARENDS		Pub Wrks	292.86
1681	WELLS FARGO*	201609-5677	AUGUST 2016 VISA STATEMENT - BRUNSON		Pub Wrks	290.43
1681	WELLS FARGO*	201609-6206	AUGUST 2016 VISA STATEMENT - RHINE		Pub Safety	516.56
1681	WELLS FARGO*	201609-7785	AUGUST 2016 VISA STATEMENT - KNOTTNERUS		Genl Govt	735.83
1681	WELLS FARGO*	201609-7829	AUGUST 2016 VISA STATEMENT - KIPP		Genl Govt	1,425.16

Attachment: September 22 2016 - Claims Report (1101 : Approval of Claims And/Or Payroll)

City of Ridgefield

Claims Payment Report

For Approval on: September 22, 2016

Vendor #	Vendor Name	Invoice No.	Description	Contract No.	Resp. Dept	Amount
1681	WELLS FARGO*	201609-8717	AUGUST 2016 VISA STATEMENT - NITEN		Com Dev	50.00
						8,049.15
655	WILCO FARM STORE*	684050	DOG PARK SUPPLIES	P1014	Pub Wrks	45.52
						45.52
1469	WILCOX & FLEGEL*	9529975-IN	DIESEL FUEL		Genl Govt	941.70
						941.70
1507	WOODLAND TRUE VALUE HARDWARE*	A170628	OUTSIDE SINK REPAIR - PW SHOP		Pub Wrks	32.59
						32.59
Total All Vendors						333,070.74

Attachment: September 22 2016 - Claims Report (1101 : Approval of Claims And/Or Payroll)

**CITY OF RIDGEFIELD
REQUEST FOR COUNCIL ACTION**

MEETING DATE: September 22, 2016

ITEM: PRESENTATION

AGENDA ITEM TITLE: Clark Regional Emergency Services Agency Update

BACKGROUND: CRESA has been working for a number of months, even years, to implement some important technology to support the 911 system. They are moving forward with the last 2 parts of these changes, and as a method of promoting and providing valuable information to the community they would like to brief City Council on the changes.

STAFF CONTACT: Julie Basarab, City Clerk

ATTACHMENTS:

Approved to be placed on City Council Agenda:

CITY OF RIDGEFIELD REQUEST FOR COUNCIL ACTION

MEETING DATE: September 22, 2016

ITEM: PRESENTATION

AGENDA ITEM TITLE: Planning Commission Quarterly Update on 2016 Work Plan

City of Ridgefield Planning Commission
Quarterly Update to City Council
September, 2016

The Planning Commission has several major implementation items to report since our last quarterly update in May. Most of our work for the upcoming quarter is focused on further implementation of the adopted Comprehensive Plan.

Ridgefield Development Code updates:

- Our June, July, August, and September meetings were devoted to the analysis and recommendation for updates to the Ridgefield Development Code related to the optional Pioneer Mixed Use Overlay and Commercial Design standards. The optional Mixed Use overlay is intended to provide flexibility for developers while maintaining the quality standards Ridgefield expects. The overlay was also developed with the idea in mind to maintain the appearance of areas adjacent to potential mixed use developments.
- The Commercial Design standards were developed by keeping the identity of Ridgefield in mind by requiring development to work with the land, rather than leveling a particular property and then developing something generic. Maintaining the unique character of Ridgefield was a major focus while developing these new standards.
- The Planning Commission, at our last meeting, held public hearings on both of these items and recommended both for approval by a unanimous vote.

Future Planning Commission work items:

- Next month at our October meeting we will begin review of the Employment zone. A majority of what we want to do is already a part of our code, but we will focus on combining Office and Light Industrial uses so that our development code retains high standards, but is also flexible.

Approved to be placed on City Council Agenda:

-
- We will also focus on a new sign code to ensure compliance with recent court decisions.

STAFF CONTACT: Jeff Niten, Community Development Director

ATTACHMENTS:

**CITY OF RIDGEFIELD
REQUEST FOR COUNCIL ACTION**

MEETING DATE: September 22, 2016

ITEM: BUSINESS

AGENDA ITEM TITLE: Ordinance No. 1218 - Second Reading on Stephenson Vista Development Agreement

GOVERNING LEGISLATION:

RCW 36.70B.170 - 36.70B.210 (Development Agreements)
RDC 18.310.150, Development Agreements

PREVIOUS COUNCIL ACTION TAKEN:

First reading of Ordinance 1218, September 8, 2016.

SUMMARY/BACKGROUND:

The Stephenson Vista subdivision (then known as Stephenson Manor) received preliminary approval on August 14, 2006. The current developer acquired the property in 2015 and has been diligently pursuing development of the parcel since acquisition. The applicant has requested a two year extension of the preliminary plat approval to August 14, 2018. As part of this agreement the applicant has agreed to provide LED lights, the establishment of a Home Owners Association, and has agreed to meet the architectural design guidelines contained in the Ridgefield Development Code. Further, development of this 14.27acre property will include over 6 acres of open space, and the developer has agreed to construct a paved 8' wide trail connecting the development to the Gee Creek trail. The developer has agreed to provide a "rest station" consisting of benches at the intersection of the 8' wide trail and the Gee Creek trail and will construct the section of trail on the subject property as well.

BUDGET/FINANCIAL IMPACTS:

None

RECOMMENDED ACTION OR MOTION:

"I move to approve Ordinance 1218 as presented"

Approved to be placed on City Council Agenda:

STAFF CONTACT:

Jeff Niten, Community Development Director

ATTACHMENTS:

Stephenson Vista DA FINAL (DOCX)

ORD1218_Stephenson Vista_DevelopmentAgreement (DOCX)

Stephenson Manor Open Space Exhibit (002) (PDF)

Deed - Stephenson to Developer - current legal description (PDF)

STEPHENSON MANOR SUBDIVISION PLZ-05-025 (PDF)

MAIL TAX STATEMENTS TO:

AFTER RECORDING RETURN TO:

Jordan Ramis PC
Attn: James D. Howsley
1499 S.E. Tech Center Place, Suite 380
Vancouver, WA 98683

This space provided for recorder's use.

INSTRUMENT TITLE: DEVELOPMENT AGREEMENT

GRANTOR(S): 1108 S. Hillhurst Road, LLC, a Delaware limited liability company

GRANTEE: CITY OF RIDGEFIELD, WASHINGTON

ABBREVIATED LEGAL DESC: #7 B W Pickens DLC

FULL LEGAL DESC: See **Exhibit A** To This Document

ASSESSOR'S PROPERTY TAX
PARCEL ACCOUNT NUMBER(S): 220016000

REFERENCE NUMBER OF
RELATED DOCUMENTS: _____

Attachment: Stephenson Vista DA FINAL (1105 : Stephenson Vista Development Agreement)

DEVELOPMENT AGREEMENT

Effective Date: October 22, 2016

PARTIES:

1108 S. Hillhurst Road, LLC, a Delaware limited liability company (“Developer”) is the owner of APN 220016000, currently addressed as 1108 S. Hillhurst Road, Ridgefield, WA, (“Property”). The legal description for this parcel is attached as **Exhibit A**.

The City of Ridgefield is a Washington municipal corporation (“City”), and is responsible for land use planning and permitting pursuant to the Growth Management Act, RCW 35A.63 and RCW 58.17.

Developer and City are collectively referred to as the Parties.

AUTHORITIES

The parties are authorized to enter this Development Agreement by RCW 36.70B.170(1).

Whereas, pursuant to RCW 36.70B.170, a development agreement may set forth the development standards and other provisions that will apply to, govern and vest the development, use and mitigation of the development of real property for the duration specified in the agreement, which statute provides:

(1) A local government may enter into a Development Agreement with a person having ownership or control of real property within its jurisdiction. A city may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement. A development agreement must set forth the development standards and other provisions that will apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement will be consistent with applicable development regulations adopted by a local government planning under chapter 36.70A RCW;

Whereas, the legislative findings supporting the enactment of this section provide:

The legislature finds that the lack of certainty of the approval of development projects can result in a waste of public and private resources, escalate housing costs for consumers and discourage the commitment to comprehensive planning which would make maximum efficient use of

resources at the least economic cost to the public. Assurance to a development project applicant that upon government approval the project may proceed in accordance with existing policies and regulations, and subject to conditions of approval, all as set forth in a development agreement, will strengthen the public planning process, encourage private, participation and comprehensive planning, and reduce the economic costs of development. Further, the lack of public facilities and services is a serious impediment to development of new housing and commercial uses. Project applicants and local governments may include provisions and agreements whereby applicants are reimbursed over time for financing public facilities. It is the intent of the legislature by RCW 36.70B.170 through 36.70B.210 to allow local governments and owners and developers of real property to enter into development agreements;

RCW 58.17.140 provides that a final plat must generally be submitted for approval within five (5) years after preliminary plat approval. However, if the preliminary plat was approved before January 1, 2015, the applicant has seven (7) years to submit a final plat; and if a preliminary plat was approved before January 1, 2008 and is not subject to the Shoreline Management Act, the applicant has ten (10) years to file for final plat approval. Cities and counties may adopt procedures by ordinance for extensions of these time periods. Further, RCW 58.17.140 provides that nothing prevents a City from adopting by ordinance procedures which would allow extensions of time that may or may not contain additional or altered conditions and requirements.

Ridgefield Development Code (“RDC”) Section 18.620.080(B) authorizes the City Council to extend final plat approval for a period of up to two years upon application. Extensions are subject to the criteria and conditions detailed under RDC 18.620.080(B).

RECITALS:

City issued preliminary plat approval for the Property on August 14, 2006, Final Order PLZ-05-025 (“Stephenson Manor”), attached as **Exhibit B** (the “Preliminary Plat Approval”).

Preliminary plat approval will expire August 14, 2016.

In accordance with RDC 18.620.080(B)(1), the applicant submitted a written request for extension at least sixty days prior to the expiration of the preliminary plat approval. The exhibits attached hereto establish the following:

July 29, 2015 – Commercial Grading application fee paid;

August 18, 2015 – Project engineer communicates to City that construction plans are being finalized with a goal of submitting shortly; accompanied by related fee discussion;

September 22, 2015 – Project engineer receives a status inquiry from City regarding anticipated submittal timing;

September 30, 2015 – Project engineer responds to City to advise that a WAR number was just received from Department of Ecology for NPDES, grading and erosion control plans are ready to submit, and plan is to submit full subdivision next week;

September 30, 2015 – City confirms receipt of timeline estimate submitted by project engineer;

January 21, 2016 – Project engineer contacts City to advise of a redesign request needed to reduce high construction costs and improve buildability, and requests City review of an alternate plan;

February 2, 2016 – Project engineer follows up with City to request consideration of the proposed plan revisions;

February 2, 2016 – City advises project engineer that the proposed modifications will constitute a Type II post decision review;

February 2, 2016 – Project engineer requests a phone discussion with City regarding submittal timing issues to ensure project review can be timely completed. The related phone call was the subject of a request for the extension currently sought in the event such extension became necessary.

In accordance with RDC 18.620.080(B)(2), there have not been any substantial changes in the laws governing the development of the plat with which lack of compliance would be contrary to public health, safety and welfare.

In accordance with RDC 18.620.080(B)(3), the requested extension will be conditioned upon compliance with current requirements in effect at the time of approval.

In accordance with RDC 18.620.080(B)(4)(a) and (b), the applicant has demonstrated that the application has been the subject of extensive environmental permitting requirements, timelines, and studies that took longer than anticipated. Attached as an exhibit hereto are a Stephenson Manor Sanitary Sewer Sketch and proposed Boundary Line Adjustment which pertain to the required sanitary sewer connection point. This connection point required the applicant to cross property heavily encumbered with steep slopes and riparian habitat areas. Related environmental constraints have caused significant project delays, including efforts required by the applicant to evaluate options to purchase other adjacent parcels or to accomplish associated boundary line adjustments in an attempt to provide an alternate route for the sanitary sewer connection.

In accordance with RDC 18.620.080(B)(4)(c), the applicant has demonstrated that the applicant has pursued final platting in good faith in light of surrounding circumstances but has been delayed by specific verifiable extenuating circumstances and conditions beyond the control of the applicant as deemed appropriate by the city council:

The Parties acknowledge that the Great Recession which began in 2007 had significant impacts on the development and sale of real property, housing and related development projects. The subject Project suffered from the effects of the Great Recession, so that development did not proceed in accordance with the timeframes initially contemplated.

The current Developer acquired this project in the midst of the development process in 2015, and has been required to take action to address and resolve issues not caused by the current Developer.

The Parties acknowledge that due to the factors associated with the Great Recession, the Developer will be unable to obtain final plat approval prior to the August 14, 2016 expiration date.

The parties also acknowledge that all street lights ultimately provided for as part of this development of the Property that will be dedicated to the City shall contain LED lamps. The parties further agree that all residential construction shall conform to the City's residential design standards (RDC 18.210.060) and design standards applicable to development adjacent to Hillhurst (RDC 18.210.065) in effect on the Effective Date of this Amendment. The parties further agree that a Home Owners Association, and agreements to fund such an organization, shall be established. Before approval of the final development plan may be granted, the developer shall submit to the city covenants, deeds and/or homeowners' association bylaws and other documents. These documents shall be reviewed and approved by the city attorney and planning director prior to approval of the final development plan by the city. Such documents and conveyances shall be accomplished and be recorded, as applicable, with the county auditor as a condition of any final development plan approval.

The parties also agree the development shall provide a minimum of twenty-five percent of the total site area for common open space which shall be used for the collective enjoyment of occupants of the development. Open space shall not include public or private streets or rights-of-way, driveways, above-ground utility facilities including storm water facilities, parking areas unless developed as part of park or trail facility consistent with standards in the Ridgefield Parks and Recreation Comprehensive Plan, or the required yards for buildings or structures. Open space areas may include critical areas and buffers, but shall not be computed to include any submerged lands.

The Parties agree that it is in the best interest of the City and the Developer to reasonably extend the Preliminary plat approval for a **period of two (2) years** from the current expiration date, so that the new Preliminary plat expiration date shall be August 14, 2018.

The City will benefit from the extension, as it will enable the plat to be timely and appropriately developed to meet current residential housing needs and generate associated revenue for the City. Other cities in Washington have similarly found that factors associated with the Great Recession support extensions such as the extension authorized by this Agreement. See, for example, Haagen Development Agreement Extension – City of Vancouver, Washington; Aspen-Chinidere Development Agreement Extension – City of Stevenson, Washington.

AGREEMENT

NOW, THEREFORE, the Parties agree as follows:

Preliminary plat approval is extended to August 14, 2018.

MISCELLANEOUS PROVISIONS

Recitals. Each of the Recitals contained herein are intended to be, and are incorporated as, covenants between the Parties and will be so construed.

Execution of Agreement; Counterparts; Electronic Signatures. This Agreement may be executed in several counterparts; each of which shall be deemed an original and all of which shall constitute one and the same instrument, and shall become effective when counterparts have been signed by each of the Parties and delivered to the other Parties; it being understood that all Parties need not sign the same counterparts – PROVIDED that all signature pages will be recorded together, and the complete recorded Agreement will constitute the final instrument. The exchange of copies of this Agreement and of signature pages by facsimile transmission (whether directly from one facsimile device to another by means of a dial-up connection or whether mediated by the worldwide web), by electronic mail in “portable document format” (“pdf”) form, or by any other electronic means intended to preserve the original graphic and pictorial appearance of a document, or by combination of such means, shall constitute effective execution and delivery of this Agreement as to the Parties and may be used in lieu of the original Agreement for all purposes. Signatures of the Parties transmitted by facsimile shall be deemed to be their original signatures for all purposes.

Effective Date. This Agreement is effective on the date of recording.

Termination. This Agreement will terminate upon the mutual agreement of the Parties in writing, which will be recorded.

City's Reserved Authority. Notwithstanding anything in this Agreement to the contrary, the City will have the authority to impose new or different regulations to the extent required by a serious threat to public health and safety as required by RCW 36.70B; provided, however that traffic congestion generally is not a serious threat to public health and safety but the impact of congestion at any particular location may degrade to a level that constitutes a safety hazard, and that such action will only be taken by legislative act of the Ridgefield City Council after appropriate public process.

Authorization. The persons executing this Agreement on behalf of Developer and the City are authorized to do so and, upon execution by such parties, this Development Agreement will be a valid and binding obligation of such parties in accordance with its terms. The Parties have each obtained any and all consents required to enter into this Agreement and to consummate or cause to be consummated the transactions contemplated hereby.

Run with the Land. This Agreement will run with the land and be binding on the Parties' successors and assigns, and will be recorded with the Clark County Auditor.

Term. The Term of this Agreement will expire on August 14, 2018, unless earlier extended by the Parties.

Public Hearing. The Ridgefield City Council has approved execution of this Agreement by ordinance after a public hearing.

Dispute Resolution. Should a disagreement arise between the Parties, the Parties agree to attempt to resolve the disagreement by first meeting and conferring. If such meeting proves unsuccessful to resolve the dispute, the disagreement may be resolved by a civil action.

Venue. This Agreement will be construed in accordance with the laws of the State of Washington, and venue is in the Clark County Superior Court.

Performance. Failure by any Party at any time to require performance by the other Parties of any of the provisions hereof will not affect the Parties' rights hereunder to enforce the same, nor will any waiver by a Party of the breach hereof be held to be a waiver of any succeeding breach or a waiver of this clause.

Severability. If any portion of this Agreement will be invalid or unenforceable to any extent, the validity of the remaining provisions will not be affected thereby. If a material provision of this Agreement is held invalid or unenforceable such that a Party does not receive the benefit of its bargain, then the other Parties will renegotiate in good faith terms and provisions that will effectuate the spirit and intent of the Parties' agreement herein.

Inconsistencies. If any provisions of the Ridgefield Development Code and land use regulations are deemed inconsistent with this Agreement, the court shall first attempt to

harmonize the provisions and if unable to do so, the provisions of this Agreement will prevail, excepting the City's reserved authority as explicitly defined herein.

Amendments. This Agreement may only be amended by mutual written agreement of the Parties, and all amendments will be recorded in the Clark County deed records.

Survival. Any covenant or condition set forth in this Agreement, the full performance of which is not specifically required prior to the expiration or earlier termination but which by its terms is to survive the termination of this Agreement, will survive the expiration or earlier termination of this Agreement and will remain fully enforceable thereafter.

No Benefit to Third Parties. The Parties are the only parties to this Agreement and are the only parties entitled to enforce its terms, except as otherwise specifically provided in this Agreement. There are no third-party beneficiaries.

Entire Agreement. This Agreement constitutes the entire agreement between the Parties as to the subject matter, and merges, supersedes, and terminates the Prior Development Agreements.

Notices. All notices will be in writing and may be delivered by personal delivery, by overnight courier service, or by deposit in the United States Mail, postage prepaid, as certified mail, return receipt requested, and addressed as follows:

City:	City of Ridgefield
With a copy to:	Steve Stuart P.O. Box 608 Ridgefield, WA 98642-0608
Developer:	1108 S. Hillhurst Rd., LLC.
With a copy to:	1235 N. Dutton Ave. Ste E Santa Rosa, CA 95401 and 2005 Broadway St. Vancouver, WA 98663

With a copy to: Jordan Ramis, PC
 Attn: James D. Howsley
 1499 SE Tech Center Place, Suite 380
 Vancouver, WA 98683

Notices will be deemed received by the addressee upon the earlier of actual delivery or refusal of a party to accept delivery thereof. The addresses to which notices are to be delivered may be changed by giving notice of such change in address in accordance with this notice provision.

Time is of the Essence. Time is of the essence in the performance of and adherence to each and every provision of this Agreement.

Non-waiver. Waiver by any Party of strict performance of any provision of this Agreement will not be deemed a waiver of or prejudice a Party's right to require strict performance of the same or any other provision in the future. A claimed waiver must be in writing and signed by the Party granting a waiver. A waiver of one provision of this Agreement will be a waiver of only that provision. A waiver of a provision in one instance will be a waiver only for that instance, unless the waiver explicitly waives that provision for all instances.

Headings, Table of Contents. The section headings are for convenience in reference and are not intended to define or limit the scope of any provision of this Agreement.

Interpretation of Agreement; Status of Parties. This Agreement is the result of arm's-length negotiations between the Parties and will not be construed against any Party by reason of its preparation of this Agreement. Nothing contained in this Agreement will be construed as creating the relationship of principal and agent, partners, joint venturers, or any other similar relationship between the Parties.

Future Assurances. Each of the Parties will promptly execute and deliver such additional documents and will do such acts that are reasonably necessary, in connection with the performance of their respective obligations under this Agreement according to the Schedule so as to carry out the intent of this Agreement.

Signatures appear on the following pages.

DEVELOPER

 By:
 Its:

 Date

State of Washington)
) ss.
 City of _____)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the _____, of _____ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____, 2016.

(Seal or stamp)

 Signature

 Title
 My appointment expires _____

City of Ridgefield

By: _____

Its: _____

_____ Date

State of Washington)

) ss.

City of _____)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the _____, of _____ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____, 2016.

(Seal or stamp)

Signature

Title

My appointment expires _____

Approved as to form:

City Counsel

Attachment: Stephenson Vista DA FINAL (1105 : Stephenson Vista Development Agreement)

EXHIBIT A

EXHIBIT B

ORDINANCE NO. 1218

AN ORDINANCE OF THE CITY OF RIDGEFIELD, WASHINGTON APPROVING A DEVELOPMENT AGREEMENT WITH 1108 S. HILLHURST RD. LLC.

WHEREAS, the City is a Washington Municipal Corporation with land use planning and permitting authority over all land within its corporate limits; and,

WHEREAS, the City has the authority to enter into Development Agreements pursuant to RCW 36.70B.170 which provides:

The Legislature finds that the lack of certainty of the approval of development projects can result in a waste of public and private resources, escalate housing costs for consumers and discourage the commitment to comprehensive planning which would make maximum efficient use of resources at the least economic cost to the public. Assurance to a development project applicant that upon government approval the project may proceed in accordance with existing policies and regulations, and subject to conditions of approval, all as set forth in a development agreement, will strengthen the public planning process, encourage private participation and comprehensive planning, and reduce the economic cost of development; and,

WHEREAS, the City issued preliminary plat approval for the Property on August 14, 2006, Final Order PLZ-05-025 ("Stephenson Manor"); and

WHEREAS, the parties desire to extend the approval of the preliminary plat to August 14, 2018; and

WHEREAS, the project has been diligently pursuing development of the property since acquired by the current owner;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RIDGEFIELD, WASHINGTON HEREBY ORDAINS AS FOLLOWS:

Section 1. **Public Interest.** The City Council for the City of Ridgefield, Washington finds, following a public hearing process, that it is in the public interest for the City of Ridgefield to approve the Development Agreement with 1108 S. Hillhurst Rd. LLC. Execution of this Agreement will generally: Extend the preliminary plat approval to August 14, 2018.

Section 2. **Development Agreement Approved.** The City Council for the City of Ridgefield hereby approves the Development Agreement ("Agreement") attached hereto as Exhibit "A" and authorizes the City Manager to execute the Agreement substantially in the form attached and to take such other actions as may be necessary to effect this Agreement.

Section 3. **Corrections.** The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. **Severability**. Any provision of this ordinance or its application to any person, legal entity, or circumstance is held invalid, the remainder of the ordinance or its application to other persons, legal entities, or circumstances is not affected.

Section 5. **Effective Date**. This ordinance shall be in full force and effect thirty (30) calendar days after adoption and publication pursuant to law.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF RIDGEFIELD, WASHINGTON THIS 22nd DAY OF SEPTEMBER 2016.

Mayor , Ron Onslow

ATTEST/AUTHENTICATED:

Julie Basarab
Deputy City Clerk

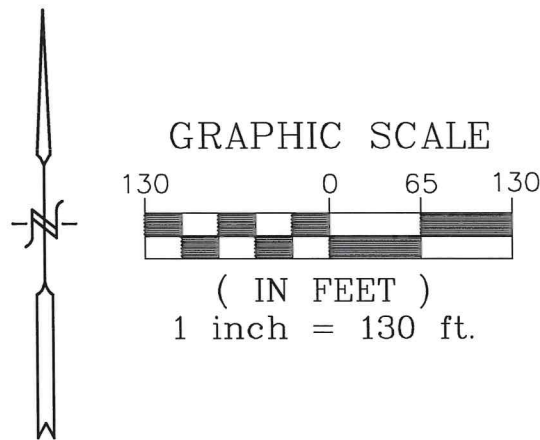
APPROVED AS TO FORM:

Janean Parker
City Attorney

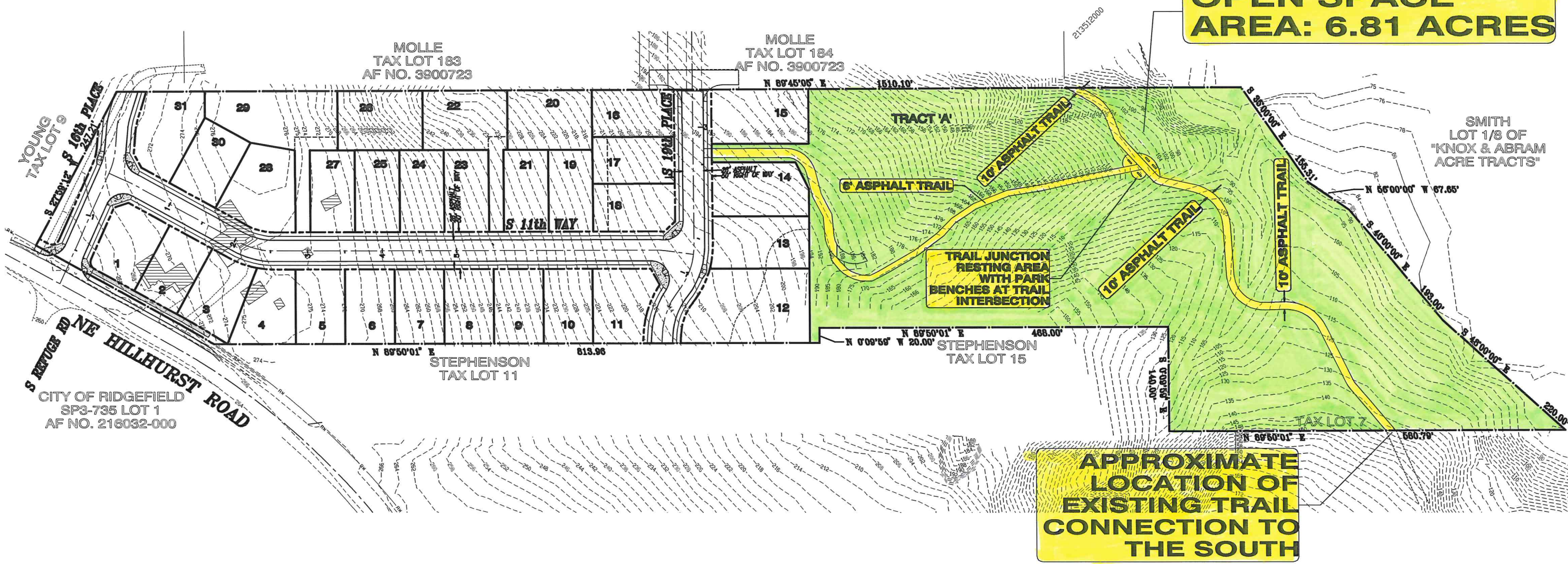
Public Hearing:	September 8, 2016
First Reading:	September 8, 2016
Second Reading/Passage:	September 22, 2016
Date of Publication:	
Effective Date:	

STEPHENSON MANOR

A Subdivision within a portion of the NW & NE 1/4s of Sec. 30, T4N., R1E., W.M. Clark County, Washington



**OPEN SPACE
AREA: 6.81 ACRES**



• **PLZ-05-025**

**STERLING
DESIGN, INC.**

2208 E. EVERGREEN BLVD
VANCOUVER, WA 98661
PH. (360) 759-1794
FAX (360) 759-4983
MAIL@STERLINGDESIGN.BIZ

732038 - \$14245.00 - Columbia Title Agency - Amy KP - 08/21/2015

5206250 D 08/21/2015 04:21 PM
Total Pages: 2 Rec Fee: \$73.00
COLUMBIA TITLE AGENCY
SIMPLIFILE LC E-RECORDING
eRecorded in Clark County, WA

WHEN RECORDED RETURN TO:

1108 S HILLHURST ROAD, LLC
1235 N Dutton Ave. , Ste. E
Santa Rosa, CA 95401
c/o David Chiddix

Escrow Number: 41394 (1)
Filed for Record at Request of: Columbia Title Agency

STATUTORY WARRANTY DEED

THE GRANTOR(S), MORRIS LEE STEPHENSON, an unmarried individual also shown of record as MORRIS L. STEPHENSON for and in consideration of Ten Dollars and other valuable consideration in hand paid, conveys, and warrants to 1108 S HILLHURST ROAD, LLC, a Delaware Limited Liability Company the following described real estate, situated in the County of Clark, State of Washington:

LEGAL DESCRIPTION ON EXHIBIT " A " ATTACHED HERETO AND MADE A PART HEREOF.

Subject to:
Covenants, conditions, restrictions and easements of record.
Abbreviated Legal: (Required if full legal not inserted above.)
TL 7 SEC 30 T4N R1EWM

Tax Parcel Number(s): 220016000

Dated: August 21, 2015


MORRIS LEE STEPHENSON

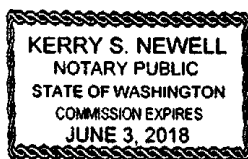
State of Washington

ss.

County of Clark

I certify that I know or have satisfactory evidence that MORRIS LEE STEPHENSON is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: August 21, 2015



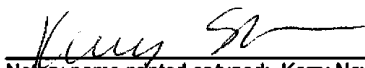

Notary name printed or typed: Kerry Newell
Notary Public in and for the State of WA
Residing at Ridgefield
My appointment expires: June 03, 2018

EXHIBIT "A" **LEGAL DESCRIPTION**

That portion of the Northeast quarter of Section 30, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington described as follows:

BEGINNING at a portion on the North line of said Section, 465.5 feet East of the Intersection of the North line of said Section with the center line of the County Road; thence South 26°16' West 248.53 feet to the North line of the County Road; thence Southeasterly along the North line of the County Road to the North line of Lot 7, KNOX AND ABRAMS ACRE TRACTS, according to the plat thereof, recorded in Volume 'D' of Plats, Page 7, records of Clark County; thence North 88°30' East along the North line of said Lot 7, 1,704 feet, more or less to the Northeasterly corner of said Lot 7; thence Northwesterly along the Westerly line of said plat, North 48° West 220 feet; thence North 40° West 193 feet; thence North 56° West, 67.5 feet; thence North 35° West, 158 feet to the Northwest corner of said Lot 8 and North line of said Section; thence West to a Point of Beginning.

EXCEPT that portion thereof conveyed to Vernon Herberg, et ux, by deed recorded under Auditor's File No. G 8015 in Book 448, Page 336, records of Clark County, Washington.

ALSO EXCEPT that portion thereof described as follows:

That portion of the Northwest quarter of the Northeast quarter of Section 30, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington, described as follows:

BEGINNING at a point on the North line of said Section 30, that is 354.00 feet East of the Point of intersection of the North line of said Section with the centerline of the County;

Thence South 26°16'00" West 209.56 feet to the Northeasterly line of the County Road;

Thence South 62°56'00" East along the Northeasterly side of the County Road 160.01 feet to the True Point of Beginning of this herein-described parcel of land;

Thence North 64°41'00" East 132.02 feet to an iron pipe;

Thence continuing North 64°41'00" East 15.21 feet to the most Northerly property corner;

Thence South 34°56'00" East 90.04 feet to the most Easterly property corner;

Thence South 56°23'00" West 84.76 feet to the Northeasterly line of said County Road;

Thence North 62°56'00" West 128.10 feet along said Northeasterly line to the True Point of Beginning and the terminus of this herein-described parcel of land;

ALSO EXCEPT that portion thereof described as follows:

BEGINNING at a point on the North line of Lot 7, KNOX AND ABRAMS ACRE TRACTS, according to the plat thereof, recorded in Volume 'D' of Plats, Page 7, records of Clark County, Washington, that is South 89°08'30" West a distance of 999.97 feet from the Northeast corner thereof; thence South 89°08'30" West along the North line of said Lot 7, a distance of 655.36 feet to a point of the Easterly right of way line of County Road No. 15; thence Northwesterly on the Easterly right of way line of said County Road No. 15, along the arc of a curve to the left having a radius of 984.93 feet, through a central angle of 11°15'32" an arc distance of 193.54 feet; thence North 89°08'30" East a Distance of 806.82 feet to a point that bears North 0°51'34" West from the Point of Beginning; thence South 0°51'34" East a distance of 120.00 feet to the Point of Beginning.

ALSO EXCEPT that portion thereof described as follows:

BEGINNING at a point on the North line of Lot 7, KNOX AND ABRAMS ACRE TRACTS, according to the plat thereof, recorded in Volume 'D' of Plats, Page 7, records of Clark County, Washington, that is South 89°03'30" West a distance of 999.97 feet from the Northeast corner thereof; thence East along the said North line of said Lot 7, of said KNOX AND ABRAMS ACRE TRACTS, 468 feet; thence North 140 feet; thence West parallel with the North line of said Lot 7 of said KNOX AND ABRAMS ACRE TRACTS, 468 feet to a point that is 140 feet North of the Point of Beginning; thence South 140 feet to the Point of Beginning.

ALSO EXCEPT that portion lying within the right of way South Hillhurst Road.

LPB 10-05(I)
Page 2 of 2

**BEFORE THE LAND USE HEARINGS EXAMINER
CITY OF RIDGEFIELD, WASHINGTON**

REGARDING THE APPLICATION FOR A) PRELIMINARY PLAT TO SUBDIVIDE 14.27) ACRES INTO 30 LOTS IN THE LDR-8.5) SINGLE FAMILY RESIDENTIAL DISTRICT IN) THE CITY OF RIGEFIELD, WA.)	FINAL ORDER STEPHENSON MANOR SUBDIVISION PLZ-05-025
--	--

APPROVED WITH CONDITIONS

INTRODUCTION

The applicant requests a 30 lot subdivision on a 14.27 acre parcel. The proposal would preserve 6.2 acres of steep slopes and wetlands on the eastern portion of the property near Gee Creek.

LOCATION: On the east side of S. Hillhurst Road approximately 0.5 miles south of Pioneer Street. Located in the NE ¼ of Section 30, T4N, R1E, W.M. Serial Number 220222-000 and 120016-000.

OWNER(S): Morris Stephenson, PO Box 120 Ridgefield, WA 98642

APPLICANT: Otto Gather, 8100 NE St. Johns Road, C103, Vancouver, WA 98665.

**COMP PLAN/
ZONING:** Low-Density Residential (LDR-8.5), 8,500 minimum lot size.

REGULATIONS: RDC 18.210 (Low Density Residential Districts); RDC 18.280 (Sensitive Lands/Density Transfer Overlay District); RDC 18.630 (Subdivisions); RDC 18.640 (Improvement Requirements); RDC 18.810 (Environmental Standards); applicable City of Ridgefield Engineering Standards for Public Works.

HEARING AND RECORD

The Public Hearing on this matter was held on August 9, 2006 and the record was closed at the conclusion of the hearing. A record of all testimony received into the record is included herein as Exhibit A (Parties of Record), Exhibit B (Taped Proceedings), and Exhibit C (Written Testimony). These exhibits are filed with the City of Ridgefield Recorder.

EXHIBITS:

(Exhibits have been submitted to the Hearing Examiner for review and are also on record at the City of Ridgefield, Community Development Department associated with this file: Stephenson Subdivision, PLZ-05-025)

1. Preliminary Plat dated April 2006
2. Notice of Application dated July 12, 2006
3. Notice of Public Hearing/Mitigated Determination of Non-Significance (MDNS) dated July 26, 2006
4. Revised Stephenson Manor Traffic Impact Study dated May 10, 2006 prepared by H. Lee & Associates.
5. Wetland Boundary Delineation Report dated September 2, 2005 prepared by MRM Consulting LLC.
6. Archaeological Survey dated April 4, 2005 prepared by Archeological Services of Clark County.
7. Geotechnical Site Investigation dated July 11, 2005 prepared by Columbia West Engineering, Inc.
8. Preliminary Drainage Report dated June 15, 2006, prepared by Harker Engineering.
9. Letter from Alan Gervais, 2703 S. 10th Way, Ridgefield, WA, 98642 dated June 20, 2006.
10. Electronic Message from Alan Gervais, 2703 S. 10th Way, Ridgefield, WA, 98642 dated July 31, 2006.
11. Letter from Otto Gaither, 8100 NE St. Johns Road, C103, Vancouver, WA 98665.
12. Letter from State Department of Ecology, dated July 26, 2005, PO Box 47775, Olympia, WA 98504-7775.
13. Letter from State Department of Natural Resources, dated July 25, 2006.
14. Ordinance 903, Adopted Critical Areas Ordinance applicable for review of this project.

Comments prior to hearing:

A letter dated July 25, 2006, from the *State Department of Natural Resources*, dated July 25, 2006 (Exhibit 13). A **condition** requires the developer to comply with the requirements of DNR as specified in their July 25, 2006 letter (Exhibit 13).

A letter dated July 26, 2006, from the *State of Washington Department of Ecology*. A **condition** requires the developer to comply with the requirements of DOE as specified in their July 26, 2006 letter (Exhibit 12).

A letter dated June 20, 2006 from Alan Gervais, 2703 S. 10th Way, Ridgefield, WA, 98642. The letter is directed to the developer, Otto Gaither, requesting assurances that the project will not cause damage to his property to the east across Gee Creek.

Staff comment: As conditioned, the project will comply with all approval requirements established in applicable plans, policies, regulations and standards adopted at the time of this application.

An *electronic message* from Alan Gervais, 2703 S. 10th Way, Ridgefield, WA, 98642. The letter references degradation to his property near Gee Creek as a result of fallen trees and the need to apply the critical areas ordinance. In previous conversations with Mr. Gervais, he also referenced the need for a shorelines permit and application of the floodplain development regulations.

Staff comment: Staff is applying all applicable regulations as they apply to this project. A shorelines permit or floodplain regulations are not applicable for this proposal: 1) This section of Gee Creek is not listed as a designated shoreline of the state pursuant to the City's "Shoreline Management Master Program"; 2) The closest proposed lot is approximately 450 feet from Gee Creek and the proposed stormwater pond is proposed approximately 330 feet from Gee Creek. All proposed development activity would occur approximately 90 feet higher in elevation than the floodplain area associated with Gee Creek, therefore floodplain regulations are not applicable to this proposal.

A letter from Otto Gaither, 8100 NE St. Johns Road, C103, Vancouver, WA. Mr. Gaither responds to Mr. Gervais' letter.

Laurabeth Michels, on behalf of Alan Gervais submitted 6 photographs of the conditions of Gee Creek with fallen trees, bank erosion and stream degradation. Also included was the GEE CREEK WATERSHED RESTORATION, BACKGROUND REPORT 1854 – 2005, July, 2006¹

Hearing:

Sam Crummett, the lead City Planner, introduced the site, summarized the key issues in the Staff Report and recommended approval. In doing so he testified that the applicant has submitted the four items listed in the staff report to be submitted prior to the hearing:

¹ A Joint Project of the U.S. Fish and Wildlife Service, Ridgefield National Wildlife Refuge And Washington State University Clark County Extension.

Prepared by Lynn Cornelius, Gee Creek Watershed Coordinator SWUM Clark County Extension

1. Updated traffic study showing generated from Columbia Hills PUD and Canyon's Ridge PUD in the Traffic Impact Analysis to assure Level of Service standards maintained.
2. Documentation from a qualified professional assuring the Wetland Boundary Delineation Report, dated September 2, 2005, either complies with or exceeds the requirements of the City's current critical areas ordinance.
3. Documentation from a qualified professional assuring the Geotechnical Site Investigation, dated July 11, 2005, either complies with or exceeds the requirements of the City's current critical areas ordinance.
4. A revised preliminary plat, dated August 9th, 2006 identifying the location of the proposed Gee Creek Trail on the site.

Mr. Crummett concluded that he has reviewed these new submissions and is satisfied that the applicant has met all of Ridgefield's requirements. He also clarified that the application was reviewed under Ridgefield's density transfer regulations (18.280 Sensitive Lands/Density Transfer Overlay District (DT)), which accounts for some lots being less than 8,500 SF. The applicant could have developed 41 lots, but for the critical areas. In response to the Examiner's question about access to lot 26, he explained that it might have its own access to S 11th Street or a joint access with lot 27.

Steve Wall, the City's Engineer summarized the engineering findings and recommendations made by Greg Osborne, the City's engineering consultant.

Otto Gather, the applicant, wanted to clarify that on conditions B.3, D.4, D.5, and E.2 a signed and stamped letter from a Washington Licensed Engineer would satisfy those requirements. Staff agreed noting that condition E.2 can be eliminated as it is already covered by D.5 On Condition F.3 he was concerned that driveways may interfere with planting of trees exactly 25-feet apart; thus he requested that 25 feet be only an average, to which the staff agreed.

Norm Harker, applicant's engineer, explained that the stormwater which is be stored at the western end of the critical lands area(Tract B), will be discharged into a tributary of Gee Creek which joins Gee Creek just north of Mr. Gervais's property and flows upstream from that property. For those reasons he concluded that there should be no impacts on Mr. Gervais property. The damage to his trees occurred south of the proposed property and may have been impacted by the developments further south. An unimproved open space tract, except for the trail the City is requiring, will abut Mr. Garvais's property.

Laurabeth Michels, stated that she was a land use consultant for Mr. Alan Gervais who owns property on both sides of Gee Creek to the east of the applicant's property line. Mr. Gervais's primary concern is that no more damage occur to his property and Gee Creek as illustrated by the photos entered into the public record. These photos taken over the Fall of 2005 and Winter of 2006 show damage caused to Mr. Gervais property and Gee Creek by timber fall, uncontrolled run off from Osprey Pointe and sedimentation deposits.

He would like to see the Hearings Examiner apply City of Ridgefield Critical Lands ordinance and the Clark County Stormwater Management Ordinance to this application in order to more adequately protect property rights, standing timber buffers and Gee Creek drainage.

Specifically in paragraph 3 under Conditions: Mr. Gervais would like to see the Hearing Examiner apply engineering standards for design and construction of storm water facilities contained in the latest version of the Clark County Stormwater Management Ordinance.

Mr. Gervais does not see the current codes and ordinances governing storm water management contained in City of Ridgefield Municipal Code and Ordinances as up to date. Thus, his request is to rely on more modern codes and ordinances within Clark County or Washington State.

Mr. Gervais also would request the Hearings Examiner study the Gee Creek Watershed Report to establish factual data on the health of Gee Creek Watershed. Mr. Gervais requests this data be used in establishing designs and buffers that protect this watershed and alleviate future degradation of its habitat, stream banks, forested areas and steep slopes.

Mr. Gervais observes that the damage done to his property and Gee Creek in the Fall/Winter of 2005/2006 occurred after approved timber cutting and approved engineered swale and storm water basin were installed. Therefore he requests that more stringent standards be applied to prevent design failures.

Mr. Gervais requests in section D paragraph 4 geo-tech investigation be complete before the preliminary plat approval, paragraph 5 on any lot in the subdivision

FINDINGS

The Hearing Examiner adopts as his own and incorporates by reference the findings and conclusions contained in the August 4, 2006 Staff Report and Recommendation, except to the extent expressly modified or supplemented herein. Only the issues and the approval criteria raised in the course of the application, at the hearing or before the close of the record, are discussed in this section. Any standard that might be deemed to be an applicable approval criteria but which was not raised by staff, the applicant or a party to the proceeding has been waived as a contested issue, and no argument with regard to any such issue or criterion can be raised in any subsequent appeal. Criteria not discussed specifically in these findings below are deemed to be met. The following findings support this decision and are related to the issues that were raised during these proceedings:

Before dealing with compliance issues under Ridgefield's existing ordinances, a response is warranted to Mr. Gervais. While it is acknowledged that his pictures indicate considerable damage and the report he submitted advocates serious stream restoration, these issues are outside the purview of this proceeding and would be best pursued through the political process of the City and perhaps the State. This is a quasi-judicial proceeding relating to one specific site and the associated development proposal. This proposal meets all relevant approval criteria and leaves a considerable buffer and open space between Gee Creek and Mr. Gervais'

property and the development. As noted the closest house is 450 or more feet away from the Creek. There is nothing in this record that would suggest or imply unmitigated impacts to Gee Creek from this proposal. The one impact, which is the discharge of storm water into a tributary which reaches Gee Creek downstream from Mr. Gervais's property, cannot have direct impact on his property. The management of the stream habitat and other critical areas is addressed by the Critical Areas ordinance of the City and if that is perceived as inadequate then the solution for that is to change the regulations, which is up to the City Council and not the Examiner who merely reviews the application for actual regulations in effect, irrespective of their wisdom or efficacy.

A. COMPLIANCE WITH RDC 18.210 (LOW DENSITY & RURAL RESIDENTIAL DISTRICTS)

The subdivision is proposed in the City's LDR 8.5 (Low Density Residential) zone. Permitted densities range from 3 to 5.1 dwelling units per buildable acre. The net buildable area on site is 8.07 acres, or 24 to 41 units. The applicant proposes 30 units, which is within the density range of 24 to 41 units. The lots are configured as permitted under the density transfer regulations, (18.280 Sensitive Lands/Density Transfer Overlay District (DT)).

14.27 net acres
 -6.2 acres of unbuildable areas
 =8.07 buildable acres (3 to 5.1 units per acre)
Density Range = 24 to 41 units

RDC 18.210.060.A specifies the front yard setback in the LDR 8.5 zone is 15 feet, side yard is 10 feet, rear yard is 15 feet, side yard street is 15, and setback from S. Hillhurst right-of-way is 25 feet. A **condition** will specify the required setbacks for the proposed subdivision may be satisfied at the time of final plat approval by identifying building footprints on the final plat.

RDC 18.210.150 requires street trees at an average of 25 foot intervals along each street frontage, including internal streets and along S. Hillhurst Road, for each new single-family dwelling. The average may not yield precise interval calculations because of intervening driveways. A **condition** specifies that all street trees shall be planted at 25 feet on center in accordance with RDC 18.210.150.

RDC 18.210.110 specifies architectural design requirements, landscaping, and the construction of a wall for lots abutting South Hillhurst Road. A **condition** requires these standards to be satisfied prior to issuance of building permit.

B. COMPLIANCE WITH RDC 18.280 (CRITICAL AREAS PROTECTION)

The applicant submitted a technically complete application on May 12, 2006. The City adopted a new critical areas ordinance on April 27, 2006 (Exhibit 14). The applicant is opting to develop this project under the currently adopted critical area rules.

Critical Areas onsite include the following:

1. Wetlands-on the eastern portion of the property along Gee Creek.

2. Fish & Wildlife Habitat Areas (Riparian Areas) - along Gee Creek on the eastern portion of the property.
3. Frequently Flooded Areas- along the base of Gee Creek, approximately 90 feet below the project area.
4. Geologic Hazardous Areas- slopes greater than 25 percent - central and eastern portions of the site.

Wetlands & Fish & Wildlife Habitat Areas

A Wetland Boundary Delineation Report, dated September 2, 2005, addressed wetlands and habitat buffers present on the eastern portion of the site. Throughout the report references to Clark County Code are referenced instead of the City of Ridgefield Development Code. Based on an updated wetland delineation submitted shortly before the hearing by Scott Morey, there is substantial evidence in the record that the on-site critical areas would be protected under the City's Critical Areas Ordinance. Therefore one can conclude that the Wetland Boundary Delineation Report, dated September 2, 2005, complies with or exceeds the requirements of the City's current critical areas ordinance.

Storm water facilities are proposed east of Lots 17 to 20 and would partially encroach into a Fish & Wildlife buffer as identified on the preliminary plat. Pursuant to RDC 18.280.110.D.2.g., stormwater management facilities are a permitted uses within Fish & Wildlife Habitat Area provided Performance Standards are complied with as specified in RDC 18.280.110.D. This requirement is implemented through a condition of approval.

Frequently Flooded Areas

The subdivision and associated improvements, such as stormwater detention, would be located approximately 90 feet above the floodplain adjacent to Gee Creek. Floodplain regulations are not applicable for this request.

Geologic Hazardous Areas

The Geotechnical Site Investigation, dated July 11, 2005, was completed for the subdivision, and updated August 9, 2006 with reference to the current critical areas regulations adopted April 27, 2006, specifically as it applies to geologic hazardous areas as referenced in RDC 18.280.130. The Geotechnical Site Investigation, dated July 11, 2005, either complies with or exceeds the requirements of the City's current critical areas ordinance.

A general condition requires all aspects of the development of the subdivision to follow the recommendations in the Geotechnical Site Investigation, dated July 11, 2005, including any subsequent studies required during the subdivision design and construction process.

Staff expressed a concern that Lot 26 may not be buildable due to the presence of slopes exceeding 25% on approximately 40% of the lot. The geotechnical report did not provide enough information to verify that this lot is suitable for the construction of one single-family home. Pursuant to RDC 18.280.130.1.a, a potential geologic landslide hazard area is identified as having "slopes greater than 25% on the property and adjacent areas within 50 feet..." Development is prohibited in geologic hazard areas, unless a qualified professional can demonstrate the applicable criteria referenced in RDC 18.280.130 are met. A condition requires a further geotechnical investigation to take place on Lot 26, demonstrating the land

is suitable for a single-family dwelling by demonstrating the applicable criteria referenced in RDC 18.280.130 are satisfied.

As referenced in the geotechnical investigation, prior to final engineering design a condition requires additional geotechnical investigations, including a slope stability assessment as specified in Sections 5.9, *Drainage* and 5.11, *Slope Stability*, of the Geotechnical Site Investigation, dated July 11, 2005.

The report assumes the proposed foundations for new homes would consist of shallow continuous perimeter footings or spread footings. As recommended in the Geotechnical Investigation, a condition requires a note on the final plat shall stating, "Additional site specific geotechnical engineering is required if slabs or basements are proposed on any lot in the subdivision or if required by the Community Development Director.

Pursuant to RDC 18.280.040.F through I., the following conditions are required on this project where applicable.

1. For lots that contain any portion of a critical area designated as a fish and wildlife habitat buffer area, a document shall be recorded with the County Auditor's Office specifying that the property contains a fish and wildlife habitat buffer area. The Notice shall state that certain activities are prohibited or limited in the habitat buffer areas as specified by the City of Ridgefield Development Code, RDC 18.280. The recorded document shall identify the critical areas on a map attached to the Notice as an exhibit. This document shall be prepared by the applicant to be reviewed by the Community Development Department prior to recording.
2. In areas along residential lots, the boundary of the outer edge the fish and wildlife habitat buffer shall be delineated with permanent survey stakes using iron or concrete markers as established by local survey standards.
3. In areas along residential lots, the boundary at the outer edge of the fish and wildlife habitat buffer shall be identified with temporary signs prior to any site alteration. Such temporary signs shall be replaced with permanent signs prior to occupancy of the site.
4. In areas along residential lots, permanent signs shall be installed and shall be wood or metal and the colors shall blend in with the natural environment. Signs shall be spaced a maximum interval of one sign per lot and at minimum every 200 feet. The sign shall state, "The area beyond this sign is a fish and wildlife habitat conservation area buffer. Alteration or disturbance is prohibited by law. Please call the City of Ridgefield for more information."

C. COMPLIANCE WITH RDC 18.620 - 18.640 (DESIGN REQUIREMENTS -SUBDIVISIONS)

The applicant will comply with all subdivision approval requirements of RDC 18.620 to RDC 18.640 and the City Engineering Standards for Public Works, including but not limited to street classification and design requirements, standard street improvements, sanitary sewer, stormwater management, underground utilities, street lights and street trees, sidewalks, signs,

fences, unstable soils and erosion control measures, unless otherwise expressly modified by the City Engineer.

RDC 18.620.060 specifies that the proposed subdivision should comply with the Ridgefield Urban Area Comprehensive Plan. In general, the development code implements the requirements of the City's Comprehensive Plan, however there are no specific regulations that provide a mechanism to exact for City parks, playgrounds, and trails for subdivision proposals. While the Development Code does not specify how parks, playgrounds, and trails are to be exacted for subdivision developments, the code does state subdivision must comply with the Comprehensive Plan, which requires adequate provisions are made for parks, playgrounds, and trails. The Comprehensive Plan identifies a proposed trail along the western side of Gee Creek and previous Planned Unit Developments have been condition to construct this trail.

The applicant submitted a revised preliminary plat dated August 9, 2006 which identified the location of the proposed Gee Creek Trail. The Gee Creek Trail is the only "development" other than the stormwater holding facility within the buffer and is required by the City.

A condition requires the developer to provide a north-southerly trail along the eastern portion of the property near Gee Creek. The trail shall be constructed by the developer at a width of 10 feet and with 2.5 inches of class B asphalt over 4 inches of crushed rock. These standards may only be modified as deemed necessary by the City Engineer. The cost of such dedication and construction shall be at the expense of the developer however the trail may receive park impact fee credits for the number of lots provided within the subdivision pursuant to RDC 18.070. The trail must be constructed prior to the issuance of building permits in order to receive park impact fee credits. The trail shall provide a connection with the trail provided by Garrison Ridge Subdivision to the south and provide for a logical future northerly connection.

D. COMPLIANCE WITH RDC 18.810 (ENVIRONMENTAL STANDARDS-SEPA)

Chapter 18.810 (Environmental Standards-SEPA) implements the State Environmental Policy Act (SEPA) and Chapter 197-11 of the Washington Administrative Code (WAC) within the jurisdictional limits of the City of Ridgefield. The Community Development Department issued a Mitigated Determination of Non-Significance (MDNS) for the proposal on July 26, 2006. The SEPA appeal and comment period expired at the end of the business day on August 9, 2006 and no appeal has been filed.

The following mitigations are listed below and incorporated into the conditions of approval for this proposal:

1. Upon any discovery of potential or known archaeological resources at the subject site prior to or during on-site construction, the developer, contractor, and/or any other parties involved in construction shall immediately cease all on-site construction in accordance with RCW 27.53.060.
2. To mitigate impacts of connecting this project to the City's water system, the applicant shall transfer any valid water rights associated with the property to the City.
3. To mitigate the impacts of the stormwater discharge from this site, the applicant shall construct stormwater detention and treatment facilities that meet the requirements of the City of Ridgefield Engineering Standards and Department of Ecology requirements.

4. To mitigate traffic impacts of the proposed project, the applicant shall contribute a proportionate share of the cost of the annual monitoring of the S. 9th Avenue / Pioneer Street intersection to determine when warrants are met for an all-way stop at this intersection.

E. Proposed Street Pattern, Circulation, and Lot Access

Ridgefield Municipal Code (RMC) Section 18.630.060 and Engineering Standards Section 2.01 provide design criteria for street pattern and circulation. These sections require a maximum intersecting street spacing of 500 feet. The Subdivision application shows the site being accessed from S. Hillhurst Road via a street called S. 18th Place. S. 18th Place has been shown aligned directly across from the existing Refuge Access Road. Intersecting north-south streets are shown on the preliminary plat at approximately 300-350 feet on center. At the east side of the site, a north-south road called S. 20th place is shown that could potentially connect to the proposed Garrison Ridge PUD to the south and the Hillhurst Subdivision to the north. Two other roads (S. 18th Place and S. 19th Place) have been shown to provide future access and circulation to properties to the north. The proposed street circulation pattern meets City standards.

Lots 1, 2 and 3 are shown with frontage on both S. Hillhurst Road and S. 11th Street. Since Hillhurst Road is classified as a minor arterial, vehicular access shall not be provided to these lots from S. Hillhurst Road. Vehicular access shall be provided from S. 11 Street.

F. Street Design and Frontage Improvements (Chapter 2 of the Engineering Standards)

The City of Ridgefield Transportation Capital Facilities Plan (CFP) provides classifications for arterial and collector streets. All other streets are classified by traffic volumes. Table 2.03A of the Engineering Standards provides criteria for street design based on the type of street and design volume.

The proposed Subdivision abuts S. Hillhurst Road to the southwest. The CFP classifies this roadway as a Minor Arterial. Table 2.03A states that Minor Arterials shall be provided with a 23-foot paved half-width within a 40-foot right-of-way half-width, including 6-foot sidewalks and 11-foot landscaping strips. The proposed cross-section shown on the preliminary plat for S. Hillhurst Road meets the requirements of the Engineering Standards for a Minor Arterial.

From the preliminary plat for Stephenson Manor and the anticipated development of surrounding parcels, the City Consulting Engineer finds that traffic volumes on the streets within the plat will range from 250 to 500 trips per day. Therefore, local streets within the plat must meet the criteria for a Residential Local A Street included in Table 2.03A of the engineering standards with a 50-foot right-of-way width and 28-foot paved width. The conceptual street cross section shown on the preliminary plat should be modified accordingly.

Per Section 2.12 of the Engineering Standards, a temporary turnaround must be provided at all temporary dead end streets serving four or more lots. A temporary turnaround must be constructed at the south end of S. 20th Place to meet the requirements of Section 2.12.

An “eyebrow” corner is shown at the intersection of S. 11th Street and S. 19th Place. Although “eyebrow” corners are allowed by Section 2.12.D.7 on local streets with an ADT of less than 500 vehicles per day, the City Consulting Engineer finds no significant benefit for the use of an “eyebrow” corner in this location.

RMC Section 18.630.060.F. states that flag lots should generally be avoided except where topographic conditions make it otherwise impossible to provide access to buildable land. The applicant proposes two lots with flags along S. 11th Street. The property line on the north and lots on the south sides of the lots prevent any other access points from being constructed to these lots. The applicant is currently showing a 25-foot flag stem on Lot 27 for access to both Lot 27 and 26. This configuration does not meet the requirements of RMC Section 18.630.060 for flag lots. Both Lots 26 and 27 should have a 10-foot flag to the public street. With this change these flag lots are acceptable to the City Engineer in order to provide vehicular access to these lots.

G. Transportation Concurrency

RMC Section 18.010.080 requires the City to evaluate conformance with adopted Level of Service Standards when considering a land use application. A traffic impact analysis (TIA) for the Stephenson Manor Subdivision was completed and updated on August 9, 2006 by H. Lee and Associates and submitted with the land use application.

Scope of Analysis

The S. Hillhurst Road / S. Sevier Road and S. Hillhurst Road / NW Royle Road intersections were evaluated for LOS (level-of-service) for existing and future (2011) conditions including in process project traffic for AM Peak and PM Peak Hours. Accident records were reviewed and evaluated. No intersection sight distance evaluation was provided.

Trip Generation and Distribution

Projected traffic was determined by:

- measuring existing peak hour traffic volumes (July 2005),
- increasing existing traffic volumes using a 3% annual growth rate to 2011,
- adding traffic of in-process developments:
 1. Timm Road Industrial Park,
 2. Summit Park PUD
 3. Heron Ridge,
 4. Bellwood Heights,
 5. Cedar Ridge PUD,
 6. Taverner Ridge,
 7. Collins Estates,
 8. Garrison Ridge.
 9. Columbia Hills and
 10. Sevier Road

- and adding Stephenson Manor Subdivision on August 9, 2006 update traffic (30 units minus existing home to be demolished = 26 single family units) with a 277 ADT calculated using the ITE Trip Generation 7th Edition

Trips were distributed to the network based on existing traffic patterns, anticipated development and recent traffic studies.

Accident Analysis

Traffic accident history was obtained and evaluated for the two intersections. Neither of the intersections reached a collision rate of 1.00 collision per million entering vehicles. The rate of 1.00 is used as an average intersection collision rate and as a guide identifying the need for further collision analysis.

Intersection Level of Service Analysis

The City of Ridgefield has adopted Level of Service (LOS) standards for intersections. The adopted LOS standard is LOS D except for unsignalized intersections that don't meet signal warrants where LOS E is allowed. The TIA found that both the S. Hillhurst Road / S. Sevier Road and S. Hillhurst Road / N.W. Royle Road intersections will meet City of Ridgefield LOS standards. However, the TIA did not consider traffic from either the Columbia Hills PUD or Canyon's Ridge PUD that were recently approved. The LOS analysis should be updated with the traffic from the Columbia Hills PUD and Canyon's Ridge PUD to verify that LOS standards are not exceeded for the two intersection evaluated.

The TIA also did not analyze any intersections on Pioneer Street since the traffic to these intersections was estimated to be less than 10 peak hour trips. Several of the intersection along this corridor have been identified through other traffic studies as exceeding LOS standards with previously approved traffic.

Mitigations

The applicant shall provide the following mitigations to correct the transportation concurrency deficiencies identified in the TIA and know to exist within the City transportation system:

1. Pioneer Street Intersections.

Although not identified by the applicant's traffic study as exceeding LOS standards, previous traffic studies have shown that previously approved traffic will cause failures at the following intersections without improvements

- Pioneer Street / I-5 interchange
- Pioneer Street / S. 56th Place Intersection
- Pioneer Street / 45th Avenue intersection

Projects to complete improvements at these intersections are currently being designed. The City has obtained commitments from developers and from the state and federal government to fund significant portions of these projects. These projects are all identified in the City's Transportation CFP has being partially funded by traffic impact fees.

Payment of traffic impact fees will be an appropriate proportionate share mitigation for these deficiencies.

2. Pioneer Street & 9th Avenue.

Permanent intersection control improvements are planned for this intersection in the CFP. These improvements are shown as partially funded by traffic impact fees in the TIF. Therefore payment of traffic impact fees will be an appropriate proportionate share mitigation for this deficiency. Since other recent TIAs have shown that warrants are not currently met at this intersection, other recent developments have been required to contribute a proportionate share of annual monitoring of this intersection to determine when warrants are met. Therefore payment of a proportionate share of the annual cost of monitoring this intersection will be required as mitigation for this deficiency.

3. Site Entrance and Hillhurst Road

Intersection sight distance was not evaluated for the intersection of the site access and S. Hillhurst Road. As part of the engineering review process, the applicant shall evaluate intersection sight distance at the site access and provide mitigations to correct any sight distance deficiencies as required by the City Engineer.

H. Storm Drainage. (Chapter 3 of the Engineering Standards)

The Engineering Standards require stormwater management facilities to be designed in accordance with the Department of Ecology 1992 Puget Sound Stormwater Management Manual. The Preliminary Drainage Report submitted with the Subdivision application provides information to demonstrate it is possible to comply with the Puget Sound Manual treatment and detention requirements before discharge to a natural drainage course. Prior to approval of Engineering Plans the following issues must be addressed in a final Stormwater Report and the Engineering Plans:

1. The area of the proposed detention pond appears to be very steep. To ensure that the facility is built correctly, a site specific geotechnical evaluation shall be conducted for the final stormwater pond design. The geotechnical engineer of record shall review the design plans and submit a letter indicating that they are in conformance with the recommendations of the report. The geotechnical engineer shall inspect the construction of the stormwater pond and submit a letter certifying that it was constructed in accordance with the recommendations of the geotechnical report.
2. The Drainage Report shall clearly state the Manual used in preparation of the Stormwater Quantity and Quality features.
3. The runoff curve number selected for the forest on the east portion of the site is for a young second growth forest or underbrush. From the aerial photograph provided it appears that some of the site would be classified as an undisturbed forest with a lower runoff curve number. Provide additional justification for using the second growth curve number or use the more conservative undisturbed curve number in the runoff calculations.
4. The Drainage Report shall describe, in detail, the assumptions used to determine the area of all land covers; impervious, landscaped, etc.

5. The Drainage Report shall describe, in detail, the assumptions made and calculations performed to determine all Peak Flows.
6. The Drainage Report shall provide design details, such as slopes (both sides and longitudinal), depth and provided freeboard, for the biofiltration swale.
7. The stormwater plans shall show any delineated wetlands, as well as related buffers. All stormwater BMPs shall be constructed outside of the Stream, Creek and Wetland Buffers.
8. A Maintenance and Operations Manual is required for all Stormwater BMPs. The manual should include O&M Procedures as recommended in the 1992 DOE Manual. Likewise, clearly state the responsible party that will implement the O&M Plan.

Given these conditions of approval the Examiner concludes that the legal requirements are satisfied without harming the neighbor to the east. Mr. Gervais's general and unspecific preference for the County's stormwater ordinance notwithstanding, the applicant meets the current standards of the City of Ridgefield. There are more current manuals than 1992 in existence, whose updated significance deals with additional methods of storing, treating and discharging storm water,

I. Sanitary Sewer Service. (Chapter 4 of the Engineering Standards)

The City of Ridgefield provides wastewater treatment at its Lake River wastewater treatment plant (WWTP). The plant currently has a rated maximum month flow capacity of 0.5 million gallons per day (MGD). The maximum recorded average daily flow was 0.49 MGD in January 2006. The average flow from December 2005 to February 2006 was approximately 0.4 MGD. Since January 2006, the City has issued approximately 126 building permits and currently has 95 building permits that have been submitted for review. Assuming 375 gallons per day per residential connection, the 126 issued permits and the 95 pending permits will use approximately 82,875 gallons per day of capacity. The proposed development would produce a maximum month flow of approximately 11,250 gallons per day. The City of Ridgefield recently opened construction bids for an expansion of the WWTP to 0.7 MGD. This capacity is scheduled to be operational in February 2007. Per the City's Capital Facilities Plan, further expansion of the WWTP to a capacity of 1.8 MGD is planned to be completed in 2009. With these planned expansions, the City Consulting Engineer finds that the City has made appropriate provisions for wastewater treatment for this development. **However, there is no guarantee or set aside of service capacity with preliminary plat approval, as it is the city's policy that service commitment occurs when it is paid for at the time building permits are issued.**

Gravity sewer is not currently available at the site. An on-site gravity-flow sewer collection system is shown on the preliminary utility plan. The preliminary utility plan shows the sewer draining to the north through the adjacent parcel to the Hillhurst Development. The plan shows sewer lines extended to the edge of the property on S. 18th Place and S. 20th Place. The proposed sewer plan to be consistent with City standards.

The narrative submitted with the Subdivision indicates that a lift station may be installed if an easement cannot be obtained across the property to the north. The City of Ridgefield's current policy with regard to sewer service, as stated in its Comprehensive Plan, is to require gravity sewer wherever possible and to discourage the use of lift stations and forcemains. Recent land use decisions for the Kirschenbaum Estates, Collins Estates, and Garrison Ridge developments have allowed the use of sewer lift stations in conjunction with the existing 6" forcemain in Hillhurst Road on an interim basis. These lift stations are intended to be abandoned if gravity sewer is extended to serve these properties in the future. As a condition of approval, these developments have been required to evaluate the technical feasibility of operating multiple lift stations on the Hillhurst forcemain while also demonstrating a practical means for converting these systems to gravity systems in the future if the T-17 is constructed. The City has also required that these lift stations be constructed to the City's permanent lift station standards. Similar conditions of approval would be appropriate for this proposal.

J. Water Service (Chapter 5 of the Engineering Standards)

The applicant indicates that water service will be provided by the City of Ridgefield. The City of Ridgefield is supplied with water from three water supply wells. According to the 2005 Water System Plan Update, the City has water rights to serve approximately 3,700 equivalent residential units (ERUs) and existing well capacity to serve approximately 2,370 ERUs. Per the 2005 Water System Plan, the City served approximately 1,795 ERUs in 2005. With the addition of approximately 126 residential building permits issued in 2006, the City currently serves approximately 1,920 ERUs. The City Consulting Engineer finds that the City has adequate water capacity to serve the proposed development. However, the combination of previously approved developments and this development will create enough additional demand to approach the limit of existing water rights and source capacity. Additional source capacity will be necessary to provide water to meet the demands expected from all the developments now anticipated. It is anticipated that the City will develop additional well sources in 2006. The City is also negotiating with Clark Public Utilities to potentially supply water to the City in the future.

The proposed development site is within the Upper Pressure Zone and is served by the 600,000 gallon reservoir located near the high school and the 100,000 gallon Junction Reservoir. With the CPU emergency intertie the City Consulting Engineer finds that the Upper Pressure Zone has adequate source of supply and storage to serve this project. The construction of a second Upper Pressure Zone reservoir in the I-5 junction area is a high priority to balance out the system and to meet the projected demands for the Junction area. This new reservoir will be needed to provide adequate storage for all the developments currently anticipated in the Upper Pressure Zone. The City's Water System Plan update projects a new upper zone reservoir to be constructed in 2007.

The nearest connection to the City of Ridgefield water system is an existing 10-inch distribution main located in S. Hillhurst Road. A Preliminary Utility Plan submitted with the application shows a preliminary layout for water service to the development. The plan shows water lines extended to the edge of the property on S. 18th Place and S. 20th Place. The conceptual water plan to be consistent with City standards.

Based on current service commitments the city water system presently has source and storage capacity to meet the needs of this proposed development. However, there is no guarantee or set aside of service capacity with preliminary plat approval, as it is the City's policy that service commitment occurs when it is paid for at the time building permits are issued.

K. Grading & Erosion Control. (Volume 3 of the Engineering Standards)

Per Volume 3 of the Engineering Standards, a grading and erosion control plan will be required and proper erosion control measures must be maintained throughout construction. An NPDES construction stormwater permit will need to be obtained from the Department of Ecology.

A condition specifies that construction within sensitive lands and buffers is allowed only between May 1st and October 30th.

DECISION

Based on the foregoing findings and except as conditioned below, this application is approved in general conformance with the applicant's proposal, preliminary site plans of August 9, 2006 and the plans and reports associated with this proposal. This approval is granted subject to the requirements that the applicant, owner or subsequent developer (the "developer") shall comply with all applicable code provisions, laws and standards and the following conditions. These conditions shall be interpreted and implemented consistently with the foregoing findings.

CONDITIONS

A. General. The following are general conditions of approval that apply to the project:

1. Unless otherwise specified herein, at the time of construction and at all times thereafter, the developer shall comply with all approval requirements established in applicable plans, policies, regulations and standards adopted at the time of this application, including but not limited to, the Ridgefield Urban Area Comprehensive Plan (RUACP), the Ridgefield Capital Facilities Plan (RCFP), the Ridgefield Development Code (RDC), the Ridgefield Engineering Standards for Public Works (Engineering Standards), current water and sanitary sewer plans, and the Stormwater Management Manual for the Puget Sound Basin (Puget Sound Manual).
2. If no construction has begun within five (5) years of the date of preliminary approval, such approval shall expire and all permits and approvals shall become null and void, and a new application, subject to applicable laws and regulations then in effect, shall be required for any development on the subject property.
3. Upon any discovery of potential or known archaeological resources at the subject site prior to or during on-site construction, the developer, contractor, and/or any other parties involved in construction shall immediately cease all on-site construction in accordance with RCW 27.53.060.

4. To mitigate impacts of connecting this project to the City's water system, the applicant shall transfer any valid water rights associated with the property to the City.
 5. All aspects of development of the subdivision shall follow the recommendations of the Geotechnical Site Investigation dated July 11, 2005 prepared by Columbia West Engineering, Inc., including any subsequent studies required during the subdivision design and construction process.
 6. Maximum allowable building lot coverage shall not exceed 35 percent and the maximum impervious surface per lot is 50 percent.
 7. Each single-family residence shall provide at least two off-street parking spaces. Off-street parking must be setback a minimum of 18 feet from the sidewalk to prevent vehicles from interfering with sidewalk travel.
 8. Construction within sensitive lands and buffers is allowed only between May 1st and October 30th.
 9. All aspects of development of the subdivision shall follow the requirements of the *State Department of Ecology* as referenced in their July 26, 2006 letter.
 10. All aspects of the development of the subdivision shall follow the requirements of the Department of Natural Resources as specified in their July 25, 2006 letter.
 11. The City has the sole discretion as to whether to accept dedication of any open space areas, tracts, and stormwater facilities. If the City elects to not accept dedication, the developer shall make provisions for the maintenance and good repair of these facilities prior to final plat approval.
- B. The following must be accomplished prior to Engineering Approval (Note: Engineering Approval is required prior to commencement of any on-site construction except that on-site grading may take place through a City-approved grading permit):**
1. With the exceptions of the modifications approved herein, all public improvements shall be designed and constructed in accordance with the City of Ridgefield Engineering Standards.
 2. Street and Frontage Improvements must be designed as follows:
 - a. Design half-street improvements to Hillhurst Road adjacent to the proposed subdivision to the Minor Arterial Standard (RESPWC 2.03A).
 - b. Design all interior streets through the proposed subdivision to a Residential Local A standard (RESPWC 2.03A).
 - c. Sight distance at the intersection with S. Hillhurst Road must be evaluated. If sight distance does not meet the requirements of the engineering standards, mitigation measures acceptable to the City Engineer shall be designed along S. Hillhurst Road.
 3. Provide additional geotechnical investigations, including a slope stability assessment as specified in Sections 5.9, *Drainage* and 5.11, *Slope Stability*, of the Geotechnical Site

Investigation, dated July 11, 2005. The necessary report may be a letter signed and stamped by an appropriate engineer licensed in the State of Washington.

C. Prior to initiating on-site construction of utilities or infrastructure:

1. All public utility infrastructure shall be designed and approved consistent with the City of Ridgefield Engineering Standards for Public Works Construction (RESPWC), subject to final engineering approval from the Ridgefield Public Works Department as follow:
 - a. Submit complete plans for stormwater management facilities including final Stormwater Technical Information report. Design all storm drainage facilities as shown on the preliminary plat map to comply with the 1992 Department of Ecology Puget Sound Surface Water Design Manual. Due to the steep slope adjacent to the proposed stormwater facility, the applicant shall complete the following:
 - 1) Submit a site specific geotechnical evaluation for the final stormwater pond design.
 - 2) The geotechnical engineer of record shall review the design plans and submit a letter indicating that they are in conformance with the recommendations of the report.
 - 3) The geotechnical engineer shall inspect the construction of the stormwater pond and submit a letter certifying that it was constructed in accordance with the recommendations of the geotechnical report.
 - b. Design sewer system improvements per Chapter 4 of the RESPWC. Should an interim lift station be proposed to serve this development the applicant shall:
 - 1) Submit a design report evaluating the impacts of adding another lift station to the existing Hillhurst forcemain including an evaluation of existing and proposed lift stations.
 - 2) Design the lift station to the City lift station standards including telemetry and odor control.
 - 3) Design any on-site or off-site mitigation necessary to ensure adequate operation of the existing forcemain and lift stations.
 - 4) Design the system so that it can be abandoned in the future upon extension of gravity sewer to serve the site. Provide right-of-way or an easement for the future connection to a gravity sewer.
 - c. Design water system improvements per Chapter 5 of the RESPWC.
2. Present engineered construction plans of all public improvements to Ridgefield Public Works Department and Clark County Fire District #12 for review and approval.

D. The following must occur within 5 years of the date of preliminary plat approval and prior to Final Plat approval:

1. Substantially complete all construction items listed in B-1 and B-2 above.
2. Secure for any remaining construction items in accordance with City Standards. The applicant shall contribute a proportionate share or execute written agreements to pay a proportionate share of the cost of the following improvements:
 - a. Provide annual monitoring of the intersection of 9th Avenue and Pioneer Street.

3. All critical areas shall be clearly mapped on the final plat along with appropriate setback requirement for all buffers. The conservation easement shall contain a note that specifies certain activities are prohibited or limited in these areas as specified by the City of Ridgefield Development Code, RDC 18.280.
4. A further geotechnical investigation shall occur on Lot 26 demonstrating the land is suitable for a single-family dwelling by demonstrating the applicable criteria referenced in RDC 18.280.130 are satisfied. The necessary report may be a letter signed and stamped by an appropriate engineer licensed in the State of Washington.
5. A note on the final plat shall state, "Additional site specific geotechnical engineering is required if slabs or basements are proposed on any lot in the subdivision or if required by the Community Development Director. That requirement may be satisfied by a letter signed and stamped by an appropriate engineer licensed in the State of Washington."
6. 50-foot geotechnical setback shall be identified on the final plat unless otherwise modified by subsequent geotechnical studies. The 50-foot geotechnical setback shall be referenced by a note on the final plat that states, "Residential structures are prohibited in the setback area. Certain structural facilities which may be able to tolerate higher levels of risk for slope movement may encroach within the setback distance. Such structural facilities may include storm water management ponds and private drives. Major cuts or fills, mass grading, or site improvement construction activities are prohibited in the setback area. Small disturbances such as minor landscaping, decks, fences, removing shrubs creating flower gardens, constructing or establishing a yard are acceptable. Encroachment of minor portions of individual structures or structural facilities such as residential homes or retaining walls within the geotechnical setback zone may be possible if evaluated on a case-by-case basis and parcel specific geotechnical investigation."
7. As a result of the impacts to the Fish & Wildlife Buffer by stormwater facilities, submit a report by a qualified professional demonstrating the Performance Standards in RDC 18.280.110.D are complied with. The report shall be reviewed for compliance with RDC 18.280.110.D by the Community Development Department.
8. For lots that contain any portion of a critical area designated as a fish and wildlife habitat buffer area, a document shall be recorded with the County Auditor's Office specifying that the property contains a fish and wildlife habitat buffer area. The Notice shall state that certain activities are prohibited or limited in the habitat buffer areas as specified by the City of Ridgefield Development Code, RDC 18.280. The recorded document shall identify the critical areas on a map attached to the Notice as an exhibit. This document shall be prepared by the applicant to be reviewed by the Community Development Department prior to recording.
9. In areas along residential lots, the boundary of the outer edge the fish and wildlife habitat buffer shall be delineated with permanent survey stakes using iron or concrete markers as established by local survey standards.

10. In areas along residential lots, the boundary at the outer edge of the fish and wildlife habitat buffer shall be identified with temporary signs prior to any site alteration. Such temporary signs shall be replaced with permanent signs prior to occupancy of the site.
11. In areas along residential lots, permanent signs shall be installed and shall be wood or metal and the colors shall blend in with the natural environment. Signs shall be spaced a maximum interval of one sign per lot and at minimum every 200 feet. The sign shall state, "The area beyond this sign is a fish and wildlife habitat conservation area buffer. Alteration or disturbance is prohibited by law. Please call the City of Ridgefield for more information."
12. Identify the building footprint for each lot. Building footprints shall indicate that setbacks may be satisfied for each lot. A note on the plat shall specify the following lot standards for the proposal:

Proposed Setbacks

Front yard	15 feet
Side yard	10 feet
Street side yard	15 feet
Rear yard	15 feet
Garage Setback from curb	18 feet
Minimum lot width	40 feet
Building Height	35 feet

Include the following note on the final plat: All buildings or structures requiring a building permit shall be setback a minimum of fifteen feet from the edge of an identified critical area or its attendant buffer. Setbacks and other lot standards may further be modified through a Type II review as specified in RDC 18.350 or by the most current applicable development code regulations.

13. Submit to the City of Ridgefield covenants/deeds or homeowners association bylaws and other documents guaranteeing maintenance, construction and common fee ownership if applicable, of open space, trails, parks, private roads, common facilities, and all other commonly owned and operated property.
14. Provide a north-southerly trail along the eastern portion of the property near Gee Creek. The trail shall be constructed by the developer at a width of 10 feet and with 2.5 inches of class B asphalt over 4 inches of crushed rock. These standards may only be modified as deemed necessary by the City Engineer. The cost of such dedication and construction shall be at the expense of the developer however the trail may receive park impact fee credits for the number of lots provided within the subdivision pursuant to RDC 18.070. The trail must be constructed prior to the issuance of building permits in order to receive park impact fee credits. The trail shall provide a connection with the trail provided by Garrison Ridge Subdivision to the south and provide for a logical future northerly connection.
15. Submit a final landscaping plan to be reviewed and approved by the Community Development Department.

E. Prior to issuance of a building permit the applicant or successors of interest shall:

1. Comply with the design requirements for Lots abutting South Hillhurst Road as specified in RDC 18.210.110. This includes architectural design requirements for homes, landscaping, and the construction of a wall along South Hillhurst.

F. Prior to issuance of certificate of occupancy the applicant or successors in interest shall:

1. Construct sidewalks along both sides of all streets to the applicable City of Ridgefield Engineering standards.
2. All landscaping shall be installed pursuant to the approved plans.
3. All street trees shall be planted at an average of 25 feet on center in accordance with RDC 18.210.150. The average may be responsive to the necessary driveway spacing. Street trees shall be installed prior to issuance of the final occupancy permit.

Dated this 14th day of August 2006

signed and mailed on August 14, 2006

J. Richard Forester
Hearing Examiner

NOTE: *Only the decision and the condition of approval are binding on the applicant as a result of this order. Other parts of the final order are explanatory, illustrative and/or descriptive. They may be requirements of local, state, or federal law, or requirements which reflect the intent of the applicant, the city staff, or the Examiner, but they are not binding on the applicant as a result of the final order unless included as a condition.*

APPEAL PROCEDURES

Pursuant to RDC 18.310.100.D an appeal of a Type III decision shall be filed with Clark County Superior Court within twenty-one (21) calendar days of the final decision pursuant to State law.

CITY OF RIDGEFIELD REQUEST FOR COUNCIL ACTION

MEETING DATE: September 22, 2016

ITEM: BUSINESS

AGENDA ITEM TITLE: Reimbursement Resolution (Ridgefield Outdoor Recreation Complex)

GOVERNING LEGISLATION: U.S. Treasury Regulation Section 1.150-2(e)(1)

PREVIOUS COUNCIL ACTION TAKEN: None

SUMMARY/BACKGROUND: The City is currently underway on a project, the Ridgefield Outdoor Recreation Complex, to design and create a master plan document for a shared recreation complex between the City and the Ridgefield School District. The City recently purchased property for the project and would like to add flexibility in funding sources for the recent purchase. In the event the City issues tax-exempt bonds for the construction of the project, IRS regulations allow the City to reimburse prior expenditures with the proceeds of that bond.

In order to reimburse the prior expenditures, City Council will need to adopt a resolution declaring official intent to issue bonds to reimburse itself not later than 60 days after payment of the original expenditure. Adoption of resolution 514 designates the Finance Director to issue a certificate of official intent for any expenditure the City may wish to reimburse itself for a prior expenditure related to the design, acquisition and construction of the Ridgefield Outdoor Recreation Center.

The project will require Council approval through the budget process prior to moving forward. Separate action will also be required by Council in the event the City issues bonds to fund the project.

Approved to be placed on City Council Agenda:

Kirk Johnson Completed 09/19/2016 9:04 AM

Approved version sent by Bond Counsel (prior to interviews) sent to Janean for review on Friday.

Steve Stuart Completed 09/19/2016 11:19 AM

City Council Completed 09/22/2016 6:30 PM

BUDGET/FINANCIAL IMPACTS: Provides flexibility to reimburse \$1,250,000 in property acquisition expenditures as well as subsequent expenditures for the design and construction of the Ridgefield Outdoor Recreation Complex.

RECOMMENDED ACTION OR MOTION: Staff recommends that Council adopt Resolution No. 514 as presented by making the following motion:

“I move to adopt Resolution No. 514 as presented.”

STAFF CONTACT: Kirk Johnson, Finance Director

Attachment A Official Intent Certificate (DOCX)

ATTACHMENTS: Attachment B IRS Bond Reimbursement Guidelines (DOCX)

Resolution No.514

REIMBURSEMENT RESOLUTION (RIDGEFIELD OUTDOOR RECREATION COMPLEX)

A RESOLUTION of the City Council of the City of Ridgefield, Washington, authorizing the Finance Director to designate certain expenditures for potential reimbursement from bonds that may be authorized and approved for issuance by the City Council in the future.

WHEREAS, the City of Ridgefield, Washington (the "City") issues tax-exempt and tax-advantaged obligations from time to time (including bonds, leases and lines of credit) for the purpose of financing its governmental activities; and

WHEREAS, the United States Department of the Treasury has promulgated regulations limiting the ability of the City to use the proceeds of tax-exempt and tax-advantaged obligations for reimbursement of prior expenditures; and

WHEREAS, the regulations permit the City to appoint one or more officials for the purpose of identifying and qualifying capital projects for reimbursement purposes;

THE CITY COUNCIL OF THE CITY OF RIDGEFIELD, WASHINGTON DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Appointment of Finance Director. Pursuant to U.S. Treasury Regulation Section 1.150-2(e)(1), the City Council hereby designates and appoints the Finance Director of the City as the responsible officials for the purpose of issuing statements of official intent in compliance with Treasury Regulation Section 1.150-2.

SECTION 2. Statements of Official Intent. Upon a determination by the Finance Director that the costs of a particular capital project may be reimbursed from the proceeds of a tax-exempt or tax-advantaged obligation(s) of the City, the Finance Director is authorized and directed to execute a certificate of official intent, substantially in the form attached hereto as Exhibit A. Each certificate so executed shall become a part of the official records of the City available for public inspection and review.

No capital projects will be undertaken unless such projects have been previously approved in the customary manner by the City Council, and the execution of any intent certificate shall not obligate the City to issue any debt, all of which shall require separate and additional official approval by the City Council.

ADOPTED at a regular meeting of the City Council of the City of Ridgefield, Washington,
this 22nd day of September, 2016.

CITY OF RIDGEFIELD, WASHINGTON

By _____

Ron Onslow, Mayor

ATTEST:

Julie Basarab,

City Clerk

EXHIBIT A**FORM OF OFFICIAL INTENT CERTIFICATE**

Pursuant to Resolution No. 514 of the City Council of the City of Ridgefield, Washington (the “City”), the undersigned, Finance Director of the City hereby states as follows:

SECTION 1. The City reasonably expects to reimburse the expenditures described herein with the proceeds of debt to be incurred by the City (the “Reimbursement Bonds”).

SECTION 2. The maximum principal amount of Reimbursement Bonds expected to be issued is \$_____.

SECTION 3. The expenditures with respect to which the City reasonably expects to be reimbursed from the proceeds of Reimbursement Bonds will be made from the City’s [*insert name of Construction Fund*] Fund for project costs related to the City’s [*insert Project description*].

Dated this ____ day of _____, 20____.

Finance Director

SUMMARY OF INTERNAL REVENUE SERVICE REIMBURSEMENT BOND GUIDELINES

INTRODUCTION

If the rules described in this memorandum are followed, reimbursement bond proceeds will be treated as “spent” when they are allocated to reimburse an issuer or a private activity bond conduit borrower for prior capital expenditures. This will free the reimbursement bond proceeds from federal tax rules such as the arbitrage rebate requirements. These rules may apply to only a portion of a bond issue.

Definition of Reimbursement Bond

A reimbursement bond is the portion of a bond issue used to reimburse the issuer or conduit borrower for an original expenditure made before the reimbursement bonds are issued and paid from a source other than a reimbursement bond.

Short Summary

The issuer or conduit borrower must declare official intent to issue bonds to reimburse itself not later than 60 days after payment of the original expenditure.

- The issuer must declare official intent if the reimbursement bond is a private activity bond (other than a qualified 501(c)(3) bond, a qualified mortgage bond, a qualified student loan bond or a qualified veterans’ mortgage bond). For other types of bonds, either the issuer or the conduit borrower may declare official intent.
- Reimbursement bond proceeds must be allocated to payment for the original expenditure within 18 months after the expenditure was paid or the financed property was placed in service (whichever is later), but in no event more than three years after the original expenditure was paid (these time limits are longer for certain under-\$5 million bond issuers).
- If the issuer qualifies for the arbitrage rebate exception for small governmental issuers that expect to issue \$5,000,000 or less of bonds in the calendar year, reimbursement bond proceeds must be allocated to payment for the original expenditure within three years after the expenditure was paid or the financed property was placed in service (whichever is later).
- The expenditure financed with reimbursement bond proceeds must be a capital expenditure, an issuance cost for the reimbursement bonds, an extraordinary working capital item, a grant, a qualified student loan or a qualified veterans’ mortgage loan.
- Certain de minimis preliminary expenditures may be paid earlier than 60 days before declaration of official intent, and the 18-month or three-year maximum reimbursement period does not apply to these items.

Effective Date

The new reimbursement rules apply to bonds issued after June 30, 1993.

No Application to Certain Bonds

The 60 day official intent declaration requirement and the timing of issuance of the reimbursement bonds do not apply to the smaller of \$100,000 or five percent of the bond proceeds. Original expenditures up to this amount may be reimbursed with bond proceeds without following the reimbursement bond rules.

Similarly, the 60 day official intent declaration requirement and the 18-month or three year maximum reimbursement period does not apply to preliminary expenditures of up to 20% of the issue price of the reimbursement bonds. Preliminary expenditures include architectural, engineering, surveying, soil testing, reimbursement bond issuance, and similar costs that are incurred before commencement of acquisition, construction or rehabilitation of the financed property. Land acquisition, site preparation and other costs incident to commencement of construction do not constitute preliminary expenditures.

PRELIMINARY REQUIREMENTS

This section describes the requirements that bond issuers or conduit borrowers must meet within 60 days of paying any original expenditure that they intend to reimburse with tax-exempt bond proceeds.

Official Intent Declaration Requirement

The municipal issuer or ultimate borrower of the bond proceeds must declare “official intent” for the original expenditure within 60 days of paying the expenditure. This official intent may be made before any expenditures are paid. The points that must be covered in the official intent declaration are as follows:

- The declaration of official intent may be made in any reasonable form including a resolution of the issuer, action of an authorized person or specific legislative authorization for a particular project.
- The declaration of official intent must contain a general functional description of the project, property or program to be financed by the reimbursement bonds (for example, “school building renovation,” “highway capital improvement program”). A project description is sufficient if it identifies, by name and functional purpose, the fund or account from which the original expenditure is paid (for example, “parks and recreation fund--recreational facility capital improvement program”).
- The declaration of official intent must state the maximum principal amount of debt expected to be issued (or incurred) for the project.

Timing Requirement for Official Intent Declaration

The issuer or the conduit borrower must declare its official intent within 60 days of making the original expenditure with respect to which it will issue reimbursement bonds. The official intent declaration may be adopted before any expenditures are made.

Type of Property Requirement

The expenditure to be reimbursed must be a “capital” expenditure. A capital expenditure is any cost of a type that is properly chargeable to a capital account (or would be so chargeable with a proper election) under general federal income tax principles. Most working capital cannot be financed with the proceeds of reimbursement bonds. Original expenditures for extraordinary, non-recurring items that are not customarily payable from current revenues, such as casualty losses or extraordinary legal judgments in amounts in excess of reasonable insurance coverage may be financed with reimbursement bond proceeds. In addition, costs of issuance of the reimbursement bonds may be financed as can grants, qualified student loans, qualified mortgage loans or qualified veterans’ mortgage loans.

Reasonableness Requirement

On the date of adoption of the official intent declaration, the issuer or conduit borrower must have a reasonable expectation that it will reimburse the original expenditure with proceeds of the reimbursement bonds. Official intent declarations made as a matter of course or in amounts substantially in excess of the amounts expected to be necessary for the project are not reasonable. Similarly, a pattern of failing to reimburse original expenditures covered by official intent declarations is evidence of unreasonableness.

REFINANCING RULES

Rules prohibit reimbursement bond proceeds from being applied to pay principal or interest on an obligation that financed an original expenditure. Prior reimbursement bonds may be refunded if the prior reimbursement bonds met the reimbursement requirements in effect on the date they were issued.

BOND ISSUANCE REQUIREMENTS

There are certain bond issuance and proceeds allocation requirements that must be met at the time of issuance of the reimbursement bonds.

Timing Requirements for Reimbursement Bonds

Reimbursement bonds must be issued and bond proceeds allocated to reimburse the issuer or conduit borrower not later than the date that is 18 months after:

- (a) The date the original expenditure was paid, or
- (b) The date that the project to be financed was placed in service.

But in no event more than three years after the original expenditure was paid.

In the case of governmental units with general taxing powers that expect to issue no more than \$5 million of governmental bonds in the calendar year, reimbursement bonds that are not private activity bonds must be issued within three years of the date the original expenditure was paid or within three years after the property is placed in service.

Allocation Requirement

In order for reimbursement bond proceeds to be treated as expended, the bond proceeds must be “allocated” to the expenditures on the books and records of the issuer or conduit borrower. The allocation must result in the bond proceeds being relieved from all restrictions or covenants contained in the bond documents and state law. An allocation made within 30 days of issuance of the reimbursement bonds may be treated as made on the date of issuance of the reimbursement bonds.

An allocation is invalid and does not result in an expenditure of reimbursement bond proceeds if, within one year after the allocation, money corresponding to the proceeds of the reimbursement bonds allocated to the original expenditure are used to create a sinking fund, pledged fund or otherwise establish an account that has a nexus to the governmental purpose of the reimbursement bonds resulting in the creation of replacement funds.

Reasonable Changes to Project

The rules allow reasonable deviations between the project descriptions contained in the intent resolutions and the actual projects financed by the reimbursement bond proceeds. The project actually financed must be reasonably related in function to the project described in the official intent declaration.