



**RIDGEFIELD CITY COUNCIL
MEETING AGENDA**

**Thursday, March 9, 2017
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 Claims And/Or Payroll**
- 2. Approval of Minutes from February 23, 2017 Meeting**

IV. PUBLIC HEARING/BUSINESS

- 1. Public Hearing and First Reading of Ordinance No. 1201 – Ridgefield Heights Development Agreement-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. 1228 – Second Reading on Quail Hill Development Agreement -Jeff Niten, Community Development Director**
- 2. Resolution No. 524 – Approval of I-5 Corridor and Improvement Priority of Statewide Significance-Steve Stuart, City Manager**

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

IX. ADJOURN

**CITY OF RIDGEFIELD
REQUEST FOR COUNCIL ACTION**

MEETING DATE: March 09, 2017
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: March 9 2017 Claims Report (PDF)

Approved to be placed on City Council Agenda:

City of Ridgefield
Claims Payment Report
For Approval on: March 9, 2017

Sum of Amount							
Vendor Name	Vendor Number	Invoice Number	Resp. Department	Description	Total		
ADVANTAGE PROTECTION INC	15	240636	Public Works	Qrtly Monitoring - Cemetery Reservoir	228.84		
		240630	Public Works	Qrtly Monitoring - S. 56th Reservoir	228.84		
ADVANTAGE PROTECTION INC Total					457.68		
ARAMARK UNIFORM SERVICES	32	862787389	Genl Govt/Facilities	Uniform Services	1.03		
				Floor Mats - City Hall	8.81		
			Public Safety	Floor Mats - PD	5.60		
				Public Works	Uniform Services	26.47	
		862772272	Community Development	Floor Mats - PW	4.79		
				Floor Mats - CDDI	4.80		
			Genl Govt/Facilities	Uniform Services	1.03		
				Floor Mats - City Hall	8.81		
			Public Safety	Floor Mats - PD	5.60		
				Public Works	Uniform Services	26.47	
			862787388	Community Development	Floor Mats - PW	4.79	
					Floor Mats - CDDI	4.80	
		Genl Govt/Facilities		Floor Mats - City Hall	7.11		
				Public Safety	Floor Mats - PD	4.52	
		Public Works		Floor Mats - PW	3.88		
				Community Development	Floor Mats - CDDI	3.88	
		862772271		Genl Govt/Facilities	Floor Mats - City Hall	7.11	
					Public Safety	Floor Mats - PD	4.52
			Public Works	Floor Mats - PW	3.88		
				Community Development	Floor Mats - CDDI	3.88	
		ARAMARK UNIFORM SERVICES Total					141.78
		ASSOCIATED CONSULTANTS INC.	1030	16-284-01	Community Development	POR McCuddy - Plan Review	892.50
16-230A-02	Community Development			Dept of Fish & Wildlife - Office Bldg Plan Review	595.00		
17-101-01	Community Development			19th & Court Triplex - Plan Review	2,380.00		
16-231-01	Community Development			Church & Dwight Boiler Skid Anchorage - Plan Review	425.00		
ASSOCIATED CONSULTANTS INC. Total					4,292.50		
Beverly A Cheek Living	2787	201713-01	Community Development	10 Day Lease Payment	244.60		
Beverly A Cheek Living Total					244.60		
BLAIRCO INC	1493	17-84715	Public Safety	HVAC Maintenance	161.52		
BLAIRCO INC Total					161.52		
BNSF RAILWAY	2791	RIDGE092616	Public Works	Damaged gate arm at Division St.	664.89		
BNSF RAILWAY Total					664.89		
BSK ASSOCIATES	2119	V700601	Public Works	Lab Analysis - Coliform	286.00		
				Lab Analysis - Alkalinity	227.50		
BSK ASSOCIATES Total					513.50		
CITY OF BATTLE GROUND	92	884	Public Safety	Patrol Coverage	2,171.56		
		882	Judicial	Court Cost	9,078.66		

City of Ridgefield
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CITY OF BATTLE GROUND Total					11,250.22
CITY OF RIDGEFIELD	95	COM-17-0008	Public Works	Retaining Wall Adj to 720 S 85th Ave Permit	778.80
		PLZ-17-0015	Community Development	SEPA Review - Comp Plan 2017 Amend	500.00
CITY OF RIDGEFIELD Total					1,278.80
CLARK COUNTY	102	130007839	Public Works	Lab Analysis	2,130.43
				Biosolids Disposal	4,700.52
		730012448	Community Development	Fire Inspection	800.00
		170010273	Public Safety	Jan 2017 Range Rental	100.00
CLARK COUNTY Total					7,730.95
CLARK COUNTY AUDITOR	109	E5366627	Public Works	Lien Removal Fees	84.84
CLARK COUNTY AUDITOR Total					84.84
CLARK COUNTY TREASURERS OFFICE	554	201702-01	Genl Govt/Facilities	January 2017 School Impact Fees	149,048.00
		214243000-2017	Genl Govt/Facilities	26506 NE 10th Ave - 2017 Property Tax	12.03
		68372000-2017	Public Works	2017 Property Tax	17.90
		68352000-2017	Genl Govt/Facilities	535 N Abrams Park Rd - 2017 Property Tax	17.90
		216032000-2017	Public Works	2017 Property Tax	17.90
		213964000-2017	Public Works	125 N 65th Ave - 2017 Property Tax	17.90
		68376000-2017	Public Works	707 N Abrams Park Rd - 2017 Property Tax	17.90
CLARK COUNTY TREASURERS OFFICE Total					149,149.53
CLARK PUBLIC UTILITIES	110	201703-03	Public Works	109 W Division St - Electricity	232.18
		201703-10	Public Works	255 S 56th Pl - Electricity	644.59
		201703-11	Public Works	109 W Division St - Electricity	3,043.71
		201703-07	Public Works	400 N Abrams Park Rd	934.76
		201703-08	Public Works	City Park/Water Well	2,593.83
		201703-04	Genl Govt/Facilities	230 Pioneer Ave	189.74
		201703-05	Public Works	301 N 3rd Ave	119.05
			Community Development	301 N 3rd Ave	93.54
		201703-06	Public Works	N 1st Cir & N 65th Ave - Park & Ride	74.50
		201703-09	Public Works	N Abrams Park/E Division	219.12
		201703-02	Public Works	214 S Riverview Dr	72.21
		201703-01	Public Safety	116 N Main Avenue	264.17
CLARK PUBLIC UTILITIES Total					8,481.40
CLARK REGIONAL WASTEWATER DISTRICT	741	032898-000	Public Works	Sewer - Abrams Pk former Pk Mgr House	60.16
		138817	Public Works	2015 Contract Work	711.88
CLARK REGIONAL WASTEWATER DISTRICT Total					772.04
COMCAST	2271	201703-01	Genl Govt/Facilities	PW/CDD Fax Line	1.89
			Public Works	PW/CDD Fax Line	30.52
			Community Development	PW/CDD Fax Line	34.50
COMCAST Total					66.91
COMDATA NETWORK INC.	1101	20271356	Public Safety	Fuel PD - XN795	523.34
		20271372	Genl Govt/Facilities	Fuel PW - XN173	50.27
			Public Works	Fuel PW - XN173	910.08
			Community Development	Fuel CDD - XN173	187.85
				Fuel PW - XN173	19.60

City of Ridgefield
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COMDATA NETWORK INC. Total					1,691.14
CRIMINAL JUSTICE TRAINING COMMISSION	2721	201127823	Public Safety	Command College - Brooks & Rhine	1,000.00
CRIMINAL JUSTICE TRAINING COMMISSION Total					1,000.00
DEPARTMENT OF LICENSING	154	RG0000155-2017	Genl Govt/Facilities	CPL Fees - Lamew	21.00
DEPARTMENT OF LICENSING Total					21.00
GRAY AND OSBORNE INC	207	4	Community Development	Pioneer Place Final Plat Review	380.38
		21	Public Works	Junction Well - PM	1,570.20
				Junction Reservoir - PM	2,507.19
GRAY AND OSBORNE INC Total					4,457.77
H.D. FOWLER COMPANY	2036	I4430708	Public Works	Water Meters	970.92
H.D. FOWLER COMPANY Total					970.92
HALME EXCAVATING INC.	2746	201612312-addtl	Public Works	Additional Valve Box & Sleeves	2,558.24
HALME EXCAVATING INC. Total					2,558.24
HARRY'S LAWN AND POWER EQUIPMENT	214	113675	Public Works	21" WB mower service parts	158.07
HARRY'S LAWN AND POWER EQUIPMENT Total					158.07
HD SUPPLY WATERWORKS	864	G765912	Public Works	Water meter box covers	1,864.22
HD SUPPLY WATERWORKS Total					1,864.22
INDX INC.	1755	2017031	Genl Govt/Facilities	Storage Unit Rental	450.00
INDX INC. Total					450.00
INTEGRA REALTY RESOURCES - VANCOUVER	2711	134-2016-0599	Public Works	Refuge Rd Park Appraisal Review	900.00
INTEGRA REALTY RESOURCES - VANCOUVER Total					900.00
J.L. STOREDAHL AND SONS	558	205254	Genl Govt/Facilities	Crushed rock	19.76
			Public Works	Crushed rock	319.00
			Community Development	Crushed rock	10.98
J.L. STOREDAHL AND SONS Total					349.74
J2 BLUE PRINT SUPPLY	243	AR23873	Community Development	Plotter printer paper	106.52
J2 BLUE PRINT SUPPLY Total					106.52
KIRK JOHNSON	1716	201702-01	Finance	Mileage Reimb. - Cash Deposits/DOL/Training	56.55
KIRK JOHNSON Total					56.55
MARK O BROWN	567	2017-02	Genl Govt/Facilities	Lobbyist Fees	3,000.00
MARK O BROWN Total					3,000.00
MUNICIPAL CODE CORP.	1185	282179	Genl Govt/Facilities	Codification	950.00
MUNICIPAL CODE CORP. Total					950.00
NAPA AUTO PARTS	498	961121	Genl Govt/Facilities	Coolant Recovery Kit - Bolling	0.71
			Public Works	Coolant Recovery Kit - Bolling	34.69
NAPA AUTO PARTS Total					35.40
NICK CROCKFORD	492	201702-01	Public Works	Mileage Reimb. - Evergreen Rural Water Conf	216.14
NICK CROCKFORD Total					216.14
NORTHSTAR CHEMICAL INC.	1019	98826	Public Works	Chemicals - Resin Compound	829.26
		98941	Public Works	Chemicals - Sodium Hydroxide	2,457.75
NORTHSTAR CHEMICAL INC. Total					3,287.01
OFFICEMAX INCORPORATED	1599	988412	Public Safety	Office Supplies	160.55
OFFICEMAX INCORPORATED Total					160.55
OFFICIAL PAYMENTS CORPORATION	1701	INVINT0046772	Public Works	Utilities E-Pay Fees	1,127.10

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OFFICIAL PAYMENTS CORPORATION Total					1,127.10
OWEN EQUIPMENT COMPANY	916	176812	Public Works	100013-C KEG Traction Nozzle	936.97
OWEN EQUIPMENT COMPANY Total					936.97
PACIFIC OFFICE AUTOMATION	1564	53334918	Genl Govt/Facilities	City Hall Copier Lease	780.62
PACIFIC OFFICE AUTOMATION Total					780.62
PBS ENGINEERING AND ENVIRONMENTAL	342	HDJ4083.002-13	Public Works	35th & Pioneer Rndbt Design Phase 2	25,662.75
PBS ENGINEERING AND ENVIRONMENTAL Total					25,662.75
POSTMASTER	348	201703-01	Genl Govt/Facilities	Permit #40	225.00
POSTMASTER Total					225.00
PURCHASE POWER	356	7194450	Genl Govt/Facilities	Postage	500.00
PURCHASE POWER Total					500.00
REFLECTOR	369	96310	Community Development	Notification of Land Use App	147.13
		96388	Community Development	SEPA DNS PLZ-17-0015	111.33
		96311	Community Development	Public Hearing Not - 2017 Urban Area Comp. Plan	59.45
		96233	Community Development	Public Hrg Notification - Ridgefield Heights	69.34
		96295	Community Development	SEPA DNS - Timm Rd	115.63
REFLECTOR Total					502.88
RICOH USA INC.	1662	98372983	Public Safety	Copier Lease	140.57
		5047139812	Public Safety	Additional Copies	10.23
RICOH USA INC. Total					150.80
RIDGEFIELD 4TH OF JULY	2788	201702-01	Genl Govt/Facilities	City Partner Contribution	1,200.00
RIDGEFIELD 4TH OF JULY Total					1,200.00
RIDGEFIELD BUSINESS ASSOCIATION	523	201702-01	Genl Govt/Facilities	RBA 2017 Membership Renewal	84.00
RIDGEFIELD BUSINESS ASSOCIATION Total					84.00
RIDGEFIELD GARDEN CLUB	2495	201702-01	Genl Govt/Facilities	City Partner Contribution	1,200.00
RIDGEFIELD GARDEN CLUB Total					1,200.00
RIDGEFIELD SCHOOL DISTRICT	378	201702-01	Genl Govt/Facilities	City Partner Contribution	1,200.00
RIDGEFIELD SCHOOL DISTRICT Total					1,200.00
SENVOY LLC	1688	100920	Finance	Courier Services	32.32
SENVOY LLC Total					32.32
TERESA D JOHNSON CPA INC.	561	4619	Finance	February 2017 - Compilation and Accounting Services	2,990.00
TERESA D JOHNSON CPA INC. Total					2,990.00
THE PARR COMPANY	964	26350660	Public Works	Concrete Mix - Streets	3.24
		26352297	Genl Govt/Facilities	Concrete Mix - Shop Expansion	1.62
			Public Works	Concrete Mix - Shop Expansion	4.86
		26351303	Genl Govt/Facilities	Cure'n Seal - PW Lunch Room Remodel	9.32
			Public Works	Cure'n Seal - PW Lunch Room Remodel	27.96
THE PARR COMPANY Total					47.00
TRIBECA TRANSPORT LLC	747	COR-1702	Public Works	Sludge Hauling	1,830.00
TRIBECA TRANSPORT LLC Total					1,830.00
USA BLUEBOOK	444	182870	Public Works	Eyewash portable station	462.59
USA BLUEBOOK Total					462.59
WA STATE DEPARTMENT OF TRANSPORTATION	688	RE44JD1385BL011	Public Works	De-icer and rock	4,590.30
WA STATE DEPARTMENT OF TRANSPORTATION Total					4,590.30

City of Ridgefield
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WA STATE GROUND WATER ASSOC	2047	201702-01	Public Works	Pump Installer Seminar - Crippen	155.00
WA STATE GROUND WATER ASSOC Total					155.00
WAPITI AERIAL SERVICES INC.	1405	INV12438	Public Works	Bucket truck inspection	325.00
WAPITI AERIAL SERVICES INC. Total					325.00
WESTLIE FORD INC.	1639	FOCS98442	Genl Govt/Facilities	Vehicle Maint - Brunson Truck	11.36
			Public Works	Vehicle Maint - Brunson Truck	215.77
WESTLIE FORD INC. Total					227.13
WIRE WORKS LLC	2792	4877	Public Safety	Vehicle Antennas	280.59
WIRE WORKS LLC Total					280.59
Grand Total					252,034.48

**CITY OF RIDGEFIELD
REQUEST FOR COUNCIL ACTION**

MEETING DATE: March 09, 2017
ITEM: CONSENT AGENDA
AGENDA ITEM TITLE: Approval of Minutes from February 23, 2017 Meeting

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: 02-23-2017 Meeting Minutes (PDF)

Approved to be placed on City Council Agenda:



CITY OF RIDGEFIELD, WASHINGTON
City Council MEETING MINUTES
February 23, 2017

Regular Meeting - 6:30 PM

STUDY SESSION - 5:30 P.M. - [5:44 PM](#)

1. Bonding 101 Training Session - Presented by Public Financial Management, Inc - [5:44 PM](#)

Bonding 101 study session was presented by Duncan Brown with Public Financial Management and Stacy Lewis with Pacifica Law Group.

GENERAL SESSION CALL TO ORDER - 6:30 PM - [6:41 PM](#)

FLAG SALUTE

ROLL CALL

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

Late changes to the agenda - [6:42 PM](#)

Add Ridgefield Youth Arts Month Proclamation under Mayor's report.

PUBLIC COMMENT - [6:43 PM](#)

Susan Setterberg - Resident and Board Treasurer for Vancouver Audubon Society
 Advocate for protection of birds and their habitat by supporting local.
 Concerns regarding City turning critical agriculture lands to development.
 Kennedy Farms - Sandhill Crane use parcel as stopover during migration.
 Encourage City to help save the Sandhill Crane.
 Don't be the City that abandoned the cranes to development.

Nathan McCann - Ridgefield School Superintendent
 Compliments to the Mayor on a great State of the City Address.
 69% of the voters declared Yes on their ballots.
 School project is on time and on budget.
 Brochure with all the events for Ridgefield Youth Arts Month is available on the website.

Attachment: 02-23-2017 Meeting Minutes (1244 : Approval of Minutes)

Chuck Green - Chair with Middle Class Alliance

MCA support the creation of more jobs for the middle class, less poverty and cleaner government.

Concerns regarding growth in traffic congestion and increases in accidents along I-5 corridor.

Designate I-5 through SW WA and across Columbia River into OR as Corridor and Improvement Priority of Statewide Significance.

Mike Ruder - Kalama Resident

Concerns regarding the methanol plant in Kalama.

National and regional security over national gas supply - NW gas is the sole provider.

Gas transmission system is already full.

Takes over 10 years to enlarge pipeline and high increase in cost.

Need to be in control of the best resources that we have available.

CONSENT AGENDA - MOVED TO APPROVE AS PRESENTED. - [6:58 PM](#)

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

1. Approval of Claims And/Or Payroll - [6:58 PM](#)

2. Approval of Minutes from February 9, 2017 Meeting - [6:58 PM](#)

PUBLIC HEARING/BUSINESS - [6:59 PM](#)

1. Public Hearing and First Reading of Ordinance No. 1228 - Quail Hill Development Agreement-Steve Stuart, City Manager

The Quail Hill at Union Ridge subdivision received preliminary approval on July 11, 2007. The applicant has requested a two year extension of the preliminary plat approval to July 11, 2019. 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 18.210.060. Further, development of this 9.0 acre property will include a minimum of 13% of the gross total site area, or 1.17 acres, as open space, with placement of three bench features for use by the public to be located in consultation with city staff. The agreement also provides for land made available from adjacent parcel number 215383000 to satisfy additional open space requirements up to 17% of the original 9.0 acre site total. Finally, the agreement proposes to use adjacent parcel number 215383000, including a trail and bench features, to satisfy the open space requirements for subject 9.0 acre parcel, plus parcels 215443004 and 215443006.

City Council conducted discussion on the history of the property and parcels that will be designated as open space.

Mayor Onslow opened the hearing 7:48PM.

Kristen French - Attorney for the Applicant

Preserve the resources and not let the agreement expire.

Union Ridge agreement will not expire until 2026.

This is a preliminary concept, if approved will come back with more refined concept.

Concept can we refined with play area.

Open place is currently not being used in a community way - no trespassing signs are currently posted.

Jon Girod - Applicant

Owner of the property since 2006.

Timing has changed and we are now ready.

Met with City Manager few times and aware of different standards.

We can spend money and develop property as is or we can come up with an improvement plan.

Adjacent parcel is not being used properly - No trespassing signs posted.

Make property safe for children.

Going from liability to an asset.

Mark Jeffries - JB Homes

Support John Girod.

He will do a great job.

Mayor Onslow closed the hearing 7:59PM.

Discussion: Hard surface areas for youth, visiting parcel if approve by property owner, distance between Clark College and considered property.

BUSINESS

1. Resolution No. 522 – Approval of Master Fee Schedule Update-Kirk Johnson, Finance Director

The most significant changes to the Fee Schedule includes adjustments to 14 fees to remove the cost recovery aspect of the fee. Staff have reviewed other local agency fees as well as average cost of the cost recovery portion of the fee to set appropriate fee structures. In order to be more transparent to the building industry and provide cost certainty, staff felt this was the most appropriate avenue for our fee structure for land use planning permits. Cost recovery for charges from outside consultant in many instances were invoiced to the City months after the project was completed. Due to the timing of receiving invoices, developers would then be invoiced potentially after the project had already been closed out. Additional changes include a change to park rental fees for Overlook Park and Abrams Park (Bennett Hall & Kitchen). Staff changed the structure of fees with an increase to make them easier to understand for citizens and staff. The effective date for the park rental fees will be April 1, 2017 to allow staff time to notice the changes. All other changes will be effective immediately. Public Safety staff recommended changes to dog licensing fees as well as adding a fee required by RCW 63.21.030 for a property finder fee. City staff will be returning to Council with a request to update RMC 7.04.040 - licensing and registration requirements to remove language referencing the fee amount for hobby and commercial dog kennels. The updated rate in the fee schedule will be effective when the Ordinance is approved.

MOTION: Moved to adopt Resolution No. 522 as presented.

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

2. Resolution No. 523 - Approval of Streetscape Donation Policy-Bryan Kast, Public Works Director

The Streetscape Donation Policy guides donations of streetscape furnishings and art and allows the City to manage donations within the Public right of way to benefit the public. The policy was based on the

Parks Donation and Memorial Policy that was adopted by the Council in late 2015. The policy language addresses responsible parties and their roles and responsibilities and the procedure for donations, including a City review process and evaluation criteria for accepting donations.

MOTION: Moved to adopt Resolution No. 523 as presented.

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

PUBLIC COMMENT - [8:20 PM](#)

None.

COUNCIL/PRESIDING OFFICER/STAFF REPORTS

Council - [8:21 PM](#)

Council member Day - Attended AWC City Action days, testified at the house health committee, La Center City Council meeting.

Council member Taylor - Attended AWC City Action days, briefing with City Manager.

Council member Main - Attended C-Tran board meeting, AWC City Action days, Youth Arts month is march 4th - brochure of all the events during the day is available on the school website.

Council member Wertz - Attended AWC City Action days, PUD meeting, briefing with City Manager.

Council member Stose - Attended CRWWD board meeting and all other meeting that were mentioned.

Council member Wells - Attended tour of AIG, pre-application conference, AWC City Action days, DCWA meeting, CRWWD board meeting, briefing with City Manager, State of the County address.

Mayor - [8:29 PM](#)

Work has begun on big paddle event, CDGB bus tour coming up next week, AWC City Action days, DCWA meeting, breakfast event with Governor Inslee in Olympia, RTC meeting, State of the County Address.

Proclamation - Ridgefield Youth Arts Month read into the record.

City Manager - [8:33 PM](#)

City Manager Steve Stuart - no report.

City Attorney Janean Parker - litigation update provided.

Finance Director Kirk Johnson - Investment portfolio update provided, State auditors coming in April for an audit.

Public Works Director Bryan Kast - Division Street project update provided.

Deputy City Manager Lee Knottnerus- First Saturday event updates provided.

Police Chief John Brooks - no report.

FROM THE COUNCIL

ADJOURN - [8:41 PM](#)

Julie Basarab, City Clerk

Ron Onslow, Mayor

CITY OF RIDGEFIELD REQUEST FOR COUNCIL ACTION

MEETING DATE: March 09, 2017

ITEM: PUBLIC HEARING/BUSINESS

AGENDA ITEM TITLE: An Ordinance of the City of Ridgefield, Washington Approving a Development Agreement with Odc Ridgefield Heights, LLC

The preliminary plat for the Kemper subdivision was approved in December 2007. The subdivision is located at 498 S. 25th Place, 26315 NW 51st. Avenue and generally at the North East corner of S. 21st Place and S. 4th Way, and generally at the North East corner of S. 25th Place and S. 4th Way.

The development agreement proposes a number of changes to bring the project closer into alignment with current development code standards, which it is not required to meet because it is vested to standards in place in 2007 when originally approved, in exchange for the City agreeing to change the functional classification of Bertsinger Road, and pursuing annexation along S. 35th Avenue. The agreement proposes to:

- The developer agrees to comply with environmental, storm water, architectural and lighting standards in effect at the time of complete application, or the effective date of the proposed Development Agreement, whichever is later.
- The agreement, if approved, would change the classification of S. Bertsinger Rd. and remove the replacement bridge project required by the 2007 Final Order. Additionally, this agreement would limit access to S. Bertsinger Rd. and require construction and trips from the new sub-division access the site from 45th Ave.
- The agreement establishes 35th Ave. as the eventual access to the property when the property currently outside City Limits is annexed.
- City acceptance and PIF credits for any park amenities besides the trail are wholly discretionary. This Development Agreement would vest the land use and zoning approvals from the 2007 Hearing Examiner Final Order (attached).
- The Developer agrees to dedicate and construct park improvements as required by Title 18 of the Ridgefield Municipal Code.

STAFF CONTACT: Jeff Niten, Community Development Director

ATTACHMENTS: Ridgefield Heights - Color Plan 1-3-17 (2) (002) (PDF)
Location map (PDF)
Final Order (PDF)

Approved to be placed on City Council Agenda:

Jeff Niten Completed 03/07/2017 4:03 PM

I think it's good to go. RFCA, DA, and term sheet match, though the bullet points may be a little long. If you see something I missed I'll fix it before the end of the day.

Steve Stuart Completed 03/07/2017 4:11 PM

City Council Pending 03/09/2017 6:30 PM

Ridgefield Heights DA term sheet (DOCX)
3_9_17 Ridgefield Heights DA (DOCX)
EXHIBITS A - E to Development Agreement (PDF)

ORDINANCE NO. 1201

AN ORDINANCE OF THE CITY OF RIDGEFIELD, WASHINGTON APPROVING A DEVELOPMENT AGREEMENT WITH ODC RIDGEFIELD HEIGHTS, 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, ODC Ridgefield Heights LLC, ("Applicant") has controlling interests in 70.45 acres of real property zoned Residential Low Density 4 (RLD-4) and located at 498 S. 25th Place, 26315 NW 51st. Avenue and generally at the North East corner of S. 21st Place and S. 4th Way, and generally at the North East corner of S. 25th Place and S. 4th Way in the City of Ridgefield; and

WHEREAS, the Applicant has an approved preliminary plat to divide the property into 200 residential lots to create a subdivision known as Kemper, approved December 14, 2007 (PLZ-07-068); and

WHEREAS, the City Council conducted public hearings for the proposed Development Agreement at regular scheduled meetings held on January 14, 2016 and May 12, 2016, and March 9, 2017; and

WHEREAS, the City Council conducted a first reading of this ordinance on March 9, 2017; and

WHEREAS, the City and the Applicant have reached agreement regarding the terms and conditions of a Development Agreement related to the development of the Project, which Development Agreement, together with its Exhibit A, is attached hereto and incorporated herein;

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 ODC Ridgefield Heights LLC. Execution of this Agreement will generally: Remove the requirement for a bridge connecting Bertsinger Road and Pioneer, create park and trail amenities that may be dedicated to the City and eligible for Park

Impact Fee (PIF) credits; provide for architectural design standards; and require LED street lighting.

Section 2. **Development Agreement Approved.** The City Council for the City of Ridgefield hereby approves the ODC Ridgefield Heights LLC 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 30TH DAY OF MARCH 2017.

Mayor, Ron Onslow

ATTEST/AUTHENTICATED:

Julie Basarab
Deputy City Clerk

APPROVED AS TO FORM:

Janean Parker
City Attorney

Public Hearing:	March 9, 2017
First Reading:	March 9, 2017
Second Reading/Passage:	March 30, 2017
Date of Publication:	
Effective Date:	

RIDGEFIELD HEIGHTS

P.U.D. SUBDIVISION
RIDGEFIELD, WASHINGTON

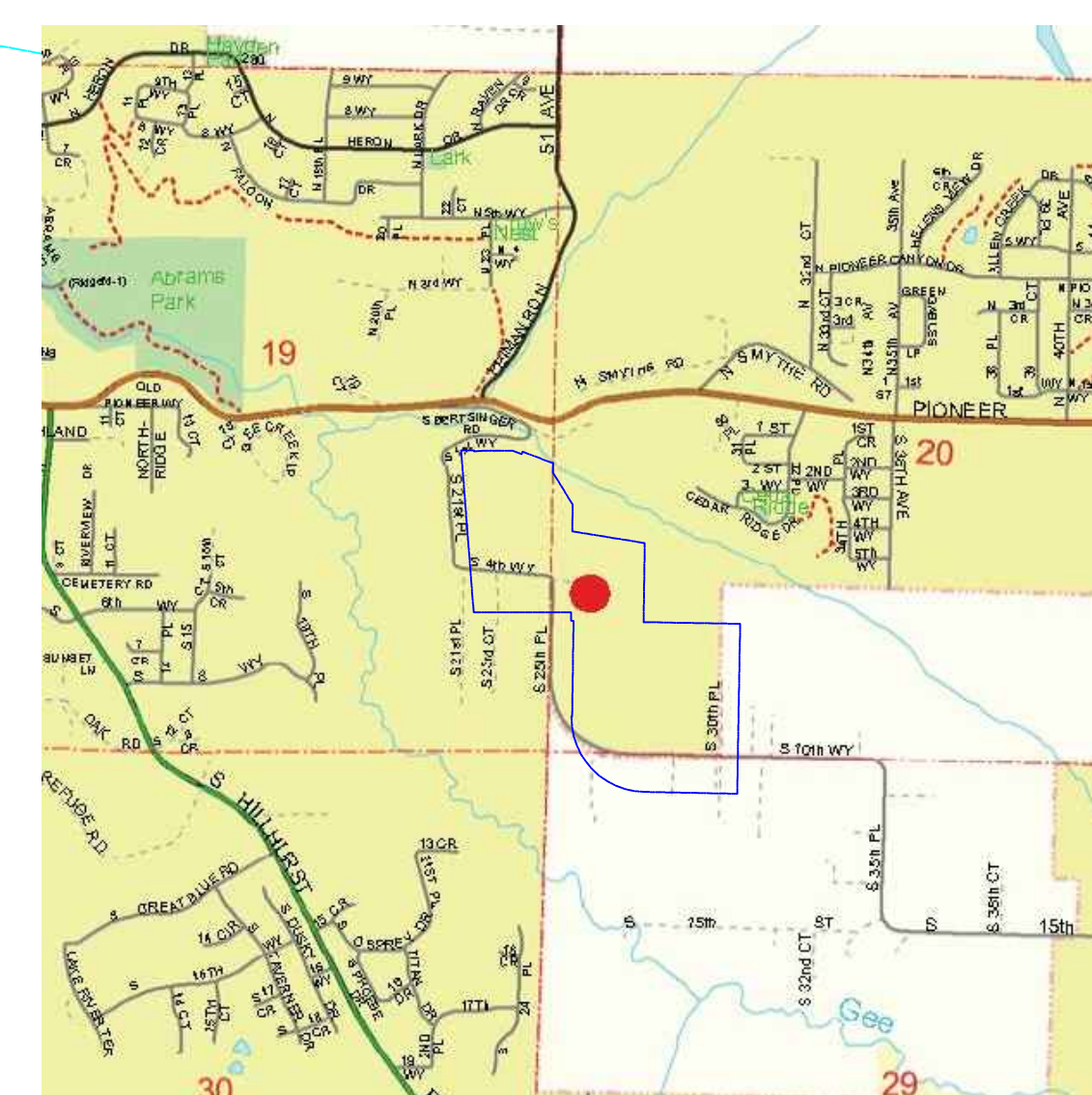
Trail pathway through native landscape



GRAMOR
DEVELOPMENT

S&A ENGINEERING & DESIGN
CIVIL ENGINEERING - LAND PLANNING
DEVELOPMENT SERVICES
& LANDSCAPE ARCHITECTURE

2005 BROADWAY
VANCOUVER, WA 98663
PH: 360-993-0911
FAX: 360-993-0912



VICINITY MAP



Common Area Structure



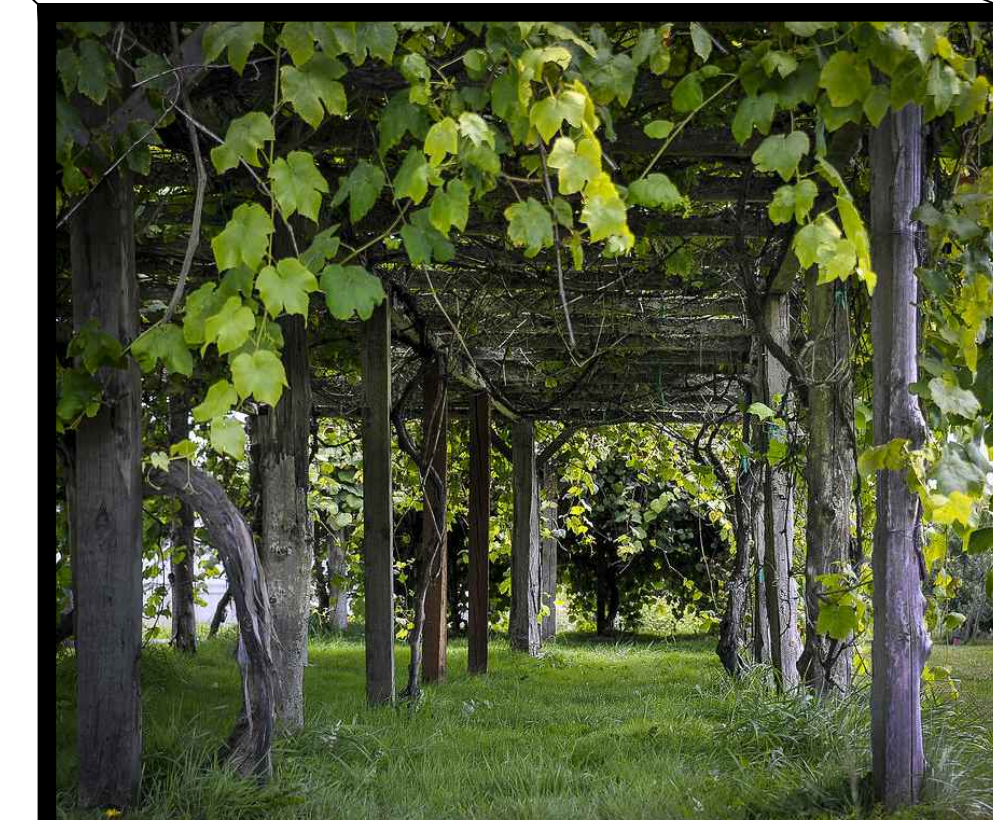
Formal Playground



Half court basketball



Trail/pathway through native landscape



Grape vine arbor along pathway



Grape vines along frontage improvements



Scale: 1" = 80'

TOTAL LOT AREA
177 LOTS
1,302,969 SF (29.91 ACRES)
AVERAGE LOT AREA: 7,361 SF

PHASE I
46 LOTS
307,378 SF (7.06 ACRES)
AVERAGE LOT AREA: 6,682 SF

PHASE II
44 LOTS
296,122 SF (6.80 ACRES)
AVERAGE LOT AREA: 6,730 SF

PHASE III
26 LOTS
184,754 SF (4.24 ACRES)
AVERAGE LOT AREA: 7,106 SF

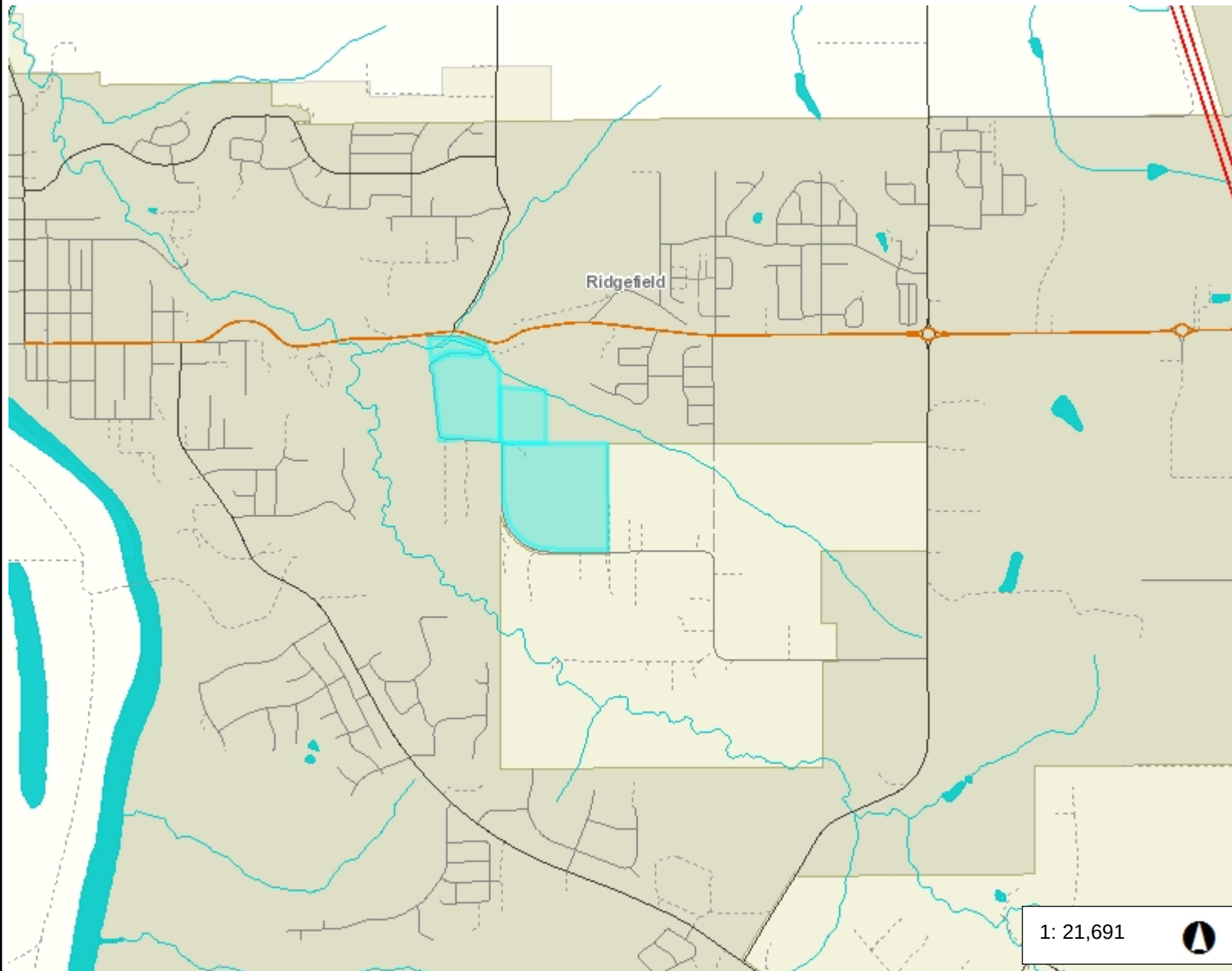
PHASE IV
26 LOTS
187,140 SF (4.30 ACRES)
AVERAGE LOT AREA: 7,198 SF

PHASE V
35 LOTS
327,575 SF (7.52 ACRES)
AVERAGE LOT AREA: 9,359 SF

TOTAL SITE AREA: 2,936,644 (67.42 ACRES)
TOTAL LOT AREA (177 LOTS): 1,302,969 SF (29.91 ACRES)
OPEN SPACE/STORM AREA: 110,8700 SF (25.45 ACRES) (37.8%)
TOTAL R/W AREA: 524,975 SF (12.05 ACRES)
TRAIL NETWORK: 1.13 MILES TOTAL LENGTH



Ridgefield Heights



3,615.1 0 1,807.57 3,615.1 Feet

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

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

1: 21,691

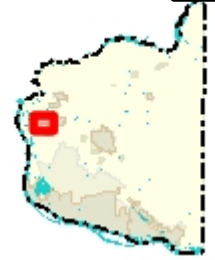


Legend

- Cities Boundaries
- Urban Growth Boundaries

Notes:

4.1.b



Attachment: Location map (1232 : Ridgefield Heights Development Agreement)

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

REGARDING THE APPLICATION FOR A)
PRELIMINARY PLAT APPROVAL TO)
SUBDIVIDE 67.4 ACRES INTO 200-LOT)
SINGLE FAMILY LOTS IN A LDR 7.5 AND)
8.5 ZONING DISTRICTS IN THE CITY OF)
RIDGEFIELD, WA.

FINAL ORDER

**KEMPER
SUBDIVISION
PLZ-07-068**

APPROVED WITH CONDITIONS

INTRODUCTION

This is a request for a preliminary plat approval for a 200-lot single family subdivision. The site totals 67.4 acres and resulting lot sizes will range from 5,000 to approximately 12,000 square feet. The site will include open space areas, trail networks, and a play area located central to the site. The subdivision will necessitate the redesign of the intersection at Pioneer Street and Bertsinger Road and a new Collector street will be constructed to replace Bertsinger Road. The subdivision will also need to address off-site road standards on east of 10th Way to 45th Avenue.

Location: The property is located south of Pioneer Street and south of S 1st Way, east of S 21st Way, and north of S 10th Way. The Clark County Assessor Tax Lots include 213491-000, 213509-000, and 213727-000. The site is located in SE quarter of Section 19 and SW quarter of Section 20, T4N, R1E, Willamette Meridian.

Applicant: David Bantz, 19767 SW 72nd Avenue, Tualatin, Oregon 97062

Owner: Kemper Family Trust, Attn: Don Kemper, 20100 NW 61st Ave., Ridgefield, WA, 98642

Approval Criteria: RDC 13.08 (Development Charges for Water and Sewer Connections); RDC 18.070 (Impact Fees); RDC 18.210 (Low Density Residential Districts – LDR 7.5 and LDR 8.5); RDC 18.280 (Sensitive Lands/Density Transfer Overlay District); RDC 18.600 (Subdivisions); RDC 18.620 (Procedure for Subdivision); RDC 18.630 (Design Requirements); RDC 18.640 (Improvement Requirements); and RDC 18.810 (Environmental Standards).

Notice: MDNS - October 25, 2007

HEARING AND RECORD

The Public Hearing on this matter was held on November 14, 2007 and the record was kept open until November 30, but due to a miscommunication the record had to stay open until December 7, 2007 to allow the applicant the final rebuttal. 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.

PRE - hearing Comments:

Clark County Fire District 12

Clark County Fire District No. 12 submitted comments for this land use review in their letter dated September 10, 2007. A **condition** will require the site to be developed consistently with their recommendations (Exhibit 3).

Clark County Public Works

Clark County Public Works Department early in the review process requested an additional analysis of intersection within the jurisdiction of Clark County that were not addressed in the traffic impact study dated August 3, 2007, included in the application submittal. The intersections of concerns included:

- S 15th Street/S 45th Avenue;
- S Royal Road/S Hillhurst Road; and,
- S Carty Road/S Hillhurst Road.

The applicant submitted an additional traffic impact analysis that addressed these intersections from Kittelson & Associates dated, October 24, 2007 (Appendix I). This analysis concluded that the proposed subdivision could be developed while maintain safe and acceptable traffic operations at the intersections noted above. Clark County reviewed the supplemental traffic analysis and concurred with the findings and stated concurrency requirements are satisfied for the above referenced intersections (Exhibit 4).

Washington State Department of Ecology

The Washington State Department of Ecology submitted comments in a letter dated October 3, 2007. A **condition** will require the applicant to follow the recommendations outlined in the Department of Ecology's October 3, 2007 letter and November 7, 2007 letter (Exhibit 5).

Washington State Department of Transportation (WSDOT)

The Washington State Department of Transportation submitted comments in a letter dated October 23, 2007. **Conditions** recommended in WSDOT's October 23, 2007 letter are incorporated into this decision (Exhibit 6).

Ken Wanderer (neighbor) submitted comments by way of email dated November 1, 2007 (Exhibit 7). Mr. Wanderer noted that the traffic analysis projected 15 percent of the traffic

generated by this project will go to the east (along S. 10th Way and on to 45th Ave) and felt that this percentage is too low. Mr. Wanderer also noted that the proposed Ridgefield High School located near Royal Road and S. Hillhurst Road was not included in the assumed trips that would impact nearby intersections. Finally, Mr. Wander questioned who would be responsible for off-site upgrades that may need to occur to S. 10th Way to S. 45th Ave. The applicant's traffic engineer, Chris Brehmer, P.E., Kittelson & Associates, Inc., provided a response to these questions in a letter dated November 2, 2007 (Exhibit 8).

Peter Zwingli (neighbor) submitted written comments by way of email dated October 20, 2007 concerning safety with the road alignment proposed for "Street A" in relation to what appears to be a shared driveway easement referenced as S. 23rd Court (Exhibit 9). His comments state that the proposed "Street A" should align with S. 23rd Court so that this intersection is not off-set, which may result in unsafe turning movements. According to the submitted plans, proposed "Street A" is aligned to intersect with 23rd Court. The applicant's alignment would allow for either tax lot 213508-015 or 213504-000 to construct a half street public road improvement upon future development that would align with "Street A". Without a survey, it is not certain the exact location of the existing S. 23rd road easement in relation to the common property line shared by tax lots 213508015 or 213504000. A **condition** will require that upon engineering review, the City Engineer will review the alignment of proposed "Street A" to assure that its location will provide for safe existing and future turning movements at its intersection with S. 4th Way.

Mr. Zwingli referenced a concern with the proposed curve between S. 4th Way and S. 25th Place. The response to this concern is found in Section H of this decision and also referenced as follows:

"The applicant requests that the intersection of 4th Way and 25th Place be designed with a temporary 90-degree corner with a 37-foot centerline curve radius. This request is a result of right-of-way being unavailable from the property owner to the southwest. The applicant suggests that when the properties to the south and west redevelop, the roadway curve could potentially be realigned with a larger radius curve. Per Table 2.08A of the Engineering Standards, the minimum centerline radius for a Collector street at a design speed of 30 mph is 300-feet, which is significantly greater than the proposed radius of 37-feet. The City Consulting Engineer finds that this request poses a significant public hazard even at the reduced speed. Section 2.08 of the Engineering Standards also specifies that low speed curves under 25 mph may be used on residential local streets. The City Engineer may consider this as an acceptable mitigation on a temporary basis, provided that the curve meets the minimum centerline radius of 55 feet and that proper signage for reduced speed to 15 miles per hour is provided. The temporary curve shall also meet all AASHTO design criteria, including superelevation requirements."

Finally, Mr. Zwingli raised concerns with the multiple street names in this area. A **condition** is warranted that will require all street names associated with this subdivision to be reviewed and approved prior to final plat approval through the City of Ridgefield, Community Development department. As noted in (Exhibit 10), the City's Community Development department is currently working with Mr. Zwingli in changing existing street names that are outside the scope of this review.

Ailsa Crawford & husband Bill Becker, 2382 Pioneer Street, (neighbors) submitted comments on Nov. 7, 2007 (Exhibit 11) concerning the potential for their property access to change as a result the redesign of Pioneer Street and Reiman Road intersection. It is not known at this point whether in fact the driveway may need to be moved or the extent of the change. This will be known at the time of engineering review through the City Public Works Department and WSDOT. A **condition** is warranted that will require the applicant to notify the property owner(s) at 2382 Pioneer Street upon knowledge of any proposed changes affecting the property or property access. The applicant shall bear all expenses and compensation associated with any changes to the property or property access.

Bob Sawyer (neighbor), 3048 S 10th Way, Ridgefield submitted comments by way of email dated November 7, 2007 (Exhibit 12). His concerns mentioned not knowing enough about the land use process and SEPA process. As noted in the correspondence, the consulting planner has offered to meet with Mr. Sawyer to explain the process.

Mr. Sawyer also raised concerns about the construction of the primary Collector to serve the Kemper subdivision and how it may potentially negatively affect nearby property owners. All half-street road improvements and property dedication will occur within the project boundaries. It is the responsibility of the applicant to secure any right-of-way or slope easement that may be needed to outside of the project boundaries. Based on the submitted plans, no off-site right-of-way is shown to be needed along the Collector street. The applicant may need to secure additional right-of-way along Pioneer Street to construct the signalized intersection and create sufficient sight-distance around the curve traveling to the west. Any additional right-of-way will have to be negotiated with the current property owner(s), prior to final engineering review.

Mr. Sawyer also requested that the developer construct a fence along his western property line. The length of this would be approximately 1,300 feet. Based on the City's development code, the City does not have the authority to impose this as condition of approval.

John Christianson (neighbor), 627 S 25th Place, Ridgefield, WA 98642, submitted written comments in a letter dated November 7, 2007 (Exhibit 13). A staff response was provided to the Hearing Examiner at the time of the public hearing on Nov. 14, 2007.

The record in this case includes the following:

1. Application Submittal Packet, dated August 13, 2007:
 - Preliminary Plat, prepared by MGH Associates, August 13, 2007
 - SEPA Checklist, prepared by MGH Associates, August 15, 2007
 - Preliminary Hydrology Report, prepared by MGH Associates, July 25, 2007
 - Traffic Impact Study, prepared by Kittelson & Associates, August 3, 2007
 - Supplemental Traffic Impact Study, prepared by Kittelson & Associates, October 18, 2007
 - Geotechnical Site Investigation, prepared by Columbia West Engineering, June 30 2007
 - Archeological Predetermination Report, prepared by Archeological Services of Clark County, July 11, 2007
 - Wetland and Delineation Report, prepared by Ecological Land Services, Inc., April 2007
 - Preliminary Mitigation Plan, prepared by Ecological Land Services, Inc., August 13, 2007

2. Public Notification Documents
3. Comment letter from Clark County Fire District 12, September 10, 2007
4. Clark County Public Works Department, October 24, 2007
5. Comment letter from the Department of Ecology, October 3, 2007 and November 7, 2007 letter.
6. Washington State Department of Transportation comment letter dated October 23, 2007
7. Ken Wanderer (neighbor) submitted email comments dated November 1, 2007
8. Applicant's traffic engineer, Chris Brehmer, P.E., Kittelson & Associates, Inc., provided a response dated November 2, 2007.
9. Peter Zwingli (neighbor) submitted email comments dated October 20, 2007
10. Community Development Correspondence with Mr. Zwingli.
11. Ailsa Crawford & husband Bill Becker, (neighbor) 2382 Pioneer Street, submitted comments be email on Nov. 7, 2007
12. Bob Sawyer (neighbor), 3048 S 10th Way, Ridgefield submitted email comments dated November 7, 2007
13. John Christianson (neighbor), 627 S 25th Place, Ridgefield, WA 98642, submitted written comments dated November 7, 2007
14. Sam Crummett, Nov. 13, 2007 Additional responses to the comments of neighbors and corrections to the Staff Report, with Exhibit A – letter from Jim Sellers.
15. Testimony of Bob Sawyer, a neighbor - 11/14/2007
16. Comments of Angie Ngwyen and Brian Phuong re streets within the development - 11/14/2007.
17. Testimony of Nancy Finn, a neighbor 11/14/07
18. Testimony of Heather Gordon, a neighbor 11/14/2007.
19. Letter from James Sellers, Nov. 15, 2007
20. Email from Steve Hale, City Engineer, Nov. 15, 2007
21. Email from Nancy Finn, Nov. 15, 2007
22. Email from Ailsa Crawford, Nov. 16, 2007
23. Letter from John Christianson, Nov. 18, 2007
24. Letter from Peter Zwingli, Nov. 19, 2007
25. Email from Nancy Finn, Nov. 20, 2007
26. Letter from Heather Gordon, Nov. 18, 2007
27. Letter from David Jardin, Clark County Design & Engineering Services, Nov. 20, 2007
28. Email from Ailsa Crawford, Nov. 20, 2007
29. Letter and Photo from Bob Sawyer, Nov. 20, 2007
30. Email from Karen Beall, Nov. 20, 2007
31. Email from Joe Burton, Nov. 20, 2007
32. Email from John Finn, Nov. 21, 2007
33. Letter from Donna Quail & Peggy Quail, Nov. 21, 2007
34. Email from Steve Hale, P.E., City Engineer, Nov. 21, 2007
35. Letter from Debbie Raffelson, Nov. 21, 2007
36. Rebuttal Letter from MGH Engineering – Michael Birndorf and Derek McCurdy P.E., Nov. 21, 2007
37. Rebuttal Letter from Kittelson Assoc - Sagar Onta PE and Chris Bremer PE – Nov. 29, 2007 – with sight line exhibit for S 4th Way and S 25th Place

- 38. Letter from Michael Simon, Applicant's Attorney with Exhibits from Fire District 12 and Clark County Concurrency – Nov. 30, 2007
- 39. Letter from Sam Crummett to HE requesting permission for further City Comment – Nov. 30, 2007.
- 40. E-mail from Examiner to Mr. Crummett and Michael Simon in response to Ex. 37 and 38.
- 41. E-mail from Sam Crummett, Dec. 3, 2007
- 42. Memo from City Engineer, Steve Hale, Nov. 29, 2007
- 43. Applicant's Final Rebuttal, Dec. 6, 2007

Hearing Summary:

Sam Crummett, the lead City Planner on this application, introduced the site, summarized the issues in the Staff Report and recommended approval. In doing so he testified that there have been a number of concerns raised about this project by the neighbors. The site is designed around many critical areas, including a stream, steep slopes and wetlands. There have been questions about density, particularly lot size, given the fact that the lots here are only 5,000 square feet. Because of the critical areas on the site, the applicant has been allowed to use the density transfer provisions of the code. The applicant has submitted studies of the critical areas; they plan to avoid wetland areas whenever possible and have demonstrated how mitigation will occur for those areas that will be impacted. The same applies to the steep slopes and the stream corridor. The applicants have shown that they can satisfy the City's mitigation criteria.

The main road that will serve the site is a new collector street. City engineers have reviewed this collector for compliance and found that it does comply with the applicable development code. The 90-degree curve on this collector will be allowed on a temporary basis until additional development occurs and/or additional right-of-way can be acquired so that the curve can be reconfigured. The site will be served with City water; water and sewer will come from Pioneer St.

Mr. Crummett submitted a new memo (Exhibit 14) into the record that addresses issues in some letters received from the neighbors and also changes to the staff report that could not be incorporated before the staff report was issued (Exhibit 14). The memo addresses Mr. James Sellers' and Mr. John Christianson's letters. He also received letters from Bob Sawyer and James Johnston just before tonight's hearing.

Ken Alexander, the City's consulting Engineer indicated that the City has come to an understanding with the applicant regarding the changes to the collector street which is to keep the standard where possible, but there are topographic and environmental constraints that make it impossible for the applicant to meet the standard along the entire length of the road.

David Bantz, the applicant, began by indicating that half of the property – the southern half – was annexed to the City in early 2006. The balance of the property was within the City limits prior to the annexation. The older portion was zoned R-8.5 and the newly-annexed portion was zoned R-7.5. The applicant met with the neighbors in June and since that time has been in correspondence with 27 or 28 of them, keeping them apprised of our progress.

Mike Birndorf, applicant's representative, testified that there are significant environmental constraints on the subject property and it is a heavily-wooded area. With respect to circulation, the applicant is providing major transportation infrastructure that goes well beyond what is required to accommodate traffic to the development, including a new signal at the intersection with Riemann Rd. with a left-turn lane, the development of the collector road, in conformance with the City's capital facilities plan, at a cost of \$8.5 million, plus traffic impact fees that will be used to improve other intersections in the area. A lot of infrastructure is being provided by the applicant.

The local street system conforms to the City standards. The development will include street stubs that will facilitate development to the east. The development complies with section 18.210 of the City code. To protect the natural areas on the site, the applicant is clustering development on non-sensitive areas, as specified in the critical areas ordinance and the density transfer provisions.

Open space in the site will be a combination of buffers to protect critical areas and open space for amenities and infrastructure. The critical areas include a stream, six wetlands, a floodplain and steep slopes. The applicant is proposing a major stream crossing as part of the collector street. The development will avoid, minimize and mitigate for any impacts to these critical areas. The road crossing is designed to avoid impacting the stream. The applicant will be enhancing 3,800 square feet of stream buffer in the area to improve the natural environment. The steep slopes in the site will be preserved, as will the wetlands, although 0.6 acres of wetlands will be impacted by a sewer facility.

Open space amenities will create a network of trails, which we are voluntarily providing. The trails will traverse, but avoid, the natural areas. There will be a play area that, again, is not required, but will be provided. The applicant is providing a central pedestrian corridor.

In conclusion, the applicant agrees with staff's recommendations and findings, and has no requested changes to the conditions of approval at this time. There are many regional benefits associated with this project; environmental protections are consistent with the applicable City ordinances.

Alan Gervais, a neighbor from S. 10th Way indicated that he owns 35 acres along Gee Creek and has been fighting "this" situation for three years. He put together a signature card and collected 165 citizen signatures from people who want to protect this greenway. There will be 1,000 people in this proposed subdivision. East end of 10th way (County 259th to 15th Street to 45th Avenue) is a substandard road. It is barely safe today for normal traffic, police and school buses, when there are less than 25 houses along that road. He didn't see how adding an access road to a substandard road will improve that situation.

There is a major stream crossing proposed, yet he did not think that there was a SEPA process required. He also did not understand how what the City is proposing with respect to traffic in this area will work – it is one of the most unsafe stretches of road in the County. They need to do a traffic count before they make this decision, because it's a mile and a half long, it's not wide enough, and it's not safe for our children and their school buses.

Nancy Finn, a neighbor from on S. 10th Way reads her statement (Exhibit 17) expressing concern that the traffic from this development has not been addressed. She did not think that there has been an adequate traffic study... and was concerned about what will happen when the middle school moves to the high school. By putting up the maximum number of houses and new developments, is City staff considering what will be lost? Do we want to be the new Lake Oswego? I believe 200 homes is close to the maximum allowed for this property; the average price will be close to \$500,000. She was concerned about who is going to purchase these lots

Teresa Wanderer, a neighbor from S. 30th Place presented a letter for her husband and read it, and introduced it to the record. They have two main concerns. First, the traffic analyst for this project predicts an additional 2,000 motor vehicle trips per day. It estimates that only 15 percent of the traffic will travel east, which is too low, because it does not take into account traffic flow to and from the new I-5 on-ramp, the relocated middle school or the proposed new high school.

Second, they are concerned about who will be responsible for upgrading 10th street to Pioneer. She will no longer be able to walk along that road, unless something is done, once 2,000 cars begin entering and leaving this development.

Peter Zwingli, (see also Exhibit 9) was very concerned about the intersection of 1st Way/Reiman and Pioneer. He testified that when he was on the planning commission, the decision was made to use roundabouts to control traffic in Ridgefield whenever possible. A traffic signal violates that decision. It's a very steep intersection; the last thing one would want at that intersection is a red light. These are things that were decided by the a planning commission, that we did not want. That needs to be addressed. "We" deserve a decent and honest answer from the City planners as to why there isn't a roundabout. "We" can make a proper intersection here that matches the rest of the intersections.

This sharp curve (the 90° of 4th Way into S 25th Place) is such a violation of City code that he has no idea why it was even considered, let alone approved. The fact that the developer cannot get the property owner to sell his land is the developer's concern, not the City's. The road could continue east or be extended through the area to the east, although that would reduce the buildable area of the site and mean that the Kemper family would make less money. If it's not financially viable, that's too bad – no one is forcing "them" to develop this property.

With respect to stormwater he was concerned who is going to pay for it? The City clearly has no idea what the costs will be, and those improvements need to be contained within and paid for by the subdivision.

Moving on to fire protection, he was concerned that the City and fire department make a lot of promises about upholding their regulations, but they are often empty promises. The fire department needs to address this issue.

While on the planning commission, he heard many promises from developers, only to see them make an end-run around them, with respect to wastewater, tree protection and other issues. He wanted to know how the City intends to enforce the promises it extracts from the developer in this case.

The sad thing is that, in many ways, these meetings are a waste of time, because your minds have already been made up, and the hearings examiner is here only to ensure that the law isn't broken.

Joe Burton, a neighbor from on S. 10th Way agreed with those who thought that 10th Way cannot sustain any more traffic. If it can't be improved, he would like to see it barricaded at the development, so that there can be some safety on that road.

Heather Gordon, a neighbor who lives directly across the street from the proposed development was concerned about the negative effect the proposed development will have on my property value and quality of life. Should the development change hands, the new developer should be subject to any citywide architectural standards that may be in effect when they apply for building permits. Adding this condition to the conditions of approval will enhance the quality of development in Ridgefield.

She also asked that should the subdivision, or individual parcels within the subdivision, change hands, that the conditions of approval, particularly those respecting the open spaces, be enforced or subject to a review process.

Roy Garrison, a neighbor on S. 30th Place, kitty corner from the proposed development, was born and raised in this area and this road (10th way east) has been a bearcat forever. Traffic is a concern of all of the residents in this area. It appears that most of the proposed residences will be in the southern and eastern parts of the property. He has asked this question a couple of times, and heard tonight that it will take \$5-6 million to build the new bridge for 1st Way and he did not understand that, when you could spend \$3 million to improve the roads going out. That would create a bit of a peninsula, but it would make for a good road system.

Robert Maul, a resident who uses Reiman/Pioneer intersection was in general support of this subdivision, but had concerns about the proposed traffic signal at the intersection. He would hate to see no control go in there at all, if a traffic circle is not viable. Traffic there does need to be addressed. With respect to the trail network, he didn't see a condition requiring that to be done before final plat. He has found, as a planner in Battle Ground, that some of these gestures of goodwill tend to disappear once you get to the final stages of the project, so he believes a condition of approval requiring those recreational amenities is warranted. With respect to the sharp curve, he thought that there are other configurations that would work there, without impacting density overmuch.

Dory Lambert, representing an abutting owner the Johnson Family Trust corrected that the staff report refers to S. 21st Way, instead of S. 21st Place. The demands for traffic improvement discussed tonight are extreme. The applicant is building significant improvements. When she was a Ridgefield High School student, they traveled to the high school via 45th and Royal Ridge Road. It made sense then, and makes sense now. This will be a bedroom community, not a community that feeds a lot of workers into downtown Ridgefield. Pioneer has needed significant improvement for many years. The surrounding neighborhood is all farms and large parcels. She suggested that the Examiner require a significant buffer between the new development and the existing developments to preserve neighborhood character. She asked respect for the many long term residents who testified that evening.

Jim Sellers, whose letter is an Exhibit A to Exhibit 14, testified that he owns about 10 acres on the east side of the development and want to bring to the Examiner's attention that he has discussed access to the proposed development through their property with Mr. Bantz. Second, there is some probability that his wife and he will wind up living on this property. Given what Ridgefield development code requires, this is a fairly thoughtful development, even if it's not what many of the neighbors want to see here.

Bob Sawyer, a neighbor from on S. 10th Way indicated that his comments have been introduced to the record (Exhibit 12 and 15). On Page 19 of the staff report, they refer to Exhibit 8 which says that since the high school has not yet been approved, they didn't have to consider it in the traffic study. It will be across the street from the present high school. Actually, the new school is in the planning stages and they're talking about putting it on a new levy. This morning he talked to the Ridgefield superintendent of schools, who told him that the bond measure for the new high school will be voted on in the spring of 2008.

Second, as of right now, if you draw a line right down here though the middle of site, there are 106 sites on the west side, and 94 on all the east side. The density down in the southeast corner is pretty high. If you have 50% of the lots down in this SE corner and the traffic goes east to the roundabout, that's 1.6 miles. He assumed that most people will go that way. If you're going to the new high school and middle school from here, it's 2.1 miles. If you go the other way, starting right here, it's 3 miles going down Pioneer to the present high school, and it's 2.5 miles from the southern point. His point is, if you have that kind of density down here, most people will go to the SE to catch 45th Avenue, a thousand trips from this area – and so he questioned the distribution assumptions in the traffic study.

Don Finney, a neighbor from S 10th Way wanted to know whether the crossing of Gee Creek is that span a bridge, or a culvert and fill?

Mr. Birndorf responded that it would be a box culvert, 34 feet in length and 10 feet in height. It spans the creek – the creek will not be impacted in any way.

John Christianson, a neighbor from S. 25th Place referred to his memo (Exhibit 13). The responses he received indicated that the applicant was complying with existing law (Exhibit 14). There were a couple of points in his memo that were not addressed, however. The first has to do with density transfer – the code allows density to be transferred not only within the site, but to another site elsewhere. Why not transfer it somewhere else?

With respect to the collector, one of three exits from the development will have most of the traffic aimed right at his house. The applicant has offered to move it down to the edge of his property. In his note he asked for 4th Way to be extended into the development, to relieve some of that pressure. The surrounding properties are not developments – they're small properties that in his opinion will not be developed. He feels that these properties are being asked to carry an undue traffic burden and asked staff to consider moving the collector further into the development to relive that burden. He fully supports all of the issues raised tonight and asks the City of Ridgefield to represent their concerns, rather than the developers' concerns on the significant issues that have been raised tonight.

Patrick Earl lives right across the street from the proposed development and wanted to know why the City is allowing a 90-degree corner that breaks all the rules?

Jim Johnston, used to live on 21st for a long time and was concerned about the road. He did not want to be the person to hit one of the kids on their skateboards (referring to the steep connection to Pioneer). He was afraid there is going to be an accident and was concerned about the road going out to 45th. It would behoove the City to get this road straightened out and widened to 45th. As Roy Garrison said, why spend all this money when a simpler solution is available?

Clint Pickett, a neighbor from S. 10th Way, who owns the 10 acres across from the bottom of this subdivision and represents the partners who own the adjacent 10 acres. He approves of this subdivision but has concerns about the traffic – that is a very dangerous road. But they intend to develop the 20 acres. He is concerned about access to 45th and would like to see the City improve that road.

On rebuttal Mr. Crummett testified that with respect to the planning-related questions, first, when staff is presented with a project, their role isn't so much to redefine it – it is to review the project based on the City's land use laws and engineering standards. There are a lot of preliminary meetings and there are many projects where Staff says, absolutely not. That means that, once a project makes it to this point, there has been extensive review, so that may be why it seems that staff sides with developers. There have been a number of general comments about the way properties are developed, with respect to how properties look, lot size etc. Staff has no power to compel a developer to do something outside what the law requires – that's when lawsuits occur.

With respect to Mr. Gervais' comments about improvements over to 45th Ave., those are off-site street improvements. The traffic analysis looked at off-site improvements that should be done, but they did not come up in the traffic study. The signal at Pioneer and Riemann is being done by the applicant, but other off-site improvements were not raised in the traffic study. Second, a SEPA analysis was done for this project and a DNS was issued. Clark County Public Works said the intersections were in compliance with their concurrency standards. With respect to the comment about why the high school was not included in the traffic study, when those studies are prepared, they can't rely on projects that have not yet happened. There are a number of areas in Ridgefield that are being speculated on – typically, projects are only included if they have been approved. If the high school is approved, they will be required to do a traffic study and to mitigate for any traffic impacts. With respect to dumping on the site, raised by Ms. Finn, the archaeological study found no evidence of this. Any debris, trash or toxic chemicals discovered on the site must be removed by the applicant.

With respect to the question of a roundabout, rather than a traffic signal, at the intersection of Pioneer St. and Riemann Rd., the capital facilities plan and comprehensive plan don't indicate a roundabout there – they are referenced in the agreement between WSDOT and the City. He has never seen a proposed plan for a roundabout at this intersection. There will be at least one other traffic signal at 9th and Pioneer in the future.

With respect to the idea of a barricade at the end of 10th, he did not think that would be feasible, because the fire department would not want circulation to be limited.

Examiner (HE) indicated that two exits are typically required for a subdivision because of issues of fire and emergency vehicle access, but there are conditions of approval in other cases which specified removable bollards or gates that only emergency vehicles can open – a temporary solution until the rest of the road is improved. He did say that's warranted, but it is an option.

Mr. Crummett, continued that there were concerns raised about what might happen if the developer sells the project, what the subsequent homes might look like. The City does not have residential architectural standards at this time. There are some architectural standards along Pioneer and Hillhurst. Staff anticipates that architectural covenants will be in place in this subdivision, but that's outside the City's development and zoning code.

In response to a question from the Examiner, Mr. Crummett explained that the City is in the process of rewriting its development code and is discussing architectural standards for residences. It is unknown at this point if they will be included. With respect to Mr. Maul's comments about Riemann Rd., and whether that's a safe intersection, as it is conditioned, a signal is required and it looks as though some sight distance improvements will be necessary at that curve. Warning signs are another possibility. The intersection and all other engineering components will undergo a full City engineering review. Also, the State Highway Department will be reviewing the plans and has already expressed a number of concerns the applicant will be required to satisfy.

With respect to insuring that offered amenities are in fact provided he agreed and suggested that Condition C.1 receive an added sentence, "...including all trails and recreational facilities."

With respect to the issue about the fact that the improvements made for this development will transition to an unsafe County road, that will be addressed in the traffic analysis and during engineering review. With respect to Mr. Sellers' letter, in the record, he will receive access to his property, likely by an extension of Street A. Mr. Christianson has submitted multiple letters to the record and density is his main concern. He has questions about how the density transfer ordinances are being applied (Mr. Crummett has highlighted the relevant sections in Exhibit 14). He raised the issue of transferring density off-site. Code is very clear that density can be transferred legally as proposed by the applicant. The applicant has complied with the existing density transfer requirements, which is his vested right.

One condition – C2 – that needs to be modified. There is a \$660 per PM peak-hour trip figure quoted; staff needs to check and potentially recalculate that number. It may be closer to \$720, and will be addressed in the open record period.

Mr. Alexander stated that contrary to some of the testimony there have been four meetings with the applicant and their engineering staff which discussed almost all of these issues. With respect to the 90-degree corner issue, Staff did not want to create a four-way stop that would stop the free flow of traffic. On a temporary basis, Staff agreed to this curve, as long as it is designed to AASHTO standards. Staff agreed to a 55-degree radius for the curve and a speed of 15 mph – it is a collector and has to meet the City standards. "Temporary" means until they can acquire this property for right-of-way, or until that property is developed.

The Examiner asked what a permanent solution might look like.

Mr. Alexander explained that at some point, the City standard requires a 300-foot radius for that curve. With respect to the issue of a signal vs. a roundabout at the intersection of Riemann and Pioneer, WSDOT is very meticulous in reviewing the safety of their roads and will insist on a safe intersection.

Steve Hale, the City Engineer, interjected that during the design stages Staff reviews for City standards and can't design the project for the applicant. Staff can apply its standards, but can't tell them how to design the project. Staff reviewed the options the applicant came up with, and the best option was the one approved by Staff as a temporary solution. With the amount of traffic likely, there may be the basis for concern regarding more traffic safety analysis for the road to the east, but that is a county road, not a City road.

Mr. Christianson asked Staff when they encounter such an issue, do they ever just say no, because the applicant doesn't have the property they need to make the road safe? The report presumes that all of this area is going to be developed – he owns some of that property and have no intention of developing it.

Mr. Hale explained that Staff does say no. The option they came up with met the factor of safety Staff could approve. Even if this temporary improvement is in place for quite awhile, it still meets the applicable safety standards.

The Examiner explained that the question is whether the turn is safe and the engineering testimony is that it is safe. The real issue is, even if it is safe, is it allowed? The testimony we have heard is that, with a 55-foot radius and 15 mph speed limit, it is safe and because an exception has been filed, it has been approved by the Staff.

The hearings examiner requested applicant rebuttal.

On rebuttal Mr. Bantz agreed to abide by any architectural standards, if that is conditioned, as long as they are consistent citywide. He also agree to a condition that the project, whenever it is developed, will include the trail system and parks and will look substantially like the intent of this plan (see Condition A.1). Finally, the applicant did look into installing a roundabout at Pioneer and 21st, but the problem was topography. The street to be put in has to come in at a relatively flat alignment, but Pioneer slopes at about 7 percent. The east and west legs would be sloped. The applicant may be able to come up with enough area, but is concerned that it would not be adequately safe.

Chris Brehmer, the applicant's principal engineer for this project, clarified that the traffic study was prepared for a 213-unit subdivision, whereas 200 units are now proposed, so the actual traffic impacts from the development should be somewhat less than the figures quoted in the traffic study. With respect to construction traffic, this will be a phased project with construction access from the state highway. There was a lot of comment about the trip distribution; there is a memo in the record addressing that issue. It has been reviewed by both the City and the County. The applicant is comfortable with its accuracy, even with the new I-5 interchange being built to the south. The County requested a supplemental analysis and that was provided, looking at intersections to the south and east. That was developed and provided to the City. The applicant

did not find a crash history at those intersections. Based on the City and County concurrency requirements, it is not required to include the proposed high school.

There were comments about why build the bridge (to Pioneer) at all, why go to all this expense; the capital facility plan requires this east-west connection. The CFP did not require a roundabout at the intersection of Pioneer and Riemann, although it was considered – again, the 7 percent grade made that impractical because of the “slingshot” effect. That’s why the applicant proposed the signal option. The State does have concerns about sight distance and those concerns will be addressed. WSDOT not only supports the signal, they’re requiring it.

With respect to the skateboarder issue, there will be bike lanes and sidewalks, so there will be facilities if people choose to use them. There is no question that this project will be sending traffic to the east; however, with major improvements to the north. From a concurrency perspective, the applicant meets City and County requirements. There is no nexus to perspective to require that of the project.

The Examiner asked whether if the proposed trip distribution is off by half (there will be twice as many trips to the east), what effect will that have if it goes to 60 peak hour trips?

Mr. Brehmer replied that from a capacity perspective, in his opinion, the critical intersection will still meet the intersection level of service standard even if traffic doubles.

Mr. Birndorf concluded that the applicant’s representatives worked hard with staff to come up with a safe solution. It is an improvement over the current situation – it improves the existing radius and widens the lanes. It is a temporary solution and will be replaced when those abutting properties redevelop in the future. The burden of proof requires the applicant to show that the temporary solution proposed is safe and in their opinion, it can be designed safely. To relocate that road would deprive these properties to the west of access and would encounter wetlands, grade and other issues.

As a number of neighbors wanted to make additional points, the Examiner explained that this is not an informational meeting or a planning commission meeting. It is a quasi-judicial hearing. While there are members of the public who may feel their issues may not have been adequately addressed, the record will remain open for seven days to allow the public to submit any additional written comments. The applicant will then have seven days to respond, not counting Thanksgiving and Friday. If the applicant introduces new evidence, the cycle will begin again.

OPEN-RECORD PERIOD:

First Week – Neighbors and Agencies

Exhibit 19 Letter from James Sellers - Nov. 15, 2007

Mr. Sellers submitted a correction to the language that Mr. Bantz and he agreed upon, to wit:

"On or before the recording of the final plat, an easement or right-of-way for access and all utilities, which is of sufficient width for the two parcels hereinafter referenced, shall be provided through the plat, which is adequate in width to meet the requirements

for legal access for two homes (as required by the City of Ridgefield) to either one of those parcels that are Clark County Property Account Number 213789-000.0 (short legal #68, Section 20, Township 4 North Range 1 East of the Willamette Meridian) or 213743-000.0 (short legal #42, Section 20, Township 4 North Range 1 East of the Willamette Meridian)"

He asked that the Examiner insert this condition – See Condition C. 38

Exhibit 20 Email from Steve Hale, City Engineer - Nov. 15, 2007

The amount stated in Condition C.2. (page 25 of 27) needs to be corrected to read \$726.72. An attached work sheet and memo show how amount was calculated.

Exhibit 21 Email from Nancy Finn - Nov. 15, 2007

Ms. Finn repeated her request (presumably to Staff or Applicant) for a clarification or justification why on the traffic study for this development you they could not use the proposed new high school BUT were are allowed to make a temporary change in the road (90 degree turn) on the ASSUMPTION that the adjoining property WILL GET DEVELOPED. She thought that there was more likelihood the high school will be built before the neighbor will sell their property.

Exhibit 22 Email from Ailsa Crawford - Nov. 16, 2007

She inquired whether their property at 2382 Pioneer may be altered by the remodeling of the Reiman-Pioneer intersection since no mention of this was mentioned in the Kemper Subdivision report. (repeated essentially in Exhibit 28)

Exhibit 23 Letter from John Christianson - Nov. 18, 2007

Mr. Christianson restated three points:

- **Intersection at S 4th Way & S 25th Pl:** To address both safety and traffic load along the front of their property he again asked the city and the applicant to consider extending S 4th Way straight east into the Kemper property with the addition of a stop sign on 25th Pl where it intersects S 4th Way. This modification will have the dual benefit of reducing the traffic load from the Kemper development along the front of his property and improve the safety of this intersection. Per the City Engineer's analysis, the current proposal does not meet the design guidelines for a collector road and it is faulty for its presumption that the private property needed for the corner will be "developed" in the future and made available to the city. Such a scenario is unlikely due to the negative impact this large-radius corner will have on the corner property value. In any case, he objected to any proposal to install a large radius curve at this corner due to the negative impacts it would have on the value of his property and on road safety entering & exiting our driveway due to the resulting increase in traffic speed along the front of our house.
- **Road capacity & safety from Kemper property to S 45th Ave:** When asked by the hearing examiner to estimate the road capacity if the traffic loads were doubled, the

response of the applicant's engineer focused on the capacity of the intersection at S 45th Ave. His concern is the road safety between the proposed development and the intersection. Road improvements are required to make this road safer for more traffic. He requested that the City require a separate engineering study reexamine the safety issues and focus more attention on the road itself.

- He objected to generalization that abutting properties will be developed like the Kemper property.

Exhibit 24 Letter from Peter Zwingli - Nov. 19, 2007¹

Pioneer Street and Bertsinger Road Intersection:

- At the time the subdivisions north of Pioneer were developed, Reiman Road was not meant as the primary access route. Instead an east-west road paralleling Pioneer to the north was expected to be the main access road. The additional of a traffic light will create a choke point. Mr. Zwingli continues to reference unquoted and unreferenced Ridgefield planning directives call for roundabouts as the favored type of intersection.
- Mr. Zwingli questions Mr. Bantz's testimony that a roundabout was not feasible due to the 7% grade. He argues that when developers need to reduce grades in their developments earth is easily moved around. The traffic light is the easiest and cheapest way for the developer to control traffic at the intersection, but it is not the best solution for the community.
- Given the steep descent of Pioneer St. and curves, a traffic light at this intersection only magnifies the dangers by requiring that all traffic come to a complete stop for an prolonged period, causing potential backups not just on Pioneer, but also on Reiman Road and Bertsinger Road. A vehicle approaching down any of these roads towards the traffic light, given the curves and grade, risks an accident.
- The traffic control vision and standards the City established in 2004 should not be relaxed for the convenience of this proposed subdivision.

Section H 1 C: Parking along western edge of the proposed subdivision (S 21st)

- No parking is available along the side of this street now – nor has a need been demonstrated for this in the future.
- Creating parking on this road creates safety issues with parked cars along the road.

Section H-2

- The developer and the City proposed a sub-standard curve at S 4th and S 25th on a temporary basis. No definition of temporary was ever given. If the City continues to

¹ Echoing Mr. Christianson objection to the assumption that future abutting development will occur, Mr. Zwingli receives Mr., Christianson's endorsement of proposal for S 4th Way & S 25th PI described in the 5th bullet in the section titled "H2". This solution would address the road issues he raised in the comments he submitted earlier.

support this unacceptable option, they should provide an acceptable funding mechanism for correcting the curve in the future.

- The City and developer repeatedly stated that when (not if) the Peraza property is developed this curve would be corrected. This is based on the assumption that the Perazas will develop their property. Neither the City nor the developer offered any evidence that this is the case.²

Solution to the proposed sub-standard curve:

- Create a new through road (without houses lining the street to maintain traffic flow) from 4th to 10th to the east of S 25th. S 4th would be extended to the east, and curve southwards connecting with S 10th to the east of the grove of fir trees. Access to the existing properties on S 25th would be maintained by blocking S 25th at both ends to motorized traffic (leaving it open to pedestrian and bicycle traffic), and providing motor vehicle access to S 25th by way of an access road through the new subdivision from the new through road. This solution also avoids any environment impact to the areas around the intersection of S 25th and S 10th. This solution may cause a loss of lots for the developer, but this should not be a rationale in allowing such a major exception to street standard and safety requirements
- Ridgefield School Board has purchased the new school site and additional residential development will require more schools, but this is not considered while the assumption that the Peraza property will be developed without any evidence that this is actually the case.

Road capacity from proposed development east to S 45th.

- Allowing development to proceed without developing this series of roads will only create a problem in the future for which the tax payers of Ridgefield will be required to remedy (not the developer).
- Neither the developer nor the City clearly explained their rationale that almost all traffic from the subdivision will travel north instead of east. This, despite that fact that if traveled east instead of north the travel distance from half the home to I-5 is the same or less, and with fewer intersections.
- From the statements of the representative of the firm doing the traffic study, this assumption is based on his opinion, not fact.

Traffic studies in Ridgefield are highly questionable because they are done under contract between the traffic engineers and the developer, not the City. This should be considered a clear conflict of interest.³

On-street parking

- Given the small lot sizes in the proposed subdivision, on street parking may be an issue. A 5-minute drive through new subdivisions in Ridgefield with such small lots will find

² Interjecting some hearsay Mr. Zwingli asserts that in his communication with Mr. Peraza, he has never heard him state that he has plans to develop his property.

³ Mr. Zwingli argues that most of the traffic study done in 2001 for the northernmost development off to the east of Hillhurst Road were conducted on days when both the High and Middle schools did not hold classes. The City unfortunately chose to accept this report despite public objections.

roads lined with cars, commercial vehicles, boats, and trailers, causing safety issues and reducing the appeal of Ridgefield. Also, vehicles are often parked across sidewalks, which should never be tolerated. Any overnight parking on streets within the proposed subdivision not be allowed to maintain safety and maintain the appeal of the neighborhood.

Exhibit 25 Email from Nancy Finn - Nov. 20, 2007

She is offended by the assumption that the abutting neighbors will develop

Exhibit 26 Letter from Heather Gordon - Nov. 18, 2007

She was not clear on the City's response to her requests in Exhibit 18 (now resubmitted) and wanted to add one additional point that she did not buy her three acre property with an eye to develop it in the future. Not everyone owns land in order to sell it or build houses on it.

Exhibit 27 Letter from David Jardin, Clark County Design & Engineering Services - Nov. 20, 2007 to Stephen Hale.

The letter states that Clark County has reviewed the concern raised at the Kemper Subdivision Public Hearing last week as it specifically dealt with the road width adequacy of S 10th Way, S 35th Place and S 15th Street to handle the additional traffic from the proposed subdivision. These roadways are classified as Urban Collectors (C-2) as identified in the County's adopted Arterial Atlas. Review of road width was not a part of the County's Concurrency review. Typically, road width standards are reviewed and enforced by the County's Community Development Engineering Services.

County Staff has further reviewed the transportation information, submitted by the applicant. This information did not show the road widths for facilities under County jurisdiction. Thus, the applicant has not shown compliance with the Clark County code, which states:

40.350.030 (B)(6) — Off Site Improvements

b. Requirements for Off-Site Access Road Improvements. All roads providing access to parcels being developed, whether such roads are to be public or private, shall at a minimum:

(1) Within the urban area have an unobstructed and paved roadway width of twenty (20) feet, except in those cases where the pre-existing road is eighteen (18) feet wide with one (1) foot wide shoulders, additional widening to the twenty (20) foot standard is not necessary. Any preexisting roadway narrower than eighteen (18) feet with one (1) foot shoulders shall be widened to the full twenty (20) foot standard.

Because the applicant has not shown compliance with code requirements, the County would recommend that conditions be added, which state:

1. The applicant shall submit construction plans to resolve deficiencies in roadway widths on S 10th Way, S 35th Place and S 15th Street and maintain all existing appurtenances (i.e. pedestrian facilities, roadway drainage, etc.). These construction plans shall

comply with Clark County Code Section 40.350.030 (B)(6)(b)(1). The construction plans shall include signing, striping and all related features. These plans shall be submitted to the County for review and approval prior to approval of any construction permit.

a. The applicant shall submit a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or site plan approval.

2. The applicant shall construct asphalt surfaces, as approved, to resolve deficiencies in roadway widths on S 10th Way, S 35th Place and S 15th Street and maintain all existing appurtenances (i.e. pedestrian facilities, roadway drainage, etc.). This construction shall include all related features. This construction shall be completed prior to the approval of the final plat, unless modified by the Public Works Director.

Exhibit 28 Email from Ailsa Crawford - Nov. 20, 2007

Following comments in Exhibit 22 Ms. Crawford asked that were a change in the placement of our driveway to be made, we would be very concerned about our safe access to Pioneer St. I would hope that an opportunity to comment further on the intersection would be available when plans for it are more clear.

Exhibit 29 Letter and Photo from Bob Sawyer - Nov. 20, 2007

Issue 1 - The applicant pointed out the buffer area (7,500 or larger lots) on the west side of the subdivision, shouldn't that buffer area also include the far south and east side of the subdivision. There is just as big a disparity between the existing homes on large acreage and the subdivision on those sides as in the west. He is requesting that the buffer area be extended to the south and east sides of the subdivision per the existing code.

Issue 2 - The applicant agreed to take the expanded right-of way out of the Kemper property. The drawing of the subdivision needs to be changed to reflect that because it will effect the lot configuration and sizes. That should to be done before final approval?

Issue 3 - The applicant indicated that all houses would face toward the internal streets. For safety reasons a fence should be constructed around the subdivision where house sites exist (lots) to keep kids that generally are playing in the backyard of homes from running into the road or driveway.

Issue 4 - The planned solution for the intersection at S.4th Way and S. 25th Pl. is questionable! The applicant and the City Engineer are proposing on a temporary basis, a curve with the minimum centerline radius of 55-feet and proper signage for reduced speed to 15 miles per hour is provided. The temporary curve shall also meet all AASHTO design criteria, including super elevation requirements.

The applicant says this is a result of right-of-way being unavailable from the property owner to the southwest. (Alex and Sheila Peraza) The applicant suggests that when the properties

to the south and west redevelop, the roadway curve could potentially be realigned with a larger radius curve. The Peraza's and other property owners have no intention of developing in the next 5-10 year time frame at a minimum, if ever. If the city is going to give an exemption make it permanent. The Peraza's need to be able to sell their home without the buyer having to rebuild this curve. This most likely would reduce the price that a developer or any other buyer would offer. This is being done at the expense of the Peraza's.

Issue 5 - The traffic engineer for the applicant didn't respond to most of his November 14, 2007 submittal; which challenged the conclusions of the existing traffic study. It appears that approximately 100 lots or more would use the I street and S 10th Way entry into the subdivision. It would be reasonable to expect that as high 800 to 1200 trips would go east.

The big safety factor is the road out to 45th. It should at least have a yellow stripe/line down the middle and be widened using existing right-of-way. Attached is picture where the school bus broke down on 35th St on Friday 11/16/07 showing what a narrow road this is.⁴

The attached picture with a school bus indicates that a school bus blocks the other lane of traffic.

Exhibit 30 Email from Karen Beall - Nov. 20, 2007

First, she did not understand why the traffic report does not include the traffic that will be generated by the new high school, given that concurrency does not allow the subdivision to be built without the schools that are included in the school district's comprehensive plan.

Second, a natural vegetative buffer that screens the subdivision from view be required around the entire perimeter of the subdivision. Although this may not be required by code - a buffer can help reduce current as well as future conflicts between these different desires.

Exhibit 31 Email from Joe Burton - Nov. 20, 2007

Without necessary alterations to the current proposal, the result of the development will be a traffic nightmare on the roads east of the property. Roads which are already unsafe will become dangerous. I am currently a real estate professional, but I am a degreed civil engineer and have studied traffic.

He has spoken with Richard Gamble (397-2375 ext 4385) of Clark County public works regarding the eastern access to and from the proposed development on S. 15th and 10th Way. The road has a "collector" designation which requires a 20 foot minimum pavement width.⁵

He also took issue with his understanding that the traffic flows were modeled from developments north of Pioneer. Of course most of the traffic from those developments route through Pioneer,

⁴ Mr. Sawyer suggests that the Examiner call Art Edgerly, Superintendent of Schools for Ridgefield, WA 11/14/07. The Examiner does not talk to witnesses outside the hearing or through the open record. It is up to parties to present evidence.

⁵ He references submittal from Clark County Concurrency which gives the required dimensions and proposes conditions - See Exhibit 27.

as there are no main destinations to the north. Most traffic destinations from this area are towards Vancouver. From the Kemper property, especially from 10th Way exiting the planned development, going eastbound on 10th is a very attractive option. It would be more accurate to survey residents in the area to obtain a basis for predicting future traffic flows. Even with the proposed road improvements to the west, he will still travel east unless going into downtown Ridgefield which is only about one in ten trips and all future residents of the southeast portion of the development will do the same, resulting in far higher traffic counts on those roads than predicted. As many as 2/3 of the new trips will travel east, for which no improvements are planned

At the hearing he proposed a barricade at the end of the development. The city rebuttal is that the Fire District would not allow it. On the contrary, Larry Bartell at the local Fire District told him that the installation of a "knox box" on the barricade would fulfill their needs. Final fire district approval would be with Tim Dawdy who is away on vacation this week. (See Tim Dowdy's contrary response in Exhibit 38)

Exhibit 32 Email from John Finn - Nov. 21, 2007

- At the proposed 90 degree corner, why would it not be built meeting current city standards the first time? The thought that the current owner will sell is not a given, would the road then never meet city standards? In doing this the current owner's property in essence has been reduced in value by the city it would seem.
- From the new collector off the state highway, currently Bertsinger, to the intersection of 15th and 45th. The road is the concern not the intersections, 10th and 15th are both too narrow for opposing traffic to pass without someone pulling over to allow the other to proceed. If the city assumes some one will sell there property, then can I assume the schools will be built?
- As this property is being developed, how will construction traffic enter? Will 110,000 lb. trucks be driving up and down 10th way bringing in materials? Will they park on the highway? How does the city propose to handle this on these narrow roads.
- If the trucks do come in on this route, who will pay for road repairs when they are done?
- Will the city of Ridgefield guarantee the development will be built as proposed at the meeting in its entirety?

Exhibit 33 Letter from Donna Quail & Peggy Quail - Nov. 21, 2007

Echoed the safety concerns of our neighbors:

1. The intersection of Pioneer and Bertsinger: Based on daily personal experience and observation, motorists, both East and West, are going at a considerable speed at this spot in the road. The city should adopt a roundabout at this intersection as both a traffic calmer and for its aesthetic continuity. It seems reasonable at this early planning stage, that engineering departments of Developer, City or WSDOT could find an alternative to a signal light that would maximize flow and safety.
2. The right angle turn at S. 10th Way and 25th Pl: Again, from observation and experience on a daily basis, this is a dangerous turn in the road. The use of the term "temporary" for that corner in the current development plan seems misleading and disingenuous as neither developer or city staff was willing or perhaps unable to give a definition.
3. Streets, 10th and 15th: Traffic analysis put forth that 15% of trips would exit the

neighborhood via these routes. Again, as daily drivers on these roads, experience tells us this couldn't possibly be an accurate assessment.

4. Realizing that these are currently county roads, this leaves the city outside the scope of responsibility at this time. It would seem wise for both the city and developer to consider these pending changes and explore the possibilities of what could be done now to ensure maximum safety for current and future residents.

Exhibit 34 Email from Steve Hale, P.E., City Engineer - Nov. 21, 2007

Conditions B.2 require that condition b. of this section be replaced and additions of d. e. f. and g. to clarify and transfer all the "Engineering Review Comments" (Pg. 12 through 16 of Staff Report) to conditions as follows:

B.2.

a. (No change)

b. (delete and replace) The proposed modifications to the City's standard collector section as shown on the preliminary plans may be designed as shown for section AA and section BB as shown within the areas of environmental and topographical constraints only. The remaining portion of the Collector commencing on approach to the frontage of lot 8 shall meet the City's standard Collector section per City Detail T-2.5, or a partial section thereof. The existing roadway is within a 30-foot right-of-way and will require a minimum of an additional 20 feet of dedication to meet the 35-foot half width right-of-way requirement for the Collector. Where the Collector abuts along the project boundaries, the minimum partial section shall have a 35-foot paved width, 6-foot planter strip and 6-foot sidewalk within a minimum of 50 feet of right-of-way (30' existing plus 20' dedication). The design of the collector street shall maintain a consistent centerline throughout the extent of the improvement. Within areas of topographic constraints as determined by the city engineer upon final design, the design speed for the collector may be reduced to 30 MPH west of the intersection of 4th Way and 25th Place. The 90 degree curve located at the intersection of 4th Way and 25th Place shall be designed to AASHTO design criteria, including superelevation requirements to meet a minimum design speed of 15 MPH and shall have a minimum centerline radius of 55-feet. Proper signage for the reduced speed shall be required.

c. (No change)

d. A note on the plat shall state, "No vehicular access (driveways) shall be allowed to lots abutting the Collector Street."

e. All sidewalks and landscaping along the Collector street shall be installed with the development of this subdivision.

f. A temporary turnaround meeting both City and Fire standards must be installed at the east end (lots 110 & 111) of Street 'F'.

g. A 30-foot access and utility easement shall be provided for a future private road from the nearest public street ("Street C") to Tax Lot 213743-000.

Exhibit 35 Undated note from Debbie Raffolson – received Nov. 21, 2007

The note objects to small lots and possible taking of a neighbor's property.

OPEN RECORD PERIOD - Applicant's Rebuttal (Second Week)

36. Rebuttal Letter from MGH Engineering – Michael Birndorf and Derek McCurdy PE, Nov. 30, 2007

Issue #1 – S. 10th Way, S. 35th Place, and S. 15th Off-Site Road Adequacy

In response to comments in Exhibits 23, 24, 27, 28, 29, 31, 32, and 33).

As to the letter from Clark County dated November 20th, 2007 (Exhibit 27) recommending a condition of approval for widening these off-site County roadways. The County's suggested condition is open-ended and has the potential to result in substantial off-site improvements that could include rebuilding approximately one mile of off-site roads from the eastern boundary of the subject site to S. 45th Avenue. Additionally, these potential improvements would far exceed the impacts from the development.

As documented in the applicant's traffic impact study and concurred with by both the City of Ridgefield and Clark County Engineering staff, the traffic study trip distribution estimates that only 15% of the site generated trips will utilize these off-site roadways. These roadways will be improved in conjunction with future development of the properties fronting the respective roadways. Similar to the Kemper project, re-development of properties along the roadway will necessitate half-street frontage improvement requirements.

Based on the foregoing, the applicant requests that the hearings officer not adopt a condition requiring off-site road improvements. If the hearings officer chooses to condition the project with improving the off-site roads, the applicant requests that the County's recommended condition be reworded as follows, so that the scope of the condition is specifically limited to widening the existing roadway as stated in the referenced County Code section 40.350.030 (B)(6)(b)(1). The applicant further requests the option of constructing a barricade at the site access as an alternative to said improvements and having the option to phase the timing of such improvements.

Suggested Modifications:

1. The applicant shall submit construction plans to resolve deficiencies in roadway widths on S. 10th Way, S. 25th Place, and S. 15th Street and maintain all existing appurtenances (i.e. pedestrian facilities, roadway drainage, etc.). These construction plans shall comply with Clark County Code Section 40.350.030 (B)(6)(b)(1). The construction plans shall including signing, striping, and related features. These plans shall be submitted to the County for review and approval prior to approval of any construction permit.

- a. *The applicant shall submit a reimbursable work order, authorizing County Road Operations to perform any signing and striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or site plan approval.*
- b. *The applicant shall construct asphalt surfaces, as approved, to resolve deficiencies in roadway widths on S. 10th Way, S. 35th Place, and S. 15th Street and maintain all existing appurtenances (i.e. pedestrian facilities, roadway drainage, etc.). The*

construction shall be limited to adding to the existing asphalt surface to create a total width of 20-feet in cases where the pre-existing roadway is narrower than 18-feet with 1-foot shoulders. The required improvements specifically exclude re-building or re-surfacing the entire roadway and/or re-construction of the roadway to modify or expand existing centerline curve radii. This construction shall be completed prior to the approval of the final plat, unless modified by the Public Works Director.

- 2. If the project is phased, a maximum of 36 dwelling units within the first phase of the subdivision (north of S. 4th Way) can be occupied prior to providing the above listed improvements.*
- 3. As an alternative to providing the above the listed improvement, the applicant may construct a gate that prevents vehicles, other than emergency vehicles, from accessing S. 10th Way east of the subject property, provided all requirements of the Fire Marshal are met.*

Issue #2: Pioneer Street/N. Reiman Road Roundabout Request

Exhibits #24 and #33 request the applicant consider a roundabout at the intersection in lieu of signalization.

There is no basis for requiring a roundabout at this intersection. It is not identified in the City's Transportation Capital Facilities Plan or in the City's agreement with WSDOT. No traffic control was anticipated at this intersection. The existing agreement between WSDOT and the City of Ridgefield dated April 30, 2004 states that "future location of traffic signals on SR 501, when warranted, will be at Main Street, 9th Avenue, North Reiman Road, vicinity of 35th Place, 45th Avenue, and 51st Avenue", and further states that "roundabouts may be installed in the SR 501 corridor in lieu of signals at 35th Place, 45th Avenue and 51st Avenue". The Ridgefield City Council has only adopted the requirement for a roundabout at 45th Avenue. A roundabout at the Reiman Road intersection was not determined to be an option for that location.

In addition to not being part of an approved plan, installation of a roundabout at this location is not feasible based on existing environmental and topographic constraints and a lack of available right-of-way. The additional width required to construct a roundabout would impact approximately 5,000 square feet of wetland areas on the south side of Pioneer Road and would result in the need to acquire additional right-of-way from off-site properties to the north of Pioneer Road. The existing Pioneer/Reiman Road intersection has a slope gradient of 7%, which does not meet WSDOT safety standards. The WSDOT guideline for the maximum gradient for a roundabout is 4%. Significant slopes through a roundabout can cause uneven speed distributions, as a vehicle is alternately going uphill and downhill while circulating around the roundabout, causing an unsafe condition. The purpose of a roundabout is to get speeds down and more uniform.

As described in the attached letter from Kittelson and Associates, the installation of a traffic signal at the intersection and associated improvements allows the intersection to meet the adopted WSDOT intersection operating/capacity requirements while providing for safe and efficient operations.

Issue #3: Collector Street Alignment & 4th Way and 25th Place Intersection Safety

Several comments from the public questioned the alignment of the proposed Collector Street, as well as the safety of the 90-degree intersection of 4th Way and 25th Place (see Exhibits 23, 24, 29, 30, 32, 33).

It was suggested that the Collector road could be relocated by extending 4th Way to the east and curving the roadway southwards to reconnect to S. 25th Place or S. 10th Way, eliminating the need to design the Collector with a 55-foot centerline curve radius curve. Relocating the Collector would violate the City's Transportation Capital Facilities Plan, which specifically identifies the Collector Road alignment as the existing S. 25th Place, S. 4th Way and S. 21st Way. The proposed alignment of the Collector road is in conformance with the Capital Facilities Plan.

Furthermore, existing conditions, including right-of-way, and design issues impose a significant economic hardship on the applicant that precludes the applicant from re-aligning the Collector and meeting the 300-foot centerline curve radius requirement. This was discussed with staff and both parties agreed that it wasn't practical. Relocating the proposed Collector within the site would effectively result in the requirement for two parallel Collector roads. The existing S. 25th Place and S. 10th Way adjacent to the Kemper site are all classified as Collectors; therefore, the applicant would still have had to improve them to meet the Collector street standard. Additional access roads would be required so that any of the properties along the "existing" Collector could safely access the "new" Collector. In the case of both roads, any new proposed lots located adjacent to the Collectors would not be allowed to have "driveway access" directly to the Collectors per City Code. This creates significant design issues for a single-family residential subdivision, since each lot must have an individual driveway with off-street parking. This is an unnecessary duplication of roadways, resulting in a series of double frontage lots, at significant additional costs.

The costs associated with relocating the Collector roadway by extending 4th Way to the east and curving the roadway southwards to reconnect to S. 25th Place would be substantial and would require a complete re-design of the project. At a minimum, 10 lots would be lost and 12 additional lots would back onto a Collector that did not previously, open space would be removed, significantly diminishing the value of the adjacent lots.

Extending the Collector into the site with a 300-foot curve radius would result in the need to construct a minimum of an additional 1,034 linear feet of Collector roadway at an estimated cost of approximately \$330,000 (See attached cost estimate: Attachment B). The estimated cost in lost income of removing the 10 lots and diminishing the value of the other 12 lots would be approximately \$1,550,000. This is based on an estimated value of \$125,000 per lot and a reduction in value of \$25,000 for each double frontage lot. Therefore, the total estimated financial loss to the applicant would be \$1,880,000.

The intersection of 4th Way and 25th Place can be safely designed as a Collector based on AASHTO design standards utilizing a 55-foot centerline curve radius, 15 mph design speed, and proper signage for the reduced speed. Regardless of how long this improvement remains in place, no substantial evidence has been submitted into the record to refute the safety of this intersection using these design parameters. The applicant has prepared an exhibit, which further demonstrates that the curve, and associated improvements, can be designed to meet AASHTO requirements and provide safe sight distance based on a 15 mph design speed (see Sight Distance Exhibit: Attachment C). The sight distance requirement for a 15 mph design

peed per AASHTO standards is 170 feet (2004 AASHTO Design Manual-Chapter 9 Exhibit 9-55). There are currently two existing driveways in the proximity of the curve that access the Collector. Both access points are associated with one circular driveway that provides redundant access to Tax Lot 213504-000. The driveway access on S. 4th Way could remain and the southern most driveway access on S. 25th Place for this tax lot, which is not needed, would have to be closed or re-located further south to insure that adequate sight distance is met.

37. Rebuttal Letter from Kittelson Assoc - Sagar Onta PE and Chris Bremer PE – Nov. 29, 2007 – with sight line exhibit for S 4th Way and S 25th Place

Three traffic related issues are discussed below that Kittelson staff addressed for the project through the transportation impact study and public hearing testimony.

Issue #1 – Distribution of Site-generated trips to S 10th Way, S 35th Place, and S 15th Street Road

Some of the public comments indicate continued concern as to the basis for the assumed trip distribution pattern (refer to Exhibits 24, 28, 31, and 33). As stated on page 14 of the July 20, 2007 Kemper Subdivision Transportation Impact Study, the distribution pattern was based on review of existing turn movement patterns at the study intersections and a select zone analysis obtained for the site. The distribution pattern and trip assignment was accepted by technical reviewers at the City of Ridgefield, Clark County, and the Washington State Department of Transportation (WSDOT).

Regional Travel Demand Model Data

The select zone analysis referenced in the July 2007 impact study was prepared by the Southwest Washington Regional Transportation Council (RTC) and reflects the origins and destinations of trips from the site vicinity on a regional level. The select zone analysis was prepared by RTC for two periods – year 2000 near-term conditions and year 2030 long-term conditions assuming build-out of the comprehensive plan.

Near-term Model Predictions

The near-term modeling prepared by RTC predicts that an average of 8 percent of the weekday p.m. peak hour site-generated trips will travel to the site via S 10th Way, S 35th Place, and S 15th Street.

Long-term Model Predictions

The long-term year 2030 RTC modeling assumes build-out of the Comprehensive Plan, including new roadway connections to and over Interstate 5 to the north, east, and south. The RTC year 2030 model predicts an average of 20 percent of the weekday p.m. peak hour site-generated trips will travel on S 10th Way, S 35th Place, and S 15th Street. For the purposes of this study, the year 2030 modeling data was not used because many of the infrastructure projects assumed in the model will not be constructed by the time the site is developed.

Existing Traffic Counts

The existing turn movement counts at the N Reiman Road/Pioneer Street intersection were reviewed given that they reflect residential trip patterns to and from the study area. The existing traffic counts are generally consistent with the 22 percent of trips assumed to travel west of N Reiman Road along Pioneer Street in the July 2007 study.

Application to the Kemper Project

The modeling data provided by RTC and the existing traffic counts clearly indicate that the majority of trips to and from the site will travel to the east. The traffic study trip distribution pattern reflects this assumption, with 75 percent of the site-generated trips assigned to the east.

The assignment of 15 percent of the site-generated trips to S 10th Way, S 35th Place, and S 15th Street is nearly double that predicted by the near-term RTC modeling data (8 percent); however, the transportation impact study recognized that some drivers will use the roadways given the location of the school facilities to the south as well as the new interchange under construction on Interstate 5 to the south. The propensity to travel to new schools to the south and the interchange is discussed in further detail in the November 6, 2007 response letter submitted by Kittelson & Associates, Inc. to the record of this project.

Based on the available data and review by the affected jurisdictions, the assumed trip distribution pattern and trip assignment is reasonable and appropriate. No changes are needed to respond to public comments raised at the hearings.

Issue #2– Pioneer Street/N Reiman Road-S 1st Way Intersection Mitigation

Installation of a traffic signal is proposed at the Pioneer Street/N Reiman Road-S 1st Way intersection in conjunction with site development. Traffic signal warrants are predicted to be met at the intersection prior to site development as documented in the July 2007 Kemper Subdivision Transportation Impact Study. Signalization of the intersection is proposed in conjunction with site development and will include widening to accommodate a new westbound left-turn lane and the new south leg of the intersection. Roadway widening and slope reconstruction will also be required east of the intersection to accommodate adequate sight distance approach the signal from the east (as required by proposed Condition of Approval #7).

Exhibits #24 and #33 request that further consideration of a roundabout be made at the intersection in lieu of signalization.

As indicated in Kittelson staff's testimony at the public hearing for the project, installation of a roundabout was considered from a feasibility perspective and was rejected in large part based on roadway and intersection grade considerations.

Installation of a traffic signal at the intersection in conjunction with provision of appropriate sight distance and signage allows the intersection to meet the adopted WSDOT intersection operating/capacity requirements while providing for safe and efficient operations. As such, the proposed signalization is reasonable and appropriate.

Issue #3 – In-process Development

Public comments continue to question the basis for not accounting for future school related trips as part of the July 2007 Kemper Subdivision in-process traffic (refer to Exhibits #24, 25, 30).

As indicated in Kittelson staff's testimony at the public hearing for the project, the future Ridgefield school district buildings to the south are not approved for development and thus are not to be included in the transportation impact study per City, County, and WSDOT concurrency review requirements. The impact of future school related trips will be considered as part of the land use application for the school facilities.

While trips related to future school facilities were not included in the July 2007 Kemper Subdivision in-process traffic, Kemper Subdivision site-generated trips were assigned to and from the area of the future school buildings recognizing that some future residents of the proposed subdivision would likely travel to the existing and future school facilities to the south.

38. Letter from Michael Simon, Applicant's Attorney with Exhibits from Fire District 12 and Clark County Concurrency – Nov. 30, 2007

Submitted as attachments letters from Clark County dated November 29⁶ and the Clark County Fire District dated November 27, 2007 (see below) with which the applicant agreed to comply. Mr. Simon objected to the City's attempt to submit additional testimony dealing with the intersection of 4th Way and 25th Place on the basis that nothing new has been offered by the public since the hearing date. Curiously, as it relates to this intersection, on November 21, 2007, Exhibit 34 was submitted by the City through its engineer, Stephen Hale. In that letter, Mr. Hale reiterated his approval of the submitted design at 4th Way and 25th Place.

The November 21, 2007 letter, Exhibit 34⁷, should be the last exhibit allowed to be submitted by the City of Ridgefield. Any other comments by the City after November 21st should be rejected.

Clark County Fire District 12, made the following comments (Nov. 27, 2007):

Roads

- The Intersection of Bertsinger Road and Pioneer Street will require a major traffic revision to safely accommodate fire apparatus.
- The Fire Chief must approve any traffic-calming devices. Any blockage of South 10th way will not be allowed. (IFC 503.2.2- 503.4)
- The builder should plan for minimum 20-foot road widths on any "Fire Access Road" in or leading up to this project. The roads must allow easy access for the Fire District engines and aerial ladder truck. The ladder truck is 39 feet long and requires a clear area 20 feet wide to deploy its ladder outriggers. (IFC 503.2.1)
- Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so to provide all weather driving

⁶ David Jordin, Clark County Concurrency Engineer (Nov. 29, 2007) acknowledged the possibility of a phasing plan that could be suggested by the applicant. At such time the applicant introduces a phasing plan for the Kemper Subdivision, in a subsequent review, County Staff would reconsider the timing of the suggested conditions of approval.

⁷ The last recorded comment is Exhibit 35, a handwritten comment from Debbie Raffolson (see above)

capabilities. (IFC 503.2.3)

39. Letter from Sam Crummett's letter to HE requesting permission for further City Comment – Nov. 30, 2007.

By this letter, this City is requesting the record to be reopened for the City to submit a letter that addresses new information that concerns public health and safety. Clark County Fire District 12 and Clark County Public Works have also submitted letters concerning public health and safety and the City is requesting these letters to be also included into the record (See above).

40. Email from Examiner to Mr. Crummett and Simon in response to Ex. 38 and 37.

After noting that Mr. Hale (city Engineer) had already commented on November 21, 2007, HE observed that there was nothing factually different from the neighbors in the open record period that has not been raised before. The City provides no basis for reopening the record on its behalf, unless the City is arguing that it has made an error of law which affects public health and safety. If the City has made an error of law, and explains the error, then HE would be inclined to allow the City an immediate chance (24 hrs) to submit an exhibit which clarifies and rectifies such an error. The applicant would have adequate time to respond. That would be more efficient then dealing with this on appeal; however the City needs to be more forthcoming about the basis for their request.

41. Mr. Crummett via e-mail indicated that an error of law had in fact been committed and submitted Exhibit 42.

42. Memo from City Engineer, Steven Hale, Dated Nov 29, 2007

The City has revisited all available applicable materials and submits the following responses to applicable public comments as follows:

1. Exhibit #31 – This commenter suggested that a *"barricade be installed on 10th Way blocking new residents of the development from going east, or the roads to the east will need to be improved"*.

Response –City Engineer and Clark County Fire District No. 12 have reviewed the proposal of a barricade across this City Collector road and determined that it would not meet safety response or traffic circulation needs. However per Exhibit #27, Clark County Comments, the City generally concurs with the County's recommended conditions which would require that the roadway widths on S 10th Way, S 35th Place and S 15th Street be improved to a minimum roadway width of 20-feet, either with an 18-foot paved section with 2-foot of gravel shoulder or with 20-feet of paved width. The City requests that the county's recommended conditions be revised to require a minimum of a 20-foot wide paved width.

2. Exhibit #24 and others – *Many of the comments questioned the approval of the modification to the minimum centerline curve radius for a collector from 300-feet to a minimum of 55-feet at the 90 degree curve located at 4th Way and 25th Place. Both safety and input that other design options are available that would meet the city collector requirements were identified as public concerns.*

Response – Per City request – the City accepts applicant's justification for this modification as discussed in Exhibit 43.

3. *Exhibit #24 – Mr. Zwingli indicated in his comments that a roundabout was not adequately considered and that a roundabout was the favored type of intersection for the Reiman Road/SR 501 intersection.*

Response: There is an agreement between the Washington State Department of Transportation (WSDOT) and the City of Ridgefield dated April 30, 2004, that establishes and states that "future location of traffic signals on SR 501, when warranted, will be at Main Street, 9th Avenue, North Reiman Road, vicinity of 35th Place, 45th Avenue, and 51st avenue", and goes on to mutually agree that "roundabouts may be installed in the SR 501 corridor in lieu of signals at 35th Place, 45th Avenue and 51st Avenue". City Council has only adopted the requirement for a roundabout at 45th Avenue. A roundabout at the Reiman Road intersection was not agreed as an option for that location. This agreement, the existing topographical and environmental constraints adjacent to the proposed intersection, and the lack of anticipated intersection control at this location in the city's current transportation CFP and the associated lack of city participation make this an unjustifiable request.

4. *There were additional comments referring to questions as to why the proposed new Ridgefield High School could not be considered in the traffic study.*

Response: The proposed new school property site has not been annexed into the city and therefore is not yet within the City's inventory of developable/zoned parcels. Therefore it can not be considered in present studies on the assumption that it will or may soon be developed.

5. *Comments to review of distribution of applicants' traffic study.*

Response: City Staff had independent reviews of the traffic study completed by the city's consulting traffic engineer and Clark County Transportation/Concurrency staff. Both parties approved the methodology and results of the study.

43. Applicant's Final rebuttal - Dec 6, 2007 from Michael Birndorf.

There apparently was misunderstanding, now resolved regarding the criteria for approval of the proposed reduced radius curve at the intersection of 4th Way and 25th which have been met. The misunderstanding occurred because the City's November 29th, 2007 letter was issued without the benefit of having reviewed the information provided in the applicant's November 30th, 2007 letter. This letter demonstrated compliance with the modification criteria in response to public comments related to the road alignment and intersection design.

City Engineering Staff was able to review the applicant's letter on December 4th, 2007 along with a letter from the applicant's traffic engineer (Attachment A: Letter from Kittelson & Associates) re-confirming that the proposed design complies with AASHTO standards.⁸ After

⁸ Based on the American Association of State and Highway Transportation Officials (AASHTO) Green Book Equation 3-10 (minimum radius) and a Friction Factor of 0.32 (Exhibit 3-15), a 55-foot radius would result in a calculated speed of 16.7 miles per hour (MPH). Calculated in reverse assuming a 15 MPH speed, a friction factor of 0.32, and a 2 percent superelevation (normal crown), the resultant minimum radius is 44 feet. Accordingly, from an AASHTO perspective, the speed through the proposed corner should be 15-16 MPH.

reviewing this information, Staff concurred with the applicant that the proposal complies with the modification criteria of the *City's Engineering Standards for Public Works Construction Volume 1, Section 1.16 (D)*. Modification criteria #2 and #3 are met with this request. Specifically, right-of-way and design issues impose an undue economic hardship that precludes the applicant from meeting the standard for providing a full radius curve and an alternative design is available that achieves the same objectives and does not compromise public safety or accessibility. The applicant is not relying on the potential temporary nature of the curve as the basis for approval of the reduced radius.

Now that the misunderstanding has been resolved, Staff prepared the attached letter dated December 6th, 2007 (see Attachment B: Letter from City Staff). The City's letter rescinds the language contained in item #2 of Staff's November 29th, 2007 letter to the hearings officer and reinstates the proposed condition of approval outlined in Exhibit 34 allowing the reduced radius curve.⁹

The record was closed on December 7th with the receipt of the last exhibit.

FINDINGS

The Hearing Examiner adopts as his own and incorporates by reference the findings and conclusions contained in the November 8, 2007 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

The site-access driveway design proposed for the property on the southwest corner of the turn appears to meet both the AASHTO intersection sight distance requirement (170 feet for a left-turn exiting the residence on the southwest corner) and stopping sight distance requirement (80 feet) for a 15 MPH assumed speed on the major street approaches.

The Manual on Uniform Traffic Control Devices (MUTCD) would allow for installation of a W1-1 (horizontal alignment turn) warning sign (Section 2C.06 of the MUTCD) and a 15 MPH advisory speed plaque (W13-1) (Section 2C.46 of the MUTCD) approaching the turn. The MUTCD allows for posting speeds in 5 MPH increments and 15 would be the closest to the calculated speed using AASHTO. The signing can be finalized during design assuming the project moves forward.

⁹ The City of Ridgefield requests that item #2 in the City's letter to the Hearing Examiner dated November 29, 2007, be stricken from the record and disregarded by the Examiner. At the time that letter was prepared, we did not know that the applicant would be providing information in its November 30, 2007, response to the public comment which would address the issue of modification of the City's street standards. The City's consulting planner received this letter on November 30, 2007, however City engineering staff did not receive the letter until December 4th, and now find that the information in it plus the additional exhibits and narrative recently submitted by Kittelson & Associates, Inc. satisfies the Criteria of the City's Engineering Standards for Public Works Construction, Volume 1, Section 1.16 (D). Therefore, the letter demonstrated that modification of those standards would be appropriate for the curve to which it refers.

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:

Overview

As happens from time to time in land use hearings, neighbors frequently do not realize the consequences of prior zoning decisions made by the legislative body until a development is proposed. In that context the nature of the proceeding in front of the hearings examiners is sometimes misunderstood. The proceeding before the Examiner is a quasi-judicial proceeding to determine whether the application complies with the existing applicable code provisions. It is not a planning exercise, neither is it a conversation with the City. The Examiner does not report to the City Council.

The applicant is vested in the City Ordinances in effect when his application is filed. The applicant chooses the manner in which he will develop the site in compliance with those ordinances. The Examiner cannot change the rules nor can he redesign the application before him. Any given site can be developed in a number of ways, any of which will be consistent with applicable law. The Examiner does not search for the best design. The Examiner does not plan. The Examiner checks whether the applicant by preponderance of evidence has met his burden of proof that he or she complies with the applicable regulations, regardless of whether they are good regulations.

In that regard there were a lot of objections to the density of the development or to the application of density transfer to this proposal. The density is governed by zoning in place, as is the allowance for density transfer. The applicant has a legal right to rely on those designations. A suggestion was made to use density transfer off site. The right to density transfer belongs to the applicant and the applicant can use that right as he chooses. It is not up to the City Staff or the Examiner to tell the applicant how to apply that right. Similarly, number of neighbors took "offense" at the suggestion that they may redevelop. That presumption simply applies the existing zoning to their properties which in many cases will allow them to subdivide. They may not intend to do so now, but comprehensive plans are long term documents intended to provide housing supplies for 20 years. Regardless of any individual intention, as development comes in, over time some individual owners will redevelop, for any number of reasons just as Kempers are doing now. The assumptions does not question existing neighbors' commitment to their current life style, but recognizes legal possibilities. Zone changes are accomplished by the City Council with the advice of the Planning Commission.

Density issues aside the preponderance of concerns had to do with transportation, the intersection of Reiman and Pioneer, the 90 degree turn on the City collector, and the inadequacy of the road to the southeast which connects to 45th Avenue. These issues are addressed in the transportation and concurrency findings below. The concern over future compliance with future building design have been and continues to be addressed in the condition of A.1 which states that at the time of construction and at all times thereafter, the development shall comply with all approval requirements including all trails and recreational facilities established in applicable plans, policies, regulations (including any City-wide architectural standards adopted prior to the

issuance of the first building permit for any phase) and any City and standards adopted at the time of this application.

A. COMPLIANCE WITH RDC 13.08 (DEVELOPMENTAL CHARGES FOR WATER & SEWER CONNECTIONS)

Finding:

Pursuant to RDC 13.08 the applicant is required to pay sewer and water system development charges for connections to the public sewer and public water system at time of or prior to building permit issuance. A **condition** of approval is warranted requiring the payment of sewer and water system development charges prior to the issuance of any building permits for the project.

B. COMPLIANCE WITH RDC 18.070 (IMPACT FEES)

Finding:

Pursuant to RDC 18.070 (Impact Fees) the City has the authority to charge impact fees for water and parks. A **condition** will require that prior to or at time of building permit issuance the applicant should pay the required impact fees.

C. COMPLIANCE WITH RDC 18.210 (LOW DENSITY RESIDENTIAL DISTRICTS)

Finding:

The number of homes allowed within the project boundaries is determined by the zoning of the involved properties in this development. The entire site is zoned Low Density Residential (LDR), in which are two different zoning districts, LDR 7.5 and LDR 8.5. The portion of acreage of the LDR 7.5 district is 37.2 acres and the portion of acreage of the LDR 8.5 district is 30.3. The combined acreage of the site 67.4 acres.

Density is determined by first applying the allocated density referenced in Table 18.210.050, which is 3 to 5.8 units per acre for LDR 7.5 and 3 to 5.1 units per acre for LDR 8.5. Secondly, the City's critical areas ordinance codified as RDC 18.280 allows for density to be transferred from identified critical areas to non-critical area property (RDC 18.280.070). The permitted density range for this site, including on-site density transfers, is a minimum of 89 units and a maximum of 216 units. The applicant may provide densities anywhere within this range, as authorized by the development code. At 200 proposed dwelling units, the applicant complies with the density requirements as referenced in RDC 18.210.050 and RDC 18.280.070.

The portion of the site the designated as LDR 7.5 is allocated a maximum density of 134 units and a minimum density of 64 units. Density for the LDR 7.5 portion is calculated as follows:

Maximum 35.6 acres of gross buildable land

-8.6 acres for street right-of-way
 -5.4 acres for open space and stormwater and facilities
 = 21.6 acres
x 5.8 units per acre
 =125 maximum number of units
 + 9 units (1.6 acres of protected critical areas x 5.8 units)
 = 134 units per acre

Minimum
 21.6 acres
x 3 units
 = 64 units per acre

The portion of the site designated as LDR 8.5 is allocated a maximum density of 82 units and a minimum density of 25 units. Density for the LDR 8.5 portion is calculated as follows:

Maximum
 22.3 acres of gross buildable land
 -4.8 acres for street right-of-way
 -9.2 acres for open space and stormwater and facilities
 = 8.3 acres
x 5.1 units per acre
 =42 maximum number of units
 + 40 units (8.0 acres of protected critical areas x 5.1 units)
 = 82 units per acre

Minimum
 8.3 acres
x 3 units
 = 25 units per acre

The applicant is requesting the remaining 16 units of available density to be reserved for future transfer to another project off-site. This is not allowed because the City does not have a density transfer program that specifies where the density should be redistributed. Without such a program, density transfers from critical areas to non-critical areas may only occur on-site.

As described above, since density is permitted to increase on the site through the allowance of on-site density transfers, this will result in the reduction of lot sizes. RDC 18.280.070 specifies that when density transfer provisions are used, the applicant may reduce lot sizes. RDC 18.280.070 states, "For single-family residential development, the receiving property (ies) shall be authorized to increase to the density and minimum lot size requirement of the immediate next lowest single-family residential zoning designation." In this case, the portion of the site designated LDR-8.5 may be reduced to the LDR-7.5 district lot sizes and the portion of the site

designated LDR-7.5 may be reduced to the LDR-5 lot sizes. For this reason, the applicant has proposed many of the lot sizes at 5,000 square feet which are allowed in the LDR-5 zone.

A **condition** will state that the portion of property zoned LDR-7.5 shall not create lot sizes or setbacks that are less than those specified in the LDR-5 zoning district. The portion of the site zoned LDR-8.5 shall not create lot sizes or setbacks that are less than those specified in the LDR-7.5 zoning district.

RDC 18.210.150 requires street trees at 25-foot intervals along each street frontage. A **condition** specifies that all street trees shall be planted at 25 feet on-center in accordance with RDC 18.210.150. A **condition** will require a final landscaping plan prior to final plat approval. The applicant has requested the planter strip and street trees to be removed along the Collector adjacent to the northern open space area. This modification is acceptable in order to provide a clear view of the open space area and park as long as the trees are planted in clusters in various places along or near the Collector street. This section of road is approximately 700 feet in length and would require the planting of approximately 28 trees.

The following items are encouraged, although not required by Code, in the submittal of the final landscaping plan:

- Include a variety of street tree types. For example, no more than 25% of any single tree species should be used in the project. The reasons for this are to strengthen survival rates in the case of disease or extreme weather conditions. Tree variety also provides a more interesting streetscape in neighborhoods.
- Street trees may be spaced at 25 feet on-center, or they may be clustered as long as the equivalent of one tree is planted for every 25 feet of street frontage.
- Additional landscaping is encouraged near the recreation areas on site, including the trail network and children's play area.

Pursuant to RDC 18.210.090, a **condition** will assure that each lot provides at least two off street parking spaces. Off-street parking must provide a minimum of 18 feet of lineal parking between the street and the dwelling setback. Testimony from Mr. Zwingli expressed displeasure with the appearance issues created with driveways filled with vehicles; nevertheless, the existing code allows visual clutter. The alternative, given contemporary accumulation of vehicles, RVs, boats etc would be larger garages, which is a legislative trade off.

A **condition** will require all fences and wall within the subdivision to comply with RDC 18.740.

D. COMPLIANCE WITH RDC 18.280 (CRITICAL AREAS)

This proposal has followed the preferred sequence of avoiding, minimizing, and mitigating for impacts to on-site streams, wetlands, and buffers. The identified critical areas on site include Fish and Wildlife Habitat Conservations Areas, Frequently Flooded Areas, Geologic Hazards,

Aquifer Recharge Areas, and Wetlands. Findings and conditions are included below for each identified critical area.

Fish and Wildlife Habitat Conservation Areas

As documented in the Wetland Delineation & Mitigation Plan prepared by Ecological Land Services, Inc. (Appendix L), the site contains several streams that have been mapped by the Washington Department of Natural Resources. Based on the mapping provided by the State and the biologist's analysis, the Gee Creek tributary is classified as a Type F (fish bearing) stream, the eastern most stream on-site is classified as a Type N (non-fish bearing) stream, and the northern portion (on-site) of Wetland B and D develop into Type N (non-fish bearing streams). According to the Department of Fish and Wildlife, the tributary to Gee Creek, and Gee Creek, downstream from the site, contains Coho and Summer Steelhead, which are identified as threatened species.

Pursuant to RDC, Table 18.280.110-1, the minimum riparian buffer widths are as follows: Type F streams greater than 5 feet wide require a 150-foot buffer, Type N streams with low mass wasting require a 50-foot buffer, Type U streams do not have a required buffer per RCAO, and the biologist has identified the mapped Type U stream as Wetland B (Category IV with a 50-foot buffer). The required buffers are identified in the wetland delineation and mitigation report and are shown on the site plans.

Because the project will be impacting the Fish & Wildlife Habitat Areas, mitigation is required. A number of measures have been taken to avoid, minimize, and finally, compensate for unavoidable impacts related to the stream crossing.

1. Altering the road alignment. The first measure taken was to alter the alignment. This involved offsetting and skewing the south-leg of the proposed intersection (S. 1st Way) so that it avoids impacting the north/south portion of the stream that ultimately flows under Pioneer Street.
2. Reducing the cross-section. The second measure involved reducing the cross section. The Collector road cross-section over the stream corridor, and associated riparian area, has been narrowed to less than the standard cross-section design for a Collector. The proposed cross section is 23-feet narrower than the standard cross section.
3. Spanning the stream. The third measure taken is to use a large box culvert structure to completely span the Type F stream, which avoids all in-water work.
4. Mitigate for unavoidable impacts. Finally, compensation for the road crossing will be provided for unavoidable impacts. WDFW regulates work *over* fish bearing streams and has recommended the replacement of an existing non-fish passable culvert with an improved fish passable "stream simulated culvert" as mitigation for working over the Type F stream (1,000 square feet). The culvert replacement will be located on-site and east of the proposed stream crossing, under Bertsinger Road. In addition, the applicant is proposing to plant 38,859 square feet of riparian enhancement plantings on the north side of the Type F stream to mitigate for stream buffer impacts (12,953 square feet) at a ratio of 3:1.

The proposed residential development will also temporarily impact approximately 1,488 square feet of Type N streams and temporarily impact approximately 3,565 square feet of Type N stream buffers on-site due to proposed installation of a sewer pipe. The impacts will be within grassy swales (Wetlands B and D) that develop into Type N streams to the north. Impacts will be temporary and vegetation within the stream and buffer will be replaced with a native seed mix.

Stormwater dispersion outfall structures and swales are proposed within wetland buffers and stream buffers and will impact 2,161 square feet of buffers. The applicant is proposing to install jute matting around the rip-rap as well as plant willow cuttings within the rip-rap at the wetland end of the swale to mitigate for the minor impacts to the buffers.

A pervious foot path is proposed for installation to meander throughout the site and will impact approximately 2,375 square feet of Type N streams buffers. According to the City of Ridgefield pervious trails are allowed within stream buffers if they that do not interfere with wetland hydrology. The stream buffer impacts will be mitigated for by stream buffer enhancement plantings (16,921 square feet) between the proposed development and the streams to help shield the Type N streams from future development, the enhancement plantings will be at a ratio of 6:1. Installation of foot bridges are proposed for crossing the two Type N streams. The foot bridges will impact approximately 329 square feet of Type N streams on-site. According to WDFW the minimal Type N stream impacts can be included within the culvert replacement mitigation recommended for the road crossing as well as the stream enhancement plantings.

Pursuant to 18.280.110(D) the applicant is using the buffer averaging and buffer reduction provisions in the development code. Buffer averaging is proposed for two Type N streams located in the center of the site. Buffer reduction is proposed for the Type F stream and the Type N stream located in the eastern most portion of the site. As demonstrated in the Wetland Delineation & Mitigation Plan, the applicant's plan is in compliance with RDC 18.280.110(D) (d) and (c) for buffer width averaging and reduction.

No net loss of the overall functions will occur due to proposed development. Buffer impacts on-site total 22,517 square feet, and 61,744 square feet of buffer enhancement plantings are proposed for buffer impact mitigation for an overall replacement ratio of 2.7:1. Activities within the remaining buffer areas will be limited to soft surface recreational trails, stormwater management facilities, and underground utilities.

The following **conditions** will be imposed to assure compliance with geologic area regulations:

1. The project shall comply with all recommendations made in the Wetland Delineation Report, dated April, 2007 and the Preliminary Mitigation Plan, dated August 13, 2007 prepared by Ecological Land Services, Inc.
2. Submit final mitigation plan to be prepared that addresses the mitigation criteria found in RDC 18.280.150 for all on-site and off-site work. Approval of the final mitigation plan is required from the Community Development department prior to any on-site construction.

3. On the final plat, or within a conservation easement, identify the type of critical area, the buffer width, and a note stating that the identified critical areas are protected area subject to regulation by the City of Ridgefield, RDC 18.280.
4. The boundary of the outer edge of the Fish & Wildlife Conservation Habitat buffer shall be delineated with permanent survey stakes using iron or concrete markers as established by local survey standards.
5. The boundary of the outer edge of the Fish & Wildlife Conservation 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. 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 a minimum of every 200 feet. The sign shall state, "The area beyond this sign is a Fish & Wildlife Conservation Habitat Area. Alteration or disturbance is prohibited by law. Please call the City of Ridgefield for further information."
6. Unless otherwise authorized, all buildings and other structures shall be set back a minimum of five (5) feet from the edges of all critical areas buffers. Uses allowed in this minimum setback area include landscaping, uncovered decks, and building overhangs that extend no more than twenty-four (24) inches into the setback.

Frequently Flooded Areas

The tributary to Gee Creek, which is located within the northern portion of the subject site, is identified as a Frequently Flooded Area by the Federal Emergency Management Agency (FEMA).

The proposed Kemper Subdivision Project was analyzed to determine the location and potential impacts on the 100 year flood plain. The 100-year flood plain was determined by the draft report of the National Flood Insurance Program "Flood Insurance Study". The draft report is in the final stages of adoption by FEMA and represents the most up to date information on the flood plain in this area.

The proposed development, including the Collector street crossing over the tributary to Gee Creek, will not impact the 100-year flood plain on the site. This information is documented in the attached Flood Plain Memorandum prepared by a qualified engineer (Kemper Subdivision Application Submittal, Appendix H).

The 100-year flood plain on the project's survey is located at 86.7 feet. The elevation at the crossing location will be 85.2 feet. The crossing of the flood plain will be achieved with a 10-foot high, 34-foot wide concrete structure that will be located above the floodplain. Since no impacts are proposed to the flood plain, no mitigation measures are proposed to address impacts.

Geologic Hazards

A geotechnical investigation and report has been prepared for the site that contains all of the critical area report requirements listed above (*Geotechnical Site Investigation Kemper Property*, Kemper Subdivision submittal, Appendix K). This decision provides a detailed evaluation of the site soil conditions, geology, hydrology, drainage etc. and recommendations for property development on the site, including those within geologic hazard areas.

Portions of the site are mapped by the City to potentially contain unstable slopes and severe erosion hazard areas. These areas are generally concentrated around the ravines and drainages that are associated with the tributary to Gee Creek within the northern and eastern portions of the site. The geotechnical engineer has prepared a slope reconnaissance and slope stability assessment of these areas. Slopes within these areas typically range from 10 to 30 percent, with portions of the existing ravine slopes as steep as 50 percent. Based on the geotechnical review, it was determined that portions of the steep ravine adjacent to the Gee Creek tributary likely meet the definition of geologic hazard (slope hazard and erosion hazard areas). The identified areas are specifically mapped in the geotechnical report. As confirmed in the geotechnical report, the site does not contain any seismic hazard areas.

According to the report, the proposed residential development will generally be located more than 100 feet from the geologic hazard areas. There are limited areas of cuts and fills proposed within the northern open space areas. The proposed grades and limited areas of fill are unlikely to have a significant affect on the existing steep slopes. Crossing the stream and realigning the road are feasible; however, a supplemental investigation with detailed recommendations for the road crossing will need to be prepared at the time of final engineering for the project.

The proposed road must connect to Pioneer Street at the proposed location to align with Reiman Road to the north to provide safe access to the site and surrounding neighborhoods. The road must cross the ravine and geologic hazard area to access the site. The road cannot be located outside of the geologic hazard area; however, the proposed cross section and the design speed of the road have been reduced to less than the standard for a Collector in order to decrease the size of the road and the associated impacts to the geologic hazard area.

The geotechnical report includes a discussion of the mitigation measures that will need to be taken during construction of the road and other site improvements to insure that adverse impacts do not result. This includes recommendations for wet weather construction methods and techniques, erosion control measures, drainage and utility design, excavation, foundation design etc.

The following **conditions** will apply to this project:

1. Comply with all design recommendations and mitigation measures specified in the *Geotechnical Site Investigation Kemper Property*, Columbia West Engineering, Inc., July 30, 2007.
2. Provide a supplemental geotechnical investigation with detailed recommendations for the Collector street stream crossing and for design modifications required on Pioneer Street/S.R. 501.

Aquifer Recharge Areas

The entire City of Ridgefield is mapped as either a Category 1 or Category 2 aquifer recharge area. The subject site is mapped as a Category 2 lower classification aquifer recharge area.

As described in the attached geotechnical report (Appendix K), because the proposed development is a residential use, the potential for groundwater contamination is extremely low. Stormwater from the development will be detained and treated before being discharged to local surface waters. No subsurface injection or infiltration of concentrated storm water is proposed due to the high clay content of the native soils, and no wells are proposed. The water source for the development will be the City of Ridgefield municipal system. Based on the use, site conditions, and the proposed storm water system, a hydrological aquifer recharge study is not necessary for development.

Wetlands

The site contains six wetlands. These wetlands have been professionally delineated and mapped in accordance with the above standards as documented in the Wetland Delineation Report, dated April, 2007 and the Preliminary Mitigation Plan, dated August 13, 2007 prepared by Ecological Land Services, Inc. The mapped wetlands are identified as wetlands A-F in the delineation report. As discussed in the report, Wetland A is a slope wetland located in Parcel 2, which eventually flows into the Gee Creek Tributary. Wetlands B, C, and D are located in Parcel 3. Wetland C is an isolated slope wetland. Wetlands B and D are slope wetlands that develop defined stream channels on site, down slope, and north of the wetlands. Wetlands E and F are located on Parcel 4 that develop defined stream channels off-site, down slope and north of the wetlands. All six wetlands are classified as Category IV low functioning wetlands.

Pursuant to RDC 18.280.150.C.1.c, public streets, sewer facilities and stormwater facilities may impact wetlands and their buffers as long as the impacts are mitigated according to an approved mitigation plan. Ecological Land Services provided a Wetland Mitigation Report that outlines mitigation for the proposed impacts to these areas. Recreation trails and stormwater outfalls are proposed within the buffer, which are both allowed uses. The recreational trails will include a soft surface to minimize impacts to the buffer. The stormwater outfalls are designed with a rip-rap pad, which will reduce the potential for erosion and scouring. The applicant has submitted a mitigation plan for the impacted wetland buffers.

The following **conditions** apply to this project:

1. The project shall comply with all recommendations made in the Wetland Delineation Report, dated April, 2007 and the Preliminary Mitigation Plan, dated August 13, 2007 prepared by Ecological Land Services, Inc.
2. Submit final mitigation plan to be prepared that addresses the mitigation criteria found in RDC 18.280.150 for all on-site and off-site work. Approval of the final mitigation plan is required from the Community Development department prior to any on-site construction.

3. On the final plat, or within a conservation easement, identify the type of critical area, the buffer width, and a note stating that the identified critical areas are protected areas and subject to regulation by the City of Ridgefield, RDC 18.280.
4. On-site wetland buffers shall be delineated with permanent survey stakes using iron or concrete markers as established by local survey standards.
5. The outer edge of the wetland 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.
6. 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 a minimum of every 200 feet. The sign shall state, "The area beyond this sign is a wetland or wetland buffer. Alteration or disturbance is prohibited by law. Please call the City of Ridgefield for further information."
7. Unless otherwise authorized, all buildings and other structures shall be set back a minimum of five (5) feet from the edges of all critical areas buffers. Uses allowed in this minimum setback area include landscaping, uncovered decks, and building overhangs that extend no more than twenty-four (24) inches into the setback.

A **condition** will require that prior to construction, the applicant shall provide evidence of any other required state or federal permits as they related to impacts to on-site critical areas.

E. RDC 18.630 - 18.640 (Design Requirements -Subdivisions)

The applicant shall comply with all subdivision approval requirements of RDC 18.630 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. A **condition** will require that prior to final plat approval all subdivision design requirements and improvements shall comply with RDC 18.630 to 18.640, unless an exception is given through this approval or unless expressly modified by the City Engineer.

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

Pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C, the Community Development Director, as the responsible official, issued a Determination of Non-Significance (MDNS) for the proposal on October 25, 2007. The determination was based on a review of the environmental checklist and other pertinent documents, resulting in the conclusion that the proposal would not cause probable significant adverse impacts on the environment. Therefore, an environmental impact statement (EIS) was not required prior to proceeding with the review

process. Agencies, affected tribes, and the public were offered the opportunity to comment on the determination for 14 days subsequent to published notice.

The following **conditions** are associated with the MDNS determination and incorporated into the conditions associated with this land use decision:

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. Any identified critical areas shall comply with the City's critical areas ordinance.
3. To mitigate traffic impacts of the proposed project on the following intersections, the applicant shall pay traffic impact fees per Ridgefield Municipal Code Section 18.070.
 - a. Pioneer Street / 45th Avenue
 - b. Pioneer Street / S. 56th Place
 - c. I-5 Interchange
4. Payment of these fees shall constitute a proportionate share of planned improvements required to meet concurrency requirements at the following intersections:
 - a. To mitigate impacts to the intersection of 35th Avenue and Pioneer Street, the applicant shall contribute a proportionate share to the cost of intersection improvements.
 - b. To mitigate impacts to the intersection of South 1st Way and Pioneer Street, the applicant shall construct a new signalized intersection to provide primary access to the site.
 - c. To mitigate the 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. Install the traffic signal and widen SR 501 to accommodate a west bound left turn lane from SR 501 to S. 1st Way.

Because the widening is necessary for the development, the applicant will need to demonstrate that the following concerns can be mitigated to the satisfaction of WSDOT:

6. Sight Distance – Due to the topography of the area, the minimum sight distance may not be currently available for the safe operation of a traffic signal. The applicant will be required to make improvements to SR 501 to meet current WSDOT standards for sight distance.
7. Fish Passage Barrier - The tributary to Gee Creek that crosses under SR 501 at the intersection location has been designated as a fish passage barrier. Any work that impacts this tributary may require the reconstruction of this fish passage.
8. Geotechnical - The slopes in this area may be geologically unstable. WSDOT has recently had portions of SR 501 in the immediate vicinity fail due to unstable slopes. A geotechnical

analysis will need to address all impacted slopes, retaining wall design, and signal foundations.

9. Stormwater Treatment - All stormwater runoff from new impervious surfaces within WSDOT right of way will need to be treated for quality and quantity within WSDOT right of way. This treatment and detention must be done to current WSDOT standards.
10. Environmental Permitting & Documentation – The WSDOT environmental staff is very interested in following the permitting process for this project as it develops. City wants to see and review some of the permits before they are applied for, such as the HPA, JARPA, ACOE 404 or others, and DOE 401 & 402. City is also interested in following the Wetland Delineation, cultural resource review and biological assessment processes for areas within WSDOT right-of-way. City wants to be a part of any meeting with other state and federal agencies concerning the work in WSDOT's right of way.
11. Right-of Way-Donations - This project will require right of way donations and it appears that the applicant does not own all of the lands required for donations. This additional right of way shall be deeded to WSDOT with a Warranty Deed. The right of way donation process could take several months to complete and should be started as early as possible to avoid potential delays to the project.
12. Utility Impacts - There are going to be significant utility impacts resulting from this work. All conflicts and remedies must be identified and agreed to by all parties before any work can commence.

WSDOT will require the following for all work within WSDOT right of way:

13. Proposed changes to State facilities must be designed to current WSDOT standards and specifications.
14. Plans must be reviewed and approved by WSDOT prior to beginning work.
15. Engineering calculations, plans and reports submitted for review and approval must bear the seal and original signature of a professional engineer licensed in the State of Washington.
16. Copies of all environmental documentation required of this project by any local, State, or Federal jurisdiction. Failure to provide this documentation may result in a substantial delay of approval by WSDOT.
17. Construction must be done in accordance with the current WSDOT Standard Specifications for Road, Bridge, and Municipal Construction manual.
18. Construction inspection will be performed by WSDOT at the developer's expense.
19. WSDOT shall be reimbursed by an agreement for our actual direct and related expenses associated with this project. All work performed within the WSDOT right of way will require our technical review, permits, inspection and approval by WSDOT prior to

construction. This reimbursable agreement must be in place prior to WSDOT reviewing any plans submitted for approval.

20. This development will require work within WSDOT right of way. WSDOT will require that the developer enter into a Developer Agreement with WSDOT. The Developer Agreement is a contract between WSDOT and the developer stating each party's rights and responsibilities, and describing the proposed work. It typically includes a standard agreement form, right of way plan sheet(s), and a complete set of specifications and engineering plans. Any alteration to the standard wording on the pre-printed developer agreement form must be approved by the Attorney General's office prior to execution of the agreement.
21. This conceptual review does not constitute final WSDOT approval. Additional information, more detailed analysis, changes in the development proposal, or changes in the existing or planned operational characteristics of the State Highway System may necessitate modification in our preliminary assessment of this development. WSDOT's comments prior to final approval are meant to alert the applicant to areas of WSDOT's concern.

G. Proposed Street Pattern and Circulation

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 applicant proposes a roadway network to serve the lots created on the site that generally meets the intersecting street spacing criteria. The distance between Street E and Street G is approximately 730 feet. The applicant proposes an open space tract for pedestrian access midway between these streets. This proposed pedestrian access is consistent with the exception to the street spacing guidelines allowed in Section 2.01 of the Engineering Standards.

RMC 18.630.060.B discourages double fronted lots. Lots 1 through 8, 22 through 26, 173 through 182, and 195 through 200 are proposed as double frontage lots. Since these lots all front along Collector streets on one side, they shall be provided with vehicular access from a residential street instead of a Collector street. The proposed lot configuration is acceptable as long as no vehicular access is allowed from the Collector street to the double fronted lots. All sidewalks and landscaping along the Collector streets of the double frontage lots shall be installed with the development of the subdivision.

The east end of Street 'F' terminates at the east property line. Since this street is greater than 150 feet and serves more than three lots, a temporary turnaround must be installed at the east end of this street.

The proposed street pattern provides access to adjacent parcels and allows for logical extension of the roadway network on adjacent properties. Tax Lot 213743-000 is a triangular shaped parcel located adjacent to the projects northern boundary and south of Cedar Ridge Subdivision. Upon development of the Kemper Subdivision would be "land locked" and therefore a **condition** is warranted that would require the developer to provide a 30-foot access easement for a future private road from the nearest public street ("Street C") in to the west property line of Tax Lot 213743-000. The buildable area of Tax Lot 213743-000 is limited and therefore a private road should provide a sufficient level of access for this property.

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

The proposed site fronts along several existing City streets including Pioneer Street, South 21st Place, South 4th Way, South 25th Place, South 10th Way. Two existing City streets, Bertsinger Road and S. 1st Way, zig-zag across the property at the north end. The primary access to the site is provided by Bertsinger Road and S. 1st Way from Pioneer Street. Both of these roads are narrow with sharp curves, and steep grades that do not meet current City street standards. The intersection of Bertsinger Road with Pioneer Street also does not meet current City or WSDOT standards.

To provide safe access to the site, the applicant proposes to realign the Bertsinger Road intersection to create a 4-way intersection with Reiman Road on the north side of Pioneer Street. The applicant proposes to signalize this intersection. This created considerable comment at the hearing as to whether or not City planning or policy required a roundabout in lieu of a signalized intersection or whether a signalized intersection was inherently unsafe. While many opinions were expressed there was no evidence submitted for either proposition. The record clearly establishes that there is an agreement between the Washington State Department of Transportation (WSDOT) and the City of Ridgefield dated April 30, 2004, that establishes and states that "future location of traffic signals on SR 501, when warranted, will be at Main Street, 9th Avenue, North Reiman Road, vicinity of 35th Place, 45th Avenue, and 51st avenue", and goes on to mutually agree that "roundabouts may be installed in the SR 501 corridor in lieu of signals at 35th Place, 45th Avenue and 51st Avenue". City Council has only adopted the requirement for a roundabout at 45th Avenue. A roundabout at the Reiman Road intersection was not agreed as an option for that location. This agreement, the existing topographical and environmental constraints adjacent to the proposed intersection, and the lack of anticipated intersection control at this location in the city's current transportation CFP and the associated lack of city participation make this an unjustifiable request.

In addition to not being part of an approved plan, installation of a roundabout at this location is not feasible based on existing environmental and topographic constraints and a lack of available right-of-way. The additional width required to construct a roundabout would impact approximately 5,000 square feet of wetland areas on the south side of Pioneer Road and would result in the need to acquire additional right-of-way from off-site properties to the north of Pioneer Road. The existing Pioneer/Reiman Road intersection has a slope gradient of 7%, which does not meet WSDOT safety standards. The WSDOT guideline for the maximum gradient for a roundabout is 4%. Significant slopes through a roundabout can cause uneven speed distributions, as a vehicle is alternately going uphill and downhill while circulating around the roundabout, causing an unsafe condition. The purpose of a roundabout is to get speeds down and more uniform.

As described in the letter from Kittelson and Associates (Ex. 42), the installation of a traffic signal at the intersection and associated improvements allows the intersection to meet the adopted WSDOT intersection operating/capacity requirements while providing for safe and efficient operations. There is no engineering testimony to the contrary.

As part of this project, the applicant proposes to realign S. 1st Way and construct a bridge over the Gee Creek tributary. This realignment appears to provide adequate access to the proposed site. It appears that the southerly section of the existing S. 1st Way would be kept to provide local access to existing residences and utilities.

The City's Transportation Capital Facilities Plan identifies Pioneer Street/SR501 as a principal arterial roadway. The Transportation Capital Facility Plan identifies a cross section for Pioneer Street in this location as consisting of a 90-foot right-of-way, two 13-foot travel lanes, two 5-foot bike lanes, a center turn lane, buffers, and sidewalks. Frontage improvements along Pioneer Street must be completed as part of this project to achieve this cross-section. The applicant has proposed a modified cross section at this location due to the steep ravine adjacent to the roadway. The proposed modification, as shown in the preliminary plans, includes two 12-foot travel lanes, a 12-foot right turn lane, a 12-foot left turn lane, one 6-foot sidewalk, and two 5-foot bike lanes. The preliminary plans indicate that the street width and right-of-way width varies. The proposed cross section appears to provide reasonable functionality within the topographical constraints of the site. Since Pioneer Street is State Highway, final design of the intersection modifications and frontage improvements will need to be approved by WSDOT. Therefore, review and approval of the proposed modification will be completed during the engineering plan review process.

The City's Transportation Capital Facility Plan identifies South 1st Way, South 25th Place, South 4th Way, and South 21st Way as Collector roadways. These streets will need to be improved to the Collector standard prior to final plat in order to provide access to the proposed development. The Collector must have a 46-foot paved width in a 70-foot right-of-way width to meet the City's Engineering Standards. The applicant proposes several modifications to the Collector design requirements due to steep slopes, streams, wetlands, and buffer areas that surround the roadway site. These modification requests are discussed in detail below.

Table 2.03A of the Engineering Standards provides criteria for street design. The proposed interior streets for the subdivision would be classified as Residential Local A streets. The applicant proposes to construct these streets with a 28-foot paved width in a 50-foot right-of-way. Therefore the proposed interior streets would meet the requirements of Table 2.03A of the Engineering Standards.

The applicant has submitted several requests for modification to street design criteria. Section 1.16 of the Engineering Standards provides criteria for review of Modification Requests.¹⁰ A discussion of each modification request follows:

1. The applicant requests to modify the cross section requirements along the Collector streets South 1st Way, South 25th Place, South 4th Way, and South 21st Way due to the adjacent

¹⁰ The City Engineer may grant a modification to the adopted specification or standards when any one of the following conditions are met:

1. The specification or standard does not apply in the particular application.
2. Topography, right-of-way, or other geographic conditions impose an economic hardship on the applicant and an equivalent alternative which can accomplish the same design is available that does not compromise public safety or accessibility for the disabled.
3. A change to a specification or standard is required to address a specific design or construction problem which if not enacted will result in undue hardship.

steep slopes, streams, wetlands, and associated buffer areas. Modifications are also requested due to the location of the roadway along the border of the site. Table 2.03A of the Engineering Standards call for standard Collectors to have a 46-foot paved width within a 70-foot right-of-way, two 10-foot travel lanes, two 8-foot parking lanes, two 5-foot bike lanes, two 6-foot sidewalks, and two 6-foot planter strips (including gutter). The applicants proposed modifications are as follows:

- a. The first cross section A-A applies to the north end of S. 1st Way just south of the intersection with Pioneer Street. The cross-section includes two 12-foot travel lanes, one 12-foot center turn lane, two 5-foot bike lanes, and two 6-foot curb tight sidewalks, providing a total right-of-way width of 66.5-feet. Parking and planter strips have been omitted to reduce the impacts to the sensitive environmental areas of the site and to reduce grading. This request meets the second criterion in Section 1.16.D of the Engineering Standards because the topographic and geographic conditions of the Gee Creek Tributary impose an economic hardship on the applicant. The request also meets the third criterion because, the proposed center left turn lane also provides better functionality in this area than the typical Collector standard because of its proximity to the proposed intersection with Pioneer Street.
- b. The second cross section B-B applies to S. 1st Way south of the Gee Creek Tributary. It consists of the same cross section as A-A, except there is no 12-foot center turn lane. The total proposed right-of-way width is 57-feet. This request meets the second criterion in Section 1.16.D of the Engineering Standards because the topographic and geographic conditions of the Gee Creek Tributary impose an economic hardship on the applicant. Parking lanes are not necessary in this area because the roadway is not adjacent to developable property.
- c. The third cross section C-C applies to S. 21st Way along the project's west boundary. This portion of the proposed roadway does not lie within a site sensitive area, and therefore is not accepted. The City would accept a total pavement width of 35 feet within a 49 foot total right-of-way. This cross section would consist of one 2 foot section west of one 12 foot travel lane, one 10 foot travel lane, one 5 foot bike lane, one 8 foot parking lane, one 6 foot planter strip, and one 6 foot sidewalk. This will meet the City's Standard Collector Section, Detail T-2.5 with the exception of the 12 ft driving lane and additional 2 ft section on the outer property boundary. The remaining pavement, bike lane, planter strip and sidewalk would be constructed in the future with development on the west side of the street.
- d. The fourth cross section D-D applies to the curve where S. 21st Way transitions to S. 4th Way. The roadway in this area is completely on the applicant's property. The proposed cross-section would include two 12-foot travel lanes, two 5-foot bike lanes, two 5-foot planter strips, and two 6-foot detached planter strips, with a total right-of-way of 57-feet. This section must be modified to match revisions to section C-C as described in the previous paragraph.
- e. The fifth cross section E-E, applies to the remainder of S. 4th Way, S. 25th Place and S. 10th Way. The proposed cross section is a "3/4 street" version of cross section as D-D,

with the bike lane, sidewalk, and planter strip omitted from the opposite side of the street. The remaining section of roadway improvements would be completed when the adjacent parcels develop. Although portions of the Collector allow for expansion of the total right-of-way, the City prefers to maintain a consistent centerline throughout the Collector while also providing parking; therefore, maintain the cross section described above in modification C-C for the entire length of the Standard Collector. As part of engineering design review, the City Engineer may consider removal of the 8 foot parking lane in certain sections C-C resulting from environmental and/or topographical constraints.

2. The applicant also requests a modification to the Collector design speed for the portion of the Collector west of the intersection of 4th Way and 25th Place due to topographic constraints of the site. A design speed of 30 mph is proposed instead of the 35 mph design speed required by the Engineering Standards. This request meets the second criterion in Section 1.16.D of the Engineering Standards.
3. Additionally, the applicant requests that the intersection of 4th Way and 25th Place be designed with a temporary 90 degree corner with a 37-foot centerline curve radius. This request is a result of right-of-way being unavailable from the property owner to the southwest. The applicant suggests that when the properties to the south and west redevelop, the roadway curve could potentially be realigned with a larger radius curve. Per Table 2.08A of the Engineering Standards, the minimum centerline radius for a Collector street at a design speed of 30 mph is 300-feet, which is significantly greater than the proposed radius of 37-feet. The City Consulting Engineer finds that this request poses a significant public hazard even at the reduced speed. Section 2.08 of the Engineering Standards also specifies that low speed curves, under 25 mph, may be used on residential local streets. The City Engineer may consider this as an acceptable mitigation on a temporary basis, provided that the curve meets the minimum centerline radius of 55-feet and that proper signage for reduced speed to 15 miles per hour is provided. The temporary curve shall also meet all AASHTO design criteria, including superelevation requirements. It was suggested that the Collector road could be relocated by extending 4th Way to the east and curving the roadway southwards to reconnect to S. 25th Place or S. 10th Way, eliminating the need to design the Collector with a 55-foot centerline curve radius curve. Relocating the Collector would violate the City's Transportation Capital Facilities Plan, which specifically identifies the Collector Road alignment as the existing S. 25th Place, S. 4th Way and S. 21st Way. The proposed alignment of the Collector road is in conformance with the Capital Facilities Plan.

Furthermore, existing conditions, including right-of-way, and design issues impose a significant economic hardship on the applicant that precludes the applicant from re-aligning the Collector and meeting the 300-foot centerline curve radius requirement. Relocating the proposed Collector within the site would effectively result in the requirement for two parallel Collector roads. The existing S. 25th Place and S. 10th Way adjacent to the Kemper site are all classified as Collectors; therefore, the applicant would still have had to improve them to meet the Collector street standard. Additional access roads would be required so that any of the properties along the "existing" Collector could safely access the "new" Collector. In the case of both roads, any new proposed lots located adjacent to the Collectors would not be allowed to have "driveway access" directly to the Collectors per City Code. This creates significant design issues for a single-family residential subdivision, since each lot must have an individual driveway with off-street parking. This is an unnecessary

duplication of roadways, resulting in a series of double frontage lots, at significant additional costs.

The costs associated with relocating the Collector roadway by extending 4th Way to the east and curving the roadway southwards to reconnect to S. 25th Place would be substantial and would require a complete re-design of the project. At a minimum, 10 lots would be lost and 12 additional lots would back onto a Collector that did not previously, open space would be removed, significantly diminishing the value of the adjacent lots.

Extending the Collector into the site with a 300-foot curve radius would result in the need to construct a minimum of an additional 1,034 linear feet of Collector roadway at an estimated cost of approximately \$330,000 (See attached cost estimate: Attachment B). The estimated cost in lost income of removing the 10 lots and diminishing the value of the other 12 lots would be approximately \$1,550,000. This is based on an estimated value of \$125,000 per lot and a reduction in value of \$25,000 for each double frontage lot. Therefore, the total estimated financial loss to the applicant would be \$1,880,000.

The intersection of 4th Way and 25th Place can be safely designed as a Collector based on AASHTO design standards utilizing a 55-foot centerline curve radius, 15 mph design speed, and proper signage for the reduced speed. Regardless of how long this improvement remains in place, no substantial evidence has been submitted into the record to refute the safety of this intersection using these design parameters. The applicant has prepared an exhibit, which further demonstrates that the curve, and associated improvements, can be designed to meet AASHTO requirements and provide safe sight distance based on a 15 mph design speed (see Sight Distance Exhibit: Attachment C). The sight distance requirement for a 15 mph design speed per AASHTO standards is 170 feet (*2004 AASHTO Design Manual-Chapter 9 Exhibit 955*). There are currently two existing driveways in the proximity of the curve that access the Collector. Both access points are associated with one circular driveway that provides redundant access to Tax Lot 213504-000. The driveway access on S. 4th Way could remain and the southern most driveway access on S. 25th Place for this tax lot, which is not needed, would have to be closed or re-located further south to insure that adequate sight distance is met.

4. The applicant also request design speed modifications to permit centerline curve radii of 135-feet, to accommodate a 20 mph design speed rather than 25 mph for the following streets:
 - Street 'B' curves adjacent to lots 10-11 and 16-17
 - Street 'D' reverse curves adjacent to lots 85-87
 - Street 'E' curve adjacent to lots 193-194
 - Street 'E' reverse curves adjacent to lots 187-189
 - Street 'F' reverse curves adjacent to lots 123-125
5. Additionally, the applicant requests modifications to permit centerline curve radii of 75-feet with crown to accommodate a 15 mph design speed rather than 25 mph for the cul-de-sac street along Street 'D' adjacent to lots 75-77. A modification to the Engineering Standards is not necessary for these curves since Section 2.08 of the Engineering Standards would allow

curves with these radii for residential local streets. However, signage will be required indicating a Dead End

All portions of the Collector shall be bordered by a standard concrete monolithic curb on the unfinished side of the road. If any construction occurs within two feet of the property line of adjoining properties, temporary grading easements must be obtained prior to start of construction.

All interim width portions (partial street sections) of the collector street as proposed may require additional right-of-way upon final design to meet the requirements of engineering standard 2.16 (D) where in the absence of a curb and storm drainage the interim portion of the street shall have at minimum a 2-foot side shoulder adjacent to the street at a 2 percent cross-slope and roadside ditch.

I. Transportation Concurrency

A Traffic Impact Analysis by Kittelson and Associates dated July 20, 2007 was submitted for this project. An analysis titled "Pioneer Street/Reiman Road-Bertsinger Road Intersection Preliminary Design and Operations" was also provided by Kittelson and Associates in a memo dated August 3, 2007 to Steven Wall. The traffic impact analysis estimates a total of 2,080 average daily trips will be generated from this subdivision.

There was a great deal of discussion as to whether the trip distribution provided by the Kittelson study was correct as the neighbors felt strongly that there will be a greater percentage of trips than the assigned 15% going east on 10th Way, especially if Ridgefield builds a new high school. It was not clear necessarily that a new high school building will radically increase the number of trips on this road as the new high school is near the old one; however there is no engineering testimony contradicting the City and the applicant in finding that the new high school has not been approved or applied for, so those trips cannot be counted. In addition with the findings and a new condition imposed by the Examiner where the extension of 10th Way to 45th Avenue will be widened to the required standard, the concern with road safety caused by width have been addressed.

As documented in the applicant's traffic impact study and concurred with by both the City of Ridgefield and Clark County Engineering staff, the traffic study trip distribution estimates that only 15% of the site generated trips will utilize these off-site roadways. These roadways will be improved as necessary with this development and brought up to collector standards in conjunction with future development of the properties fronting the respective roadways. Similar to the Kemper project, re-development of properties along the roadway will necessitate half-street frontage improvement requirements.

The applicant evaluated two intersections for concurrency with Level of Service Standards. The following intersections were found to have unacceptable Levels of Service with the traffic from the proposed traffic and background traffic:

- Bertsinger Road and Pioneer Street

The Traffic Analysis Report does not evaluate the intersections at 35th/Pioneer, 45th/Pioneer and 56th/Pioneer and the I-5 interchange. These intersections have proposed improvements that are currently being designed and will be funded in part through traffic impact fees.

Based on the traffic analysis submitted and the results of other recent traffic studies, the following mitigations should be required to correct the transportation concurrency deficiencies identified in the traffic analysis and known to exist within the City transportation system:

1. To mitigate traffic impacts of the proposed project on the following intersections the applicant shall pay traffic impact fees (TIF) per Ridgefield Municipal Code Section 18.070. Payment of these fees shall constitute a proportionate share of planned improvements required to meet concurrency requirements. The improvements at these intersections are identified as being partially funded by traffic impact fees in the City's Transportation Capital Facilities Plan.
 - a. Pioneer Street / 45th Avenue
 - b. Pioneer Street / S. 56th Place
 - c. I-5 Interchange
 - d. Pioneer Street / 9th Avenue
2. To mitigate impacts to the intersection of 35th Avenue and Pioneer Street, the applicant shall pay a proportionate share of the intersection control improvements currently planned for this intersection.
3. To mitigate the impacts to the Bertsinger Road / Pioneer Street Intersection, the intersection shall be realigned with the Reiman Road / Pioneer Street Intersection and the intersection shall be signalized.
4. Pertaining to numerous comments as to deficiencies in roadway widths on S. 10th Way, S. 25th Place, and S. 15th Street Clark County concurrency submitted a letter dated November 20th, 2007 (Exhibit 27) recommending a condition of approval for widening these off-site County roadways. The applicant suggests that the County's suggested condition is open-ended and has the potential to result in substantial off-site improvements that could include rebuilding approximately one mile of off-site roads from the eastern boundary of the subject site to S. 45th Avenue. Additionally, these potential improvements would far exceed the impacts from the development.

As documented in the applicant's traffic impact study and concurred with by both the City of Ridgefield and Clark County Engineering staff, the traffic study trip distribution estimates that only 15% of the site generated trips will utilize these off-site roadways. These roadways will be improved in conjunction with future development of the properties fronting the respective roadways. Similar to the Kemper project, re-development of properties along the roadway will necessitate half-street frontage improvement requirements.

Based on the foregoing, the Examiner finds it necessary condition the project with improving the off-site roads to be widened the existing roadway as stated in County Code section

40.350.030 (B)(6)(b)(1). The applicant shall have an option of constructing a barricade at the site access as an alternative to said improvements and having the option to phase the timing of such improvements.

1. The applicant shall submit construction plans to resolve deficiencies in roadway widths on S. 10th Way, S. 25th Place, and S. 15th Street and maintain all existing appurtenances (i.e. pedestrian facilities, roadway drainage, etc.). These construction plans shall comply with Clark County Code Section 40.350.030 (B)(6)(b)(1). The construction plans shall including signing, striping, and related features. These plans shall be submitted to the County for review and approval prior to approval of any construction permit.
- c. The applicant shall submit a reimbursable work order, authorizing County Road Operations to perform any signing and striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or site plan approval.
- d. The applicant shall construct asphalt surfaces, as approved, to resolve deficiencies in roadway widths on S. 10th Way, S. 25th Place, and S 15th Street and maintain all existing appurtenances (i.e. pedestrian facilities, roadway drainage, etc.). The construction shall be limited to adding to the existing asphalt surface to create a total width of 20-feet in cases where the pre-existing roadway is narrower than 18-feet with 1-foot shoulders. The required improvements specifically exclude re-building or re-surfacing the entire roadway and/or re-construction of the roadway to modify or expand existing centerline curve radii. This construction shall be completed prior to the approval of the final plat, unless modified by the Public Works Director.
2. If the project is phased, a maximum of 36 dwelling units within the first phase of the subdivision (north of S. 4th Way) can be occupied prior to providing the above listed improvements.
3. As an alternative to providing the above the listed improvement, the applicant may construct a gate that prevents vehicles, other than emergency vehicles, from accessing S. 10th Way east of the subject property, provided all requirements of the Fire Marshal are met.

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

The application materials indicate that this development will be served from an existing 12-inch water main along Pioneer Street. Water main will need to be extended from the existing water main in Pioneer Street to the project site. Per the 2005 Water System Capital Facilities Plan, the water main extended along South 1st Way, South 25th Place, South 4th Way, and South 21st Way shall be 12-inches in diameter. Compensation for oversizing of water mains, if necessary, is available through the City's Utility Oversizing Ordinance.

According to the 2005 Water System Plan Update, the City has water rights to serve approximately 3,700 EDUs and existing well capacity to serve approximately 2,370 EDUs. Per the 2005 Water System Plan, the City served approximately 1,795 EDUs in 2005. With the addition of approximately 188 residential building permits issued in 2006, 28 residential building permits issued in 2007 and 57 residential building permits ready to be issued, the City currently serves approximately 2,068 EDUs. Therefore the City currently 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. The City is currently in the process of developing additional well sources in Abrams Park and in the Junction Area. These are projected to come on line in 2008 and 2009. 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 Upper Pressure Zone has adequate 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. Design of this reservoir is currently scheduled for 2007-8 with construction in 2008-9.

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

The application materials show gravity sanitary sewer service being extend to the project from connection from an existing 10-inch sewer main in Bertsinger Road. An 8-inch sewer main is proposed to be extended to the site. The Sewer Capital Facilities Plan showed this area being served by a new trunk sewer called the T16W that would connect directly to the T-8 sewer in Pioneer Street. Per Section 4.01 of the Engineering Standards, gravity sewers must be sized to serve their ultimate tributary area. The applicant will need to evaluate whether the existing 10-inch sewer is adequate for serving the basin planned for the T-16W and T-16E. If the existing 10-inch sewer is not adequate, the applicant will either need to install the T-16W as shown on the CFP or upsize the existing 10-inch sewer main. Compensation for oversizing of facilities, if required, is available through the City's Utility Oversizing Ordinance.

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, and the average flow from December 2006 to February 2007 was approximately 0.395 MGD.

Since January 2006, the City has issued approximately 216 building permits and currently has 57 building permits that are ready to be issued. Assuming 375 gallons per day per residential connection, the 216 issued permits and the 57 pending permits will use approximately 102,375 gallons per day of capacity. The additional 200 EDUs from this project will produce 75,000 gpd. The City of Ridgefield has recently completed construction of an expansion of the WWTP to 0.7 MGD. This additional capacity became operational in February 2007 and is awaiting approval from Department of Ecology. 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 2009-10. With these planned expansions, the City has made adequate provision for wastewater treatment for this development. **However, there is no guarantee or set aside of service capacity with site plan approval, as it is the city's policy that service commitment occurs when it is paid for at the time building permits are issued.**

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

The Engineering Standards require stormwater facilities to be designed in accordance with the Department of Ecology 1992 *Stormwater Management Manual for Puget Sound*. The applicant has submitted a Preliminary Hydrology Report signed July 25, 2007. The preliminary drainage report demonstrates that the proposed storm drainage collection and treatment system can meet the requirements of Chapter 3 of the city's Engineering Standards. The following specific comments must be addressed prior to Engineering Approval:

- The Stormwater Report should be prepared in accordance with Section I-3.5 of the 1992 Washington State Department of Ecology's *Stormwater Management Manual for the Puget Sound Basin* (1992 DOE Manual).
- The Proposed Basin Map should call out each of the proposed water quality and quantity treatment facilities, as well as all wetlands, streams and applicable buffers.
- The following from Page III-6-6 of the 1992 DOE Manual addresses the slope of Biofiltration Swales. "The channel slope should normally be between 2 and 4 percent. A slope of less than 2 percent can be used if underdrains are placed beneath the channel to prevent ponding [North Swales 4 & 5, Pioneer Swale 1]. A slope of greater than 4 percent can be used if check dams are placed in the channel to slow the flows accordingly [North Swales 2 & 3]." The City of Ridgefield allows up to a minimum longitudinal bioswale slope of 1-percent without the use of underdrains.
- The pond surface area should be considered impervious surface, included in the hydrologic model. The area should be either for each applicable storm event, or the 100-year event surface area.

Prior to Engineering Plan approval, a Final Stormwater Report shall be prepared in accordance with the City Standards.

M. 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.

Due to the location of the site adjacent to a Gee Creek tributary, construction within sensitive lands and buffers should be allowed only between May 1st and October 30th. As long as construction is performed outside these buffers, this restriction will not apply.

DECISION

This Type III Subdivision application as proposed can be made consistent through **conditions of approval** with RDC 13.08 (Development Charges for Water and Sewer Connections); RDC 18.070 (Impact Fees); RDC 18.210 (Low Density Residential Districts – LDR 7.5); RDC 18.280 (Sensitive Lands/Density Transfer Overlay District); RDC 18.600 (Subdivisions); RDC 18.620 (Procedure for Subdivision); and RDC 18.810 (Environmental Standards). Therefore the Examiner **APPROVES** the Kemper Subdivision per Exhibit 1 subject to compliance with the following **CONDITIONS OF APPROVAL**:

A. 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 development shall comply with all approval requirements including all trails and recreational facilities established in applicable plans, policies, regulations (including any City-wide architectural standards adopted prior to the issuance of the first building permit for any phase) and any City 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. The project shall comply with all recommendations made in the Wetland Delineation Report, dated April, 2007 and the Preliminary Mitigation Plan, dated August 13, 2007 prepared by Ecological Land Services, Inc.
4. Comply with all design recommendations and mitigation measures specified in the *Geotechnical Site Investigation Kemper Property*, Columbia West Engineering, Inc., July 30, 2007.
5. Pursuant to RCW 27.53.060 it is unlawful to remove or alter any archaeological resource or site without having obtained a written permit from the Washington State Office of Archaeology and Historic Preservation; 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, shall act to protect the potential or known historical and cultural resources area from outside intrusion, and shall notify, within a maximum period of twenty-four hours from the time of discovery, the City of Ridgefield Community Development Department of said discovery.

6. Any identified critical areas shall comply with the City's critical areas ordinance.
7. Comply with all requirements within the Fire Department letter dated September 10, 2007.
8. Comply with all requirements within the Department of Ecology letters dated October 3, 2007 and November 7, 2007.

B. The following must be accomplished prior to Engineering Approval (Note: Engineering Approval is required prior to commencement of any on-site utility or roadway construction):

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:
 - a. A Pioneer Street may be designed with two 12-foot travel lanes, a 12-foot right turn lane, 12-foot left turn lane, two five-foot bike lanes and one 6-foot sidewalk, subject to WSDOT concurrence and approval.
 - b. The proposed modifications to the City's standard collector section as shown on the preliminary plans may be designed as shown for section AA and section BB as shown within the areas of environmental and topographical constraints only. The remaining portion of the Collector commencing on approach to the frontage of lot 8 shall meet the City's standard Collector section per City Detail T-2.5, or a partial section thereof. The existing roadway is within a 30-foot right-of-way and will require a minimum of an additional 20 feet of dedication to meet the 35-foot half width right-of-way requirement for the Collector. Where the Collector abuts along the project boundaries, the minimum partial section shall have a 35-foot paved width, 6-foot planter strip and 6-foot sidewalk within a minimum of 50 feet of right-of-way (30' existing plus 20' dedication). The design of the collector street shall maintain a consistent centerline throughout the extent of the improvement. Within areas of topographic constraints as determined by the city engineer upon final design, the design speed for the collector may be reduced to 30 MPH west of the intersection of 4th Way and 25th Place. The 90 degree curve located at the intersection of 4th Way and 25th Place shall be designed to AASHTO design criteria, including superelevation requirements to meet a minimum design speed of 15 MPH and shall have a minimum centerline radius of 55-feet. Proper signage for the reduced speed shall be required.
 - c. The intersection of Bertsinger Road and Pioneer Street must be realigned with the Reiman Road intersection and signalized. Improvements must be designed and approved by the City and WSDOT.
 - d. A note on the plat shall state, "No vehicular access (driveways) shall be allowed to lots abutting the Collector Street."

- e. All sidewalks and landscaping along the Collector street shall be installed with the development of this subdivision.
 - f. A temporary turnaround meeting both City and Fire standards must be installed at the east end (lots 110 & 111) of Street 'F'.
2. 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, including but not limited to the following:
- a. Submit plans for water and sewer infrastructure.
 - i. Per the 2005 Water System Capital Facilities Plan, the water main extended along South 1st Way, South 25th Place, South 4th Way, and South 21st Way shall be 12-inches in diameter.
 - ii. Per Section 4.01 of the Engineering Standards, gravity sewers must be sized to serve their ultimate tributary area. The applicant shall evaluate whether the existing 10-inch sewer is adequate for serving the basin planned for the T-16W and T-16E. If the existing 10-inch sewer is not adequate, the applicant shall either install the T-16W as shown on the CFP or upsize the existing 10-inch sewer main.
 - b. Submit complete plans for stormwater management facilities including final Stormwater Technical Information report. Design all storm drainage facilities as shown on the site plan materials to comply with the 1992 Department of Ecology Puget Sound Surface Water Design Manual.
3. Present engineered construction plans of all public improvements to Ridgefield Public Works Department and Clark County Fire District #12 for review and approval.
4. All interim width portions (partial street sections) of the collector street as proposed may require additional right-of-way upon final design to meet the requirements of engineering standard 2.16 (D) where in the absence of a curb and storm drainage the interim portion of the street shall have at minimum a 2-foot side shoulder adjacent to the street at a 2 percent cross-slope and roadside ditch.

The following conditions (5 to 21) are from WSDOT:

- 5. Install the traffic signal and widen SR 501 to accommodate a west bound left turn lane from SR 501 to S. 1st Way.
- 6. Sight Distance – Due to the topography of the area, the minimum sight distance may not be currently available for the safe operation of a traffic signal. The applicant will be required to make improvements to SR 501 to meet current WSDOT standards for sight distance.
- 7. Fish Passage Barrier - The tributary to Gee Creek that crosses under SR 501 at the intersection location has been designated as a fish passage barrier. Any work that impacts this tributary may require the reconstruction of this fish passage.

8. Geotechnical - The slopes in this area may be geologically unstable. WSDOT has recently had portions of SR 501 in the immediate vicinity fail due to unstable slopes. A geotechnical analysis will need to address all impacted slopes, retaining wall design, and signal foundations.
9. Stormwater Treatment - All stormwater runoff from new impervious surfaces within WSDOT right of way will need to be treated for quality and quantity within WSDOT right of way. This treatment and detention must be done to current WSDOT standards.
10. Environmental Permitting & Documentation -- The WSDOT environmental staff is very interested in following the permitting process for this project as it develops. We want to see and review some of the permits before they are applied for, such as the HPA, JARPA, ACOE 404 or others, and DOE 401 & 402. We are also interested in following the Wetland Delineation, cultural resource review and biological assessment processes for areas within WSDOT right-of-way. We ask to be a part of any meeting with other state and federal agencies concerning the work in WSDOT's right of way.
11. Right-of Way-Donations - This project will require right of way donations and it appears that the applicant does not own all of the lands required for donations. This additional right of way shall be deeded to the City of Ridgfield with a Warranty Deed. The right of way donation process could take several months to complete and should be started as early as possible to avoid potential delays to the project.
12. Utility Impacts - There are going to be significant utility impacts resulting from this work. All conflicts and remedies must be identified and agreed to by all parties before any work can commence.
13. Proposed changes to State facilities must be designed to current WSDOT standards and specifications.
14. Plans must be reviewed and approved by WSDOT prior to beginning work.
15. Engineering calculations, plans and reports submitted for review and approval must bear the seal and original signature of a professional engineer licensed in the State of Washington.
16. Copies of all environmental documentation required of this project by any local, State, or Federal jurisdiction. Failure to provide this documentation may result in a substantial delay of approval by WSDOT.
17. Construction must be done in accordance with the current WSDOT Standard Specifications for Road, Bridge, and Municipal Construction manual.
18. Construction inspection will be performed by WSDOT at the developer's expense.
19. WSDOT shall be reimbursed by an agreement for our actual direct and related expenses associated with this project. All work performed within the WSDOT right of way will require our technical review, permits, inspection and approval by WSDOT prior to

construction. This reimbursable agreement must be in place prior to WSDOT reviewing any plans submitted for approval.

20. This development will require work within WSDOT right of way. WSDOT will require that the developer enter into a Developer Agreement with WSDOT. The Developer Agreement is a contract between WSDOT and the developer stating each party's rights and responsibilities, and describing the proposed work. It typically includes a standard agreement form, right of way plan sheet(s), and a complete set of specifications and engineering plans. Any alteration to the standard wording on the pre-printed developer agreement form must be approved by the Attorney General's office prior to execution of the agreement.
21. This conceptual review does not constitute final WSDOT approval. Additional information, more detailed analysis, changes in the development proposal, or changes in the existing or planned operational characteristics of the State Highway System may necessitate modification in our preliminary assessment of this development. WSDOT's comments prior to final approval are meant to alert the applicant to areas of WSDOT's concern.
22. The City Engineer may consider removal of the 8 foot parking lane in certain sections of the proposed Collector along S. 21st Way resulting from environmental and/or topographical constraints.
23. The applicant shall notify the property owner(s) at 2382 Pioneer Street upon knowledge of any proposed changes affecting the property or property access. The applicant shall bear all expenses and compensation associated with any changes to the property or property access.
24. Submit a final landscaping plan for review and approval by the Community Development Department. The final landscaping plan shall comply with RDC 18.830 and RDC 18.210.150 and provide sufficient detail to review all areas on-site including plan areas and other recreation areas. Although not required by the City's development code, the following changes are encouraged in the final landscaping plan:
 - a. Include a variety of street tree types. For example, no more than 25% of single tree species should be used in the project. The reasons for this are to strength survival rates due to disease or extreme weather conditions. Tree variety also provides a more interesting streetscape in neighborhoods.
 - b. Street trees may be spaced at 25-feet on center, or may be clustered as long as the equivalent of 1 tree is planted for every 25 feet of street frontage.
 - c. Additional landscaping is encouraged near the recreation areas on site, including the trail network and children's play area.
 - d. The street trees may be reallocated or clustered along the Collector Street along northern open space area. This modification is acceptable in order to provide a clear view of the open space area as long as the trees are planted in clusters in various places along or near the Collector street. This section of road is approximately 700 feet in length and would require the planting of approximately 28 trees.

25. Submit final mitigation plan to be prepared that addresses the mitigation criteria found in RDC 18.280.150 for all on-site and off-site work. Approval of the final mitigation plan is required from the Community Development department prior to any on-site construction.
26. Provide a supplemental geotechnical investigation with detailed recommendations for the Collector street stream crossing and the other design modifications required on Pioneer Street/S.R. 501.
27. Prior to any grading or construction, provide evidence of any other required local, state or federal permits as they related to impacts to on-site critical areas.
28. Prior to any grading activity or construction, the boundary of the outer edge of all critical areas 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.
29. The applicant shall submit construction plans to resolve deficiencies in roadway widths on S. 10th Way, S. 25th Place, and S. 15th Street and maintain all existing appurtenances (i.e. pedestrian facilities, roadway drainage, etc.). These construction plans shall comply with Clark County Code Section 40.350.030 (B)(6)(b)(1). The construction plans shall including signing, striping, and related features. These plans shall be submitted to the County for review and approval prior to approval of any construction permit.
 - a. The applicant shall submit a reimbursable work order, authorizing County Road Operations to perform any signing and striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or site plan approval.
 - b. The applicant shall construct asphalt surfaces, as approved, to resolve deficiencies in roadway widths on S. 10th Way, S. 25th Place, and S 15th Street and maintain all existing appurtenances (i.e. pedestrian facilities, roadway drainage, etc.). The construction shall be limited to adding to the existing asphalt surface to create a total width of 20-feet in cases where the pre-existing roadway is narrower than 18-feet with 1-foot shoulders. The required improvements specifically exclude re-building or re-surfacing the entire roadway and/or re-construction of the roadway to modify or expand existing centerline curve radii. This construction shall be completed prior to the approval of the final plat, unless modified by the Public Works Director.
 - c. If the project is phased, a maximum of 36 dwelling units within the first phase of the subdivision (north of S. 4th Way) can be occupied prior to providing the above listed improvements.
 - d. As an alternative to providing the above the listed improvement, the applicant may construct a gate that prevents vehicles, other than emergency vehicles, from accessing S. 10th Way east of the subject property, if the Fire Marshall approves such a gate.

C. 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, B-2 and B-3 above. Secure for any remaining construction items in accordance with City Standards.
2. Pay a proportionate share of the cost of improvements to the 35th Avenue and Pioneer Street Improvements. The proportionate share has been calculated as \$726.72 per PM peak hour trip through the intersection.
3. To mitigate traffic impacts of the proposed project on the following intersections, the applicant shall pay traffic impact fees per Ridgefield Municipal Code Section 18.070.
 - a. Pioneer Street / 45th Avenue
 - b. Pioneer Street / S. 56th Place
 - c. I-5 Interchange
4. Payment of these fees shall constitute a proportionate share of planned improvements required to meet concurrency requirements at the following intersections:
 - a. To mitigate impacts to the intersection of 35th Avenue and Pioneer Street, the applicant shall contribute a proportionate share to the cost of intersection improvements, refer to Condition C.2.
 - b. To mitigate impacts to the intersection of South 1st Way and Pioneer Street, the applicant shall construct a new signalized intersection to provide primary access to the site.
 - c. To mitigate the 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. Calculate the number of PM peak hour trips through the 35th Avenue/Pioneer Street intersection.
6. The City Engineer will review the alignment of proposed "Street A" to assure that its location will provide for safe existing and future turning movements at its intersection with S 4th Way.
7. A note on the final plat shall state, "The portion of the site zoned LDR-7.5 shall not create lot sizes or setbacks that are less than those specified in the LDR-5 zoning district. The portion of the site zoned LDR-8.5 shall not create lot sizes or setbacks that are less than those specified in the LDR-7.5 zoning district. Any adjustments or variances to setbacks or other lots dimensions must first receive approval through the Ridgefield Community Development Department."
8. A note on the final plat shall state, "Each lot shall provide at least two off street parking spaces. Off-street parking must provide a minimum of eighteen-feet of lineal parking between the street and the dwelling setback."
9. A note on the final plat shall state, "all fences and walls within the subdivision to comply

with RDC 18.740.”

10. The boundary of the outer edge of the Fish & Wildlife Conservation Habitat buffer or wetland buffer shall be delineated with permanent survey stakes using iron or concrete markers as established by local survey standards.
11. On the final plat, or within a conservation easement, identify the type of critical area, the buffer width, and a note stating that the identified critical areas are protected area subject to regulation by the City of Ridgefield, RDC 18.280.
12. Any water rights associated with existing wells, previous agricultural activity, or other activities shall be transferred to the City of Ridgefield, and all existing wells shall be properly abandoned
13. All street names associated with this subdivision shall be reviewed and approved prior to final plat approval through the City of Ridgefield, Community Development Department.
14. On or before the recording of the final plat, an easement or right-of-way for access and all utilities, which is of sufficient width for the two parcels hereinafter referenced, shall be provided through the plat, which is adequate in width to meet the requirements for legal access for two homes (as required by the City of Ridgefield) to either one of those parcels that are Clark County Property Account Number 213789-000.0 (short legal #68, Section 20, Township 4 North Range 1 East of the Willamette Meridian) or 213743-000.0 (short legal #42, Section 20, Township 4 North Range 1 East of the Willamette Meridian)

D. The following must be accomplished prior to issuance of Building Permit:

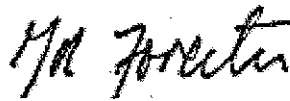
1. Pay all required impact fees and system development charges.
2. Unless otherwise authorized, all buildings and other structures shall be set back a minimum of five (5) feet from the edges of all critical areas buffers. Uses allowed in this minimum setback area include landscaping, uncovered decks, building overhangs that extend no more than twenty-four (24) inches into the setback.
3. Submit documentation that all outstanding planning, engineering, and building invoices have been paid to the City, and that all public improvement have been completed and accepted by the City. This includes any outstanding contract City consulting fees.

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

1. All landscaping shall be installed pursuant to the approved final landscape plans.
2. Comply with all Building, Clark County Fire District 12, and Americans with Disabilities Act requirements.

3. Construction must be consistent with the approved final plat, engineering plans, and building plans.
4. 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 a minimum of every 200 feet. The sign shall state, "The area beyond this sign is a Fish & Wildlife Conservation Habitat Area or Wetland Buffer. Alteration or disturbance is prohibited by law. Please call the City of Ridgefield for further information."
5. Submit documentation that all outstanding planning, engineering, and building invoices have been paid to the City. This includes any outstanding contract City consulting fees.

Dated this 14 day of December 2007



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: Pursuant to Section 2.24.100 of RMC this decision of the Hearings Examiner is appealable to the Clark County Superior Court within **21** calendar days after the date of the issuance of this decision as provided in RCW 36.70C.

Ridgefield Heights Development Agreement

Term Sheet

As part of the draft development agreement under consideration by the Ridgefield City Council the Developer has agreed to:

1. Comply with environmental, stormwater, traffic, architectural, and lighting standards in effect as of the date this agreement is signed, or when a complete application is filed, whichever is later.
2. Not to use S. Bertsinger Road for construction vehicle access. S. 45th Ave. will be used until the extension of S. 35th Ave is available.
3. No trips will be added to S. Bertsinger Rd. from the property.
4. Voluntarily mitigate additional traffic impacts to the area by improving 10th Way from the eastern edge of the property to S. 35th Place with a 24 foot paved width generally, in no instance will the paved width be less than 20 feet. There are no fee credits available for this improvement.
5. Prepay half of the Traffic Impact Fees (TIF's) for the initial number of home sites. There is a limit of 100 initial homes until S. 35th Avenue is reasonably funded in the City Capital Facilities Plan.
6. Dedicate and construct half width street improvements to S. 4th Way, NW 51st Ave and NW 259th (10th Way) along the property frontage to City standards.
7. Dedicate and construct other improvements as may be required by approval of the preliminary plat.
8. Extend water service to the property.
9. Dedicate a portion of the property to the City for public park purposes, and construct improvements to the park as required by City code, and required by preliminary plat approval.
10. The development will be subject to a per lot transportation assessment of \$8,464.54 plus the standard Traffic Impact Fee of \$2,822.48.
11. The playground noted on the attached exhibits shall be constructed as part of phase 1. The developer will make every effort to construct the common area structure by 2018. If not constructed by 2018 the common area structure shall be constructed no later than approval of Phase IV.

As part of the draft development agreement under consideration by the Ridgefield City Council the City agrees to:

1. Vest the land use and zoning approvals for the property contained in the 2007 preliminary approval.
2. Change the functional classification of S. Bertsinger Rd. to a local access street in the Comprehensive Plan, and remove the Bertsinger bridge project from the Capital Facilities Plan.

3. Designate the extension of S. 35th Avenue to the intersection from Pioneer to 15th St. as a collector or arterial road in the Comprehensive Plan and the 6 year CFP.
4. Take reasonable steps to acquire the property, permits and funding for the S. 35th Ave. extension.

MAIL TAX STATEMENTS TO:
Unchanged

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:	ODC RIDGEFIELD HEIGHTS LLC, a Washington limited liability corporation
GRANTEE:	CITY OF RIDGEFIELD, WASHINGTON, a Washington municipal corporation
ABBREVIATED LEGAL	
DESCRIPTION:	#44 OF SEC 20 T4NR1EWM 38.45A #7 SEC 19 T4NR1EWM 19.25A #24 OF SEC 20 T4NR1EWM 10A
FULL LEGAL:	See Exhibit A To This Document
ASSESSOR'S PROPERTY TAX	
PARCEL ACCOUNT NUMBER(S): 213745000; 213727000; 213491000; 213509000	
REFERENCE NUMBER OF RELATED DOCUMENTS:	

Attachment: 3 9 17 Ridgefield Heights DA (1232 : Ridgefield Heights Development Agreement)

DEVELOPMENT AGREEMENT

Effective Date: _____, 2017

PARTIES

ODC Ridgefield Heights, LLC (“Developer”) is the owner of three parcels in the City of Ridgefield comprising approximately 70.45 acres (“Property”). The legal description for the Property 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.

Developer and City are collectively referred to as the Parties.

AUTHORITIES

The City is authorized to enter this Development Agreement (“Agreement”) by Ridgefield Municipal Code Section (“RMC”) 18.310.150 and RCW 36.70B.170(1).

The City is authorized to establish a development service area by RMC 18.070.070.

The City is authorized to issue impact fee credits for voluntary payments pursuant by RMC 18.070.150 and RCW 82.02.020.

The City is authorized to annex an island of unincorporated territory within the city limits by RCW 35.13.182

RECITALS

1. The City previously approved a 200-lot single family subdivision for the Property, land use case file PLZ-07-068, in the Final Order dated December 14, 2007, attached as Exhibit B, and the Parties desire to revise the layout of the subdivision.
2. The Parties desire to confirm the vested land uses and vested motor vehicle trips of the Property,
3. The Parties desire for Developer to prepay Traffic Impact Fees (TIF) to provide funding for the City to construct public improvements to serve the Property.

4. The Parties desire to assign responsibilities for obtaining a Hydraulic Project Approval (“HPA”) permit for a new bridge across a tributary to Gee Creek and the new public road connection between S 35th Place and NW 41st Ave.
5. The Parties desire to plan for the annexation of necessary right-of-way in order to facilitate the efficient provision of city services to the Property and the broader city.
6. The Parties desire to designate portions of the Property to the City for public park land, and to provide Park Impact Fee credits for the dedication.
7. The Final Order contains a scrivener’s error omitting parcel number 213745-000 from the description of the property although the parcel is clearly evident in the analysis, preliminary maps and SEPA checklist, attached as Exhibit C. This Agreement corrects this scrivener’s error;

AGREEMENT

NOW, THEREFORE, the Parties agree as follows:

1. Recitals.

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

2. Vesting of Land Use Approvals.

This Agreement governs and vests the land use and zoning approvals for the Property, as contained in the 2007 Final Order attached as Exhibit B. The Developer agrees to comply with environmental, stormwater, traffic, building architectural, and lighting standards in effect as of the effective date of this Agreement or the date a complete application is filed for a new or revised preliminary plat for the Property, whichever is later.

3. Property Access - Bertsinger

City agrees to change the functional classification of S Bertsinger Rd. to a Local Access street in the Comprehensive Plan and to remove the replacement bridge project from the Capital Facilities Plan (“CFP”). Access to S Bertsinger Rd. from Pioneer Ave. will be limited. Developer agrees to not use S. Bertsinger Rd. for construction access, and to use S. 45th Ave for construction access until such time as the extension of S. 35th Place is available. Developer agrees that no trips shall be added to S Bertsinger Rd. from the Property. Access to the Property shall be via S. 45th Ave, until future improvements are made.

4. Property Access – S 35th Ave.

Future primary access to the development is intended to be from S 35th Ave. Construction of S. 35th Ave. is contingent upon the annexation of property outside City limits, acquisition of right of way, and securing of transportation funding, all of which are outside of the control of the City and Developer. The City agrees to designate the extension of S 35th Ave. to the intersection of S. 15th Street (the “35th Ave. Extension”) as a [collector **or** arterial] in the City Comprehensive Plan. City also agrees to add the 35th Ave. Extension onto the City’s 6-Year CFP. The City agrees to take reasonable steps to acquire the property, permits, and funding necessary for the construction of this 35th Avenue Extension. However, nothing herein guarantees to Developer the construction of S. 35th Avenue or access in any way to the property.

5. Property Access – S. 10th Way

- (a) Developer agrees to voluntarily mitigate additional traffic impacts to the area by improving 10th Way between the eastern boundary of the subject property to the intersection of S. 35th Place to a scenic collector standard with twenty-four (24) feet of pavement and stormwater being accommodated by dispersion into an associated ditch. The City agrees to assure there is right of way necessary to make this voluntary improvement at the time of the construction of the frontage along S. 10th Way. Developer will not be obligated to relocate any power poles and the City agrees to work with Developer with road modifications should power poles impact the full twenty-four (24) feet of pavement. The Developer agrees that this additional mitigation is not TIF eligible at this time. The Developer further agrees that improvements to 10th Way detailed above shall occur prior to City’s approval of Phase I final plat.
- (b) The City intends to provide improved traffic circulation within this area of the City by connecting S.35th Place in unincorporated Clark County to S. 15th Street where the Developer of the Royle property will be making improvements. Developer agrees that this road connection will benefit the Property and by this Development Agreement Developers agrees to voluntarily pay a transportation assessment of \$8,464.54 per residential unit to participate in funding for the needed improvement. The Developer agrees that this voluntary assessment is necessary to mitigate this identified direct impact. Such assessment is in addition to any applicable traffic impact fees which may be assess on the Property. Developer agrees to pay the assessment at time of final plat approval for each phase, but no later than six years from the execution date of this Agreement.

6. Permits.

The City agrees to promptly obtain all permits necessary for the 35th Place extension, and bear all costs and responsibilities for same.

7. Transportation Impact Fee Payments.

Developer will prepay a portion of City Transportation Impact Fees (“TIF”). Developer will pay one-half of applicable TIF for the initial allowed number of units under Section 7 below upon preliminary plat approval and the remaining one-half on a per dwelling basis upon City’s issuance of final occupancy approval for each single family dwelling.

8. Reserved Capacity.

Developer will build in phases as shown on Exhibit D. Provided that the CFP is updated to include the 35th Avenue Extension showing that is funded within six years, the Developer may construct the entire project. Should the CFP not get updated, Developer will be limited to 100 lots until such time that the 35th Avenue Extension is deemed funded.

9. Revised Subdivision Plan

- (a) Developer desires to revise the subdivision plan as shown on Exhibit D, and Developer agrees to apply to City for preliminary plat approval.
- (b) Developer agrees to dedicate and construct half street improvements to S. 4th Way, NW 51st Ave and NW 259th along the Property frontage on as shown on Exhibit E to the standard required by the City’s Capital Facilities Plan. Developer agrees to dedicate and construct such other improvements as may be required by a new or revised preliminary plat approval.
- (c) Developer agrees to extend public water service to the Property as shown on Exhibit E.
- (d) The Parties agree the development will be constructed in phases, as shown on the attached Exhibit D.
- (e) The Playground Structure shown on Exhibit D will be constructed during Phase I and Phase II. The Common Area Structure as shown on Exhibit D will be constructed as part of Phase IV, however the Developer will agree to design and submit permits for this structure as part of Phase I and will use best efforts to ensure construction by no later than 2018.

10. Park Dedication.

Developer agrees to dedicate those portions of the Property designated on Exhibit E to the City for public park purposes. Developer agrees to construct such improvements on these portions of property as may be required by the 2016 Ridgefield Municipal Code and as conditioned by the new or amended preliminary plat approval. City agrees that the development of 2.34 acres noted on Exhibit E shall be for passive recreation only. The

Developer will create a homeowners association consistent with the City's planned unit development code which will maintain the common and open space.

11. Counterparts.

This Agreement may be executed in counterparts; however all signature pages will be recorded together, and the complete recorded Agreement will constitute the final instrument.

12. Effective Date.

This Agreement is shown on the first page of this Agreement.

13. Termination.

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

14. 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 is not a serious threat to public health and safety, and that such action will only be taken by legislative act of the Ridgefield City Council after appropriate public process.

15. 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.

16. 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.

17. Term.

The initial term of this Agreement is for three (3) years. This Agreement will be extended an additional five (5) years if the following benchmarks are achieved: Developer agrees to submit application for a subdivision within six (6) months of the approval of this Agreement. Developer agrees to move forward with the construction of Phase I of the project within three (3) years from the approval dates of the Agreement.

18. Public Hearing.

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

19. 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.

20. 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.

21. Attorneys' Fees.

If a suit, action, or other proceeding of any nature whatsoever (including any proceeding under the U. S. Bankruptcy Code) is instituted in connection with any controversy arising out of this Agreement or to interpret or enforce any rights or obligations hereunder, the prevailing party will be entitled to recover its attorney, paralegal, accountant, and other expert fees and all other fees, costs, and expenses actually incurred and reasonably necessary, as determined by the court at trial or on any appeal or review, in addition to all other amounts provided by law.

22. 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.

23. 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.

24. Inconsistencies.

If any provisions of the Ridgefield Municipal Code or City land use regulations are deemed by a Court to be inconsistent with this Agreement, the provisions of this Agreement will prevail, excepting the City's reserved authority under Section 13.

25. 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.

26. 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.

27. 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.

28. Entire Agreement

This Agreement constitutes the entire agreement between the Parties as to the subject matter.

29. 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 Manager
PO Box 608
Ridgefield, WA 98642

With a copy to: Janean Parker
Ridgefield City Attorney
PO Box 298
Adna, WA 98522-0298

Developer: ODC Ridgefield Heights, LLC
19767 SW 72nd Ave., Suite 100
Tualatin, OR 97062

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.

30. Time is of the Essence.

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

31. 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.

32. 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.

33. 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.

34. 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.

ODC Ridgefield Heights, LLC, a Washington limited liability corporation

By: _____ Date _____
 Its: _____

State of Washington)
) ss.
 County of _____)

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

Dated: _____, 2017.

(Seal or stamp)

 Signature

 Title
 My appointment expires _____

Attachment: 3_9_17 Ridgefield Heights DA (1232 : Ridgefield Heights Development Agreement)

City of Ridgefield, a Washington municipal corporation

By:
Its:

Date

Approved as to Form

Date

State of Washington)
) ss.
County 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 City of Ridgefield, WA to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____, 2017.

(Seal or stamp)

Signature

Title
My appointment expires _____

Attachment: 3_9_17 Ridgefield Heights DA (1232 : Ridgefield Heights Development Agreement)

EXHIBIT A
Legal Description

Attachment: 3_9_17 Ridgefield Heights DA (1232 : Ridgefield Heights Development Agreement)

EXHIBIT B

Prior land use approval

Attachment: 3_9_17 Ridgefield Heights DA (1232 : Ridgefield Heights Development Agreement)

EXHIBIT A

LEGAL DESCRIPTION

EXHIBIT A**Legal Description**

The following described property lying in Section 19 and Section 20, Township 4 North, Range 1 East of the Willamette Meridian, situated in the County of Clark, State of Washington, to wit;

Tract "A"

The South West $\frac{1}{4}$ of the South West $\frac{1}{4}$ of said Section 20 except that portion lying South Westerly of Bertsinger Road (a.k.a. N.W. 259th Street and N.W. 51st Avenue), except public roads.

Tract "B"

Beginning at the North West corner of the South West $\frac{1}{4}$ of said Section 20 and running thence South along the Section line 619.5 feet to the true point of beginning; thence South 701.5 feet more or less to the South West corner of the North West $\frac{1}{4}$ of the South West $\frac{1}{4}$ of said Section 20; thence East 561 feet; thence North to a point 10 feet North of the center line of an unnamed creek running Easterly across said North West $\frac{1}{4}$ of the South West $\frac{1}{4}$, said point being South Easterly from the point of beginning; thence North Westerly in a direct line to the true point of beginning.

EXCEPT public roads.

Tract "C"

Beginning at the North East corner of the South East $\frac{1}{4}$ of said Section 19, thence South 1,254 feet; thence West 752 feet; thence in a Northerly direction to a point 868 feet West of the North East corner of said South East $\frac{1}{4}$; thence East 868 feet to the point of beginning.

EXCEPT tract in North East corner deeded to the Town of Ridgefield, recorded in Volume 101, Page 367, records of said county;

EXCEPT tracts in North East corner deeded to George B. Robinson, recorded in Volume 149, Page 286 and in Volume 178, Page 503, records of said County.

EXCEPT any portion thereof lying within the right of way of NW 264th Street, NW 54th Avenue and Bertsinger Road.

ALSO EXCEPT that portion conveyed to the State of Washington for State Highway 1-T by deed recorded under Auditor's File No. G94721.

EXHIBIT B

2007 FINAL ORDER

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

REGARDING THE APPLICATION FOR A)
PRELIMINARY PLAT APPROVAL TO)
SUBDIVIDE 67.4 ACRES INTO 200-LOT)
SINGLE FAMILY LOTS IN A LDR 7.5 AND)
8.5 ZONING DISTRICTS IN THE CITY OF)
RIDGEFIELD, WA.

FINAL ORDER

**KEMPER
SUBDIVISION
PLZ-07-068**

APPROVED WITH CONDITIONS

INTRODUCTION

This is a request for a preliminary plat approval for a 200-lot single family subdivision. The site totals 67.4 acres and resulting lot sizes will range from 5,000 to approximately 12,000 square feet. The site will include open space areas, trail networks, and a play area located central to the site. The subdivision will necessitate the redesign of the intersection at Pioneer Street and Bertsinger Road and a new Collector street will be constructed to replace Bertsinger Road. The subdivision will also need to address off-site road standards on east of 10th Way to 45th Avenue.

Location: The property is located south of Pioneer Street and south of S 1st Way, east of S 21st Way, and north of S 10th Way. The Clark County Assessor Tax Lots include 213491-000, 213509-000, and 213727-000. The site is located in SE quarter of Section 19 and SW quarter of Section 20, T4N, R1E, Willamette Meridian.

Applicant: David Bantz, 19767 SW 72nd Avenue, Tualatin, Oregon 97062

Owner: Kemper Family Trust, Attn: Don Kemper, 20100 NW 61st Ave., Ridgefield, WA, 98642

Approval Criteria: RDC 13.08 (Development Charges for Water and Sewer Connections); RDC 18.070 (Impact Fees); RDC 18.210 (Low Density Residential Districts – LDR 7.5 and LDR 8.5); RDC 18.280 (Sensitive Lands/Density Transfer Overlay District); RDC 18.600 (Subdivisions); RDC 18.620 (Procedure for Subdivision); RDC 18.630 (Design Requirements); RDC 18.640 (Improvement Requirements); and RDC 18.810 (Environmental Standards).

Notice: MDNS - October 25, 2007

HEARING AND RECORD

The Public Hearing on this matter was held on November 14, 2007 and the record was kept open until November 30, but due to a miscommunication the record had to stay open until December 7, 2007 to allow the applicant the final rebuttal. 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.

PRE - hearing Comments:

Clark County Fire District 12

Clark County Fire District No. 12 submitted comments for this land use review in their letter dated September 10, 2007. A **condition** will require the site to be developed consistently with their recommendations (Exhibit 3).

Clark County Public Works

Clark County Public Works Department early in the review process requested an additional analysis of intersection within the jurisdiction of Clark County that were not addressed in the traffic impact study dated August 3, 2007, included in the application submittal. The intersections of concerns included:

- S 15th Street/S 45th Avenue;
- S Royal Road/S Hillhurst Road; and,
- S Carty Road/S Hillhurst Road.

The applicant submitted an additional traffic impact analysis that addressed these intersections from Kittelson & Associates dated, October 24, 2007 (Appendix I). This analysis concluded that the proposed subdivision could be developed while maintain safe and acceptable traffic operations at the intersections noted above. Clark County reviewed the supplemental traffic analysis and concurred with the findings and stated concurrency requirements are satisfied for the above referenced intersections (Exhibit 4).

Washington State Department of Ecology

The Washington State Department of Ecology submitted comments in a letter dated October 3, 2007. A **condition** will require the applicant to follow the recommendations outlined in the Department of Ecology's October 3, 2007 letter and November 7, 2007 letter (Exhibit 5).

Washington State Department of Transportation (WSDOT)

The Washington State Department of Transportation submitted comments in a letter dated October 23, 2007. **Conditions** recommended in WSDOT's October 23, 2007 letter are incorporated into this decision (Exhibit 6).

Ken Wanderer (neighbor) submitted comments by way of email dated November 1, 2007 (Exhibit 7). Mr. Wanderer noted that the traffic analysis projected 15 percent of the traffic

generated by this project will go to the east (along S. 10th Way and on to 45th Ave) and felt that this percentage is too low. Mr. Wanderer also noted that the proposed Ridgefield High School located near Royal Road and S. Hillhurst Road was not included in the assumed trips that would impact nearby intersections. Finally, Mr. Wanderer questioned who would be responsible for off-site upgrades that may need to occur to S. 10th Way to S. 45th Ave. The applicant's traffic engineer, Chris Brehmer, P.E., Kittelson & Associates, Inc., provided a response to these questions in an letter dated November 2, 2007 (Exhibit 8).

Peter Zwingli (neighbor) submitted written comments by way of email dated October 20, 2007 concerning safety with the road alignment proposed for "Street A" in relation to what appears to be a shared driveway easement referenced as S. 23rd Court (Exhibit 9). His comments state that the proposed "Street A" should align with S. 23rd Court so that this intersection is not off-set, which may result in unsafe turning movements. According to the submitted plans, proposed "Street A" is aligned to intersect with 23rd Court. The applicant's alignment would allow for either tax lot 213508-015 or 213504-000 to construct a half street public road improvement upon future development that would align with "Street A". Without a survey, it is not certain the exact location of the existing S. 23rd road easement in relation to the common property line shared by tax lots 213508015 or 213504000. A **condition** will require that upon engineering review, the City Engineer will review the alignment of proposed "Street A" to assure that its location will provide for safe existing and future turning movements at its intersection with S. 4th Way.

Mr. Zwingli referenced a concern with the proposed curve between S. 4th Way and S. 25th Place. The response to this concern is found in Section H of this decision and also referenced as follows:

"The applicant requests that the intersection of 4th Way and 25th Place be designed with a temporary 90-degree corner with a 37-foot centerline curve radius. This request is a result of right-of-way being unavailable from the property owner to the southwest. The applicant suggests that when the properties to the south and west redevelop, the roadway curve could potentially be realigned with a larger radius curve. Per Table 2.08A of the Engineering Standards, the minimum centerline radius for a Collector street at a design speed of 30 mph is 300-feet, which is significantly greater than the proposed radius of 37-feet. The City Consulting Engineer finds that this request poses a significant public hazard even at the reduced speed. Section 2.08 of the Engineering Standards also specifies that low speed curves under 25 mph may be used on residential local streets. The City Engineer may consider this as an acceptable mitigation on a temporary basis, provided that the curve meets the minimum centerline radius of 55 feet and that proper signage for reduced speed to 15 miles per hour is provided. The temporary curve shall also meet all AASHTO design criteria, including superelevation requirements."

Finally, Mr. Zwingli raised concerns with the multiple street names in this area. A **condition** is warranted that will require all street names associated with this subdivision to be reviewed and approved prior to final plat approval through the City of Ridgefield, Community Development department. As noted in (Exhibit 10), the City's Community Development department is currently working with Mr. Zwingli in changing existing street names that are outside the scope of this review.

Ailsa Crawford & husband Bill Becker, 2382 Pioneer Street, (neighbors) submitted comments on Nov. 7, 2007 (Exhibit 11) concerning the potential for their property access to change as a result the redesign of Pioneer Street and Reiman Road intersection. It is not known at this point whether in fact the driveway may need to be moved or the extent of the change. This will be known at the time of engineering review through the City Public Works Department and WSDOT. A **condition** is warranted that will require the applicant to notify the property owner(s) at 2382 Pioneer Street upon knowledge of any proposed changes affecting the property or property access. The applicant shall bear all expenses and compensation associated with any changes to the property or property access.

Bob Sawyer (neighbor), 3048 S 10th Way, Ridgefield submitted comments by way of email dated November 7, 2007 (Exhibit 12). His concerns mentioned not knowing enough about the land use process and SEPA process. As noted in the correspondence, the consulting planner has offered to meet with Mr. Sawyer to explain the process.

Mr. Sawyer also raised concerns about the construction of the primary Collector to serve the Kemper subdivision and how it may potentially negatively affect nearby property owners. All half-street road improvements and property dedication will occur within the project boundaries. It is the responsibility of the applicant to secure any right-of-way or slope easement that may be needed to outside of the project boundaries. Based on the submitted plans, no off-site right-of-way is shown to be needed along the Collector street. The applicant may need to secure additional right-of-way along Pioneer Street to construct the signalized intersection and create sufficient sight-distance around the curve traveling to the west. Any additional right-of-way will have to be negotiated with the current property owner(s), prior to final engineering review.

Mr. Sawyer also requested that the developer construct a fence along his western property line. The length of this would be approximately 1,300 feet. Based on the City's development code, the City does not have the authority to impose this as condition of approval.

John Christianson (neighbor), 627 S 25th Place, Ridgefield, WA 98642, submitted written comments in a letter dated November 7, 2007 (Exhibit 13). A staff response was provided to the Hearing Examiner at the time of the public hearing on Nov. 14, 2007.

The record in this case includes the following:

1. Application Submittal Packet, dated August 13, 2007:

- Preliminary Plat, prepared by MGH Associates, August 13, 2007
- SEPA Checklist, prepared by MGH Associates, August 15, 2007
- Preliminary Hydrology Report, prepared by MGH Associates, July 25, 2007
- Traffic Impact Study, prepared by Kittelson & Associates, August 3, 2007
- Supplemental Traffic Impact Study, prepared by Kittelson & Associates, October 18, 2007
- Geotechnical Site Investigation, prepared by Columbia West Engineering, June 30 2007
- Archeological Predetermination Report, prepared by Archeological Services of Clark County, July 11, 2007
- Wetland and Delineation Report, prepared by Ecological Land Services, Inc., April 2007
- Preliminary Mitigation Plan, prepared by Ecological Land Services, Inc., August 13, 2007

2. Public Notification Documents
3. Comment letter from Clark County Fire District 12, September 10, 2007
4. Clark County Public Works Department, October 24, 2007
5. Comment letter from the Department of Ecology, October 3, 2007 and November 7, 2007 letter.
6. Washington State Department of Transportation comment letter dated October 23, 2007
7. Ken Wanderer (neighbor) submitted email comments dated November 1, 2007
8. Applicant's traffic engineer, Chris Brehmer, P.E., Kittelson & Associates, Inc., provided a response dated November 2, 2007.
9. Peter Zwingli (neighbor) submitted email comments dated October 20, 2007
10. Community Development Correspondence with Mr. Zwingli.
11. Ailsa Crawford & husband Bill Becker, (neighbor) 2382 Pioneer Street, submitted comments by email on Nov. 7, 2007
12. Bob Sawyer (neighbor), 3048 S 10th Way, Ridgefield submitted email comments dated November 7, 2007
13. John Christianson (neighbor), 627 S 25th Place, Ridgefield, WA 98642, submitted written comments dated November 7, 2007
14. Sam Crummett, Nov. 13, 2007 Additional responses to the comments of neighbors and corrections to the Staff Report, with Exhibit A – letter from Jim Sellers.
15. Testimony of Bob Sawyer, a neighbor - 11/14/2007
16. Comments of Angie Ngwyen and Brian Phuong re streets within the development - 11/14/2007.
17. Testimony of Nancy Finn, a neighbor 11/14/07
18. Testimony of Heather Gordon, a neighbor 11/14/2007.
19. Letter from James Sellers, Nov. 15, 2007
20. Email from Steve Hale, City Engineer, Nov. 15, 2007
21. Email from Nancy Finn, Nov. 15, 2007
22. Email from Ailsa Crawford, Nov. 16, 2007
23. Letter from John Christianson, Nov. 18, 2007
24. Letter from Peter Zwingli, Nov. 19, 2007
25. Email from Nancy Finn, Nov. 20, 2007
26. Letter from Heather Gordon, Nov. 18, 2007
27. Letter from David Jardin, Clark County Design & Engineering Services, Nov. 20, 2007
28. Email from Ailsa Crawford, Nov. 20, 2007
29. Letter and Photo from Bob Sawyer, Nov. 20, 2007
30. Email from Karen Beall, Nov. 20, 2007
31. Email from Joe Burton, Nov. 20, 2007
32. Email from John Finn, Nov. 21, 2007
33. Letter from Donna Quail & Peggy Quail, Nov. 21, 2007
34. Email from Steve Hale, P.E., City Engineer, Nov. 21, 2007
35. Letter from Debbie Raffelson, Nov. 21, 2007
36. Rebuttal Letter from MGH Engineering – Michael Birndorf and Derek McCurdy P.E., Nov. 21, 2007
37. Rebuttal Letter from Kittelson Assoc - Sagar Onta PE and Chris Bremer PE – Nov. 29, 2007
- with sight line exhibit for S 4th Way and S 25th Place

38. Letter from Michael Simon, Applicant's Attorney with Exhibits from Fire District 12 and Clark County Concurrency – Nov. 30, 2007
39. Letter from Sam Crummett to HE requesting permission for further City Comment – Nov. 30, 2007.
40. E-mail from Examiner to Mr. Crummett and Michael Simon in response to Ex. 37 and 38.
41. E-mail from Sam Crummett, Dec. 3, 2007
42. Memo from City Engineer, Steve Hale, Nov. 29, 2007
43. Applicant's Final Rebuttal, Dec. 6, 2007

Hearing Summary:

Sam Crummett, the lead City Planner on this application, introduced the site, summarized the issues in the Staff Report and recommended approval. In doing so he testified that there have been a number of concerns raised about this project by the neighbors. The site is designed around many critical areas, including a stream, steep slopes and wetlands. There have been questions about density, particularly lot size, given the fact that the lots here are only 5,000 square feet. Because of the critical areas on the site, the applicant has been allowed to use the density transfer provisions of the code. The applicant has submitted studies of the critical areas; they plan to avoid wetland areas whenever possible and have demonstrated how mitigation will occur for those areas that will be impacted. The same applies to the steep slopes and the stream corridor. The applicants have shown that they can satisfy the City's mitigation criteria.

The main road that will serve the site is a new collector street. City engineers have reviewed this collector for compliance and found that it does comply with the applicable development code. The 90-degree curve on this collector will be allowed on a temporary basis until additional development occurs and/or additional right-of-way can be acquired so that the curve can be reconfigured. The site will be served with City water; water and sewer will come from Pioneer St.

Mr. Crummett submitted a new memo (Exhibit 14) into the record that addresses issues in some letters received from the neighbors and also changes to the staff report that could not be incorporated before the staff report was issued (Exhibit 14). The memo addresses Mr. James Sellers' and Mr. John Christianson's letters. He also received letters from Bob Sawyer and James Johnston just before tonight's hearing.

Ken Alexander, the City's consulting Engineer indicated that the City has come to an understanding with the applicant regarding the changes to the collector street which is to keep the standard where possible, but there are topographic and environmental constraints that make it impossible for the applicant to meet the standard along the entire length of the road.

David Bantz, the applicant, began by indicating that half of the property – the southern half – was annexed to the City in early 2006. The balance of the property was within the City limits prior to the annexation. The older portion was zoned R-8.5 and the newly-annexed portion was zoned R-7.5. The applicant met with the neighbors in June and since that time has been in correspondence with 27 or 28 of them, keeping them apprised of our progress.

Mike Birndorf, applicant's representative, testified that there are significant environmental constraints on the subject property and it is a heavily-wooded area. With respect to circulation, the applicant is providing major transportation infrastructure that goes well beyond what is required to accommodate traffic to the development, including a new signal at the intersection with Riemann Rd. with a left-turn lane, the development of the collector road, in conformance with the City's capital facilities plan, at a cost of \$8.5 million, plus traffic impact fees that will be used to improve other intersections in the area. A lot of infrastructure is being provided by the applicant.

The local street system conforms to the City standards. The development will include street stubs that will facilitate development to the east. The development complies with section 18.210 of the City code. To protect the natural areas on the site, the applicant is clustering development on non-sensitive areas, as specified in the critical areas ordinance and the density transfer provisions.

Open space in the site will be a combination of buffers to protect critical areas and open space for amenities and infrastructure. The critical areas include a stream, six wetlands, a floodplain and steep slopes. The applicant is proposing a major stream crossing as part of the collector street. The development will avoid, minimize and mitigate for any impacts to these critical areas. The road crossing is designed to avoid impacting the stream. The applicant will be enhancing 3,800 square feet of stream buffer in the area to improve the natural environment. The steep slopes in the site will be preserved, as will the wetlands, although 0.6 acres of wetlands will be impacted by a sewer facility.

Open space amenities will create a network of trails, which we are voluntarily providing. The trails will traverse, but avoid, the natural areas. There will be a play area that, again, is not required, but will be provided. The applicant is providing a central pedestrian corridor.

In conclusion, the applicant agrees with staff's recommendations and findings, and has no requested changes to the conditions of approval at this time. There are many regional benefits associated with this project; environmental protections are consistent with the applicable City ordinances.

Alan Gervais, a neighbor from S. 10th Way indicated that he owns 35 acres along Gee Creek and has been fighting "this" situation for three years. He put together a signature card and collected 165 citizen signatures from people who want to protect this greenway. There will be 1,000 people in this proposed subdivision. East end of 10th way (County 259th to 15th Street to 45th Avenue) is a substandard road. It is barely safe today for normal traffic, police and school buses, when there are less than 25 houses along that road. He didn't see how adding an access road to a substandard road will improve that situation.

There is a major stream crossing proposed, yet he did not think that there was a SEPA process required. He also did not understand how what the City is proposing with respect to traffic in this area will work – it is one of the most unsafe stretches of road in the County. They need to do a traffic count before they make this decision, because it's a mile and a half long, it's not wide enough, and it's not safe for our children and their school buses.

Nancy Finn, a neighbor from on S. 10th Way reads her statement (Exhibit 17) expressing concern that the traffic from this development has not been addressed. She did not think that there has been an adequate traffic study... and was concerned about what will happen when the middle school moves to the high school. By putting up the maximum number of houses and new developments, is City staff considering what will be lost? Do we want to be the new Lake Oswego? I believe 200 homes is close to the maximum allowed for this property; the average price will be close to \$500,000. She was concerned about who is going to purchase these lots

Teresa Wanderer, a neighbor from S. 30th Place presented a letter for her husband and read it, and introduced it to the record. They have two main concerns. First, the traffic analyst for this project predicts an additional 2,000 motor vehicle trips per day. It estimates that only 15 percent of the traffic will travel east, which is too low, because it does not take into account traffic flow to and from the new I-5 on-ramp, the relocated middle school or the proposed new high school.

Second, they are concerned about who will be responsible for upgrading 10th street to Pioneer. She will no longer be able to walk along that road, unless something is done, once 2,000 cars begin entering and leaving this development.

Peter Zwingli, (see also Exhibit 9) was very concerned about the intersection of 1st Way/Reiman and Pioneer. He testified that when he was on the planning commission, the decision was made to use roundabouts to control traffic in Ridgefield whenever possible. A traffic signal violates that decision. It's a very steep intersection; the last thing one would want at that intersection is a red light. These are things that were decided by the a planning commission, that we did not want. That needs to be addressed. "We" deserve a decent and honest answer from the City planners as to why there isn't a roundabout. "We" can make a proper intersection here that matches the rest of the intersections.

This sharp curve (the 90° of 4th Way into S 25th Place) is such a violation of City code that he has no idea why it was even considered, let alone approved. The fact that the developer cannot get the property owner to sell his land is the developer's concern, not the City's. The road could continue east or be extended through the area to the east, although that would reduce the buildable area of the site and mean that the Kemper family would make less money. If it's not financially viable, that's too bad – no one is forcing "them" to develop this property.

With respect to stormwater he was concerned who is going to pay for it? The City clearly has no idea what the costs will be, and those improvements need to be contained within and paid for by the subdivision.

Moving on to fire protection, he was concerned that the City and fire department make a lot of promises about upholding their regulations, but they are often empty promises. The fire department needs to address this issue.

While on the planning commission, he heard many promises from developers, only to see them make an end-run around them, with respect to wastewater, tree protection and other issues. He wanted to know how the City intends to enforce the promises it extracts from the developer in this case.

The sad thing is that, in many ways, these meetings are a waste of time, because your minds have already been made up, and the hearings examiner is here only to ensure that the law isn't broken.

Joe Burton, a neighbor from on S. 10th Way agreed with those who thought that 10th Way cannot sustain any more traffic. If it can't be improved, he would like to see it barricaded at the development, so that there can be some safety on that road.

Heather Gordon, a neighbor who lives directly across the street from the proposed development was concerned about the negative effect the proposed development will have on my property value and quality of life. Should the development change hands, the new developer should be subject to any citywide architectural standards that may be in effect when they apply for building permits. Adding this condition to the conditions of approval will enhance the quality of development in Ridgefield.

She also asked that should the subdivision, or individual parcels within the subdivision, change hands, that the conditions of approval, particularly those respecting the open spaces, be enforced or subject to a review process.

Roy Garrison, a neighbor on S. 30th Place, kitty corner from the proposed development, was born and raised in this area and this road (10th way east) has been a bearcat forever. Traffic is a concern of all of the residents in this area. It appears that most of the proposed residences will be in the southern and eastern parts of the property. He has asked this question a couple of times, and heard tonight that it will take \$5-6 million to build the new bridge for 1st Way and he did not understand that, when you could spend \$3 million to improve the roads going out. That would create a bit of a peninsula, but it would make for a good road system.

Robert Maul, a resident who uses Reiman/Pioneer intersection was in general support of this subdivision, but had concerns about the proposed traffic signal at the intersection. He would hate to see no control go in there at all, if a traffic circle is not viable. Traffic there does need to be addressed. With respect to the trail network, he didn't see a condition requiring that to be done before final plat. He has found, as a planner in Battle Ground, that some of these gestures of goodwill tend to disappear once you get to the final stages of the project, so he believes a condition of approval requiring those recreational amenities is warranted. With respect to the sharp curve, he thought that there are other configurations that would work there, without impacting density overmuch.

Dory Lambert, representing an abutting owner the Johnson Family Trust corrected that the staff report refers to S. 21st Way, instead of S. 21st Place. The demands for traffic improvement discussed tonight are extreme. The applicant is building significant improvements. When she was a Ridgefield High School student, they traveled to the high school via 45th and Royal Ridge Road. It made sense then, and makes sense now. This will be a bedroom community, not a community that feeds a lot of workers into downtown Ridgefield. Pioneer has needed significant improvement for many years. The surrounding neighborhood is all farms and large parcels. She suggested that the Examiner require a significant buffer between the new development and the existing developments to preserve neighborhood character. She asked respect for the many long term residents who testified that evening.

Jim Sellers, whose letter is an Exhibit A to Exhibit 14, testified that he owns about 10 acres on the east side of the development and want to bring to the Examiner's attention that he has discussed access to the proposed development through their property with Mr. Bantz. Second, there is some probability that his wife and he will wind up living on this property. Given what Ridgefield development code requires, this is a fairly thoughtful development, even if it's not what many of the neighbors want to see here.

Bob Sawyer, a neighbor from on S. 10th Way indicated that his comments have been introduced to the record (Exhibit 12 and 15) . On Page 19 of the staff report, they refer to Exhibit 8 which says that since the high school has not yet been approved, they didn't have to consider it in the traffic study. It will be across the street from the present high school. Actually, the new school is in the planning stages and they're talking about putting it on a new levy. This morning he talked to the Ridgefield superintendent of schools, who told him that the bond measure for the new high school will be voted on in the spring of 2008.

Second, as of right now, if you draw a line right down here though the middle of site, there are 106 sites on the west side, and 94 on all the east side. The density down in the southeast corner is pretty high. If you have 50% of the lots down in this SE corner and the traffic goes east to the roundabout, that's 1.6 miles. He assumed that most people will go that way. If you're going to the new high school and middle school from here, it's 2.1 miles. If you go the other way, starting right here, it's 3 miles going down Pioneer to the present high school, and it's 2.5 miles from the southern point. His point is, if you have that kind of density down here, most people will go to the SE to catch 45th Avenue, a thousand trips from this area – and so he questioned the distribution assumptions in the traffic study.

Don Finney, a neighbor from S 10th Way wanted to know whether the crossing of Gee Creek is that span a bridge, or a culvert and fill?

Mr. Birndorf responded that it would be a box culvert, 34 feet in length and 10 feet in height. It spans the creek – the creek will not be impacted in any way.

John Christianson, a neighbor from S. 25th Place referred to his memo (Exhibit 13). The responses he received indicated that the applicant was complying with existing law (Exhibit 14). There were a couple of points in his memo that were not addressed, however. The first has to do with density transfer – the code allows density to be transferred not only within the site, but to another site elsewhere. Why not transfer it somewhere else?

With respect to the collector, one of three exits from the development will have most of the traffic aimed right at his house. The applicant has offered to move it down to the edge of his property. In his note he asked for 4th Way to be extended into the development, to relieve some of that pressure. The surrounding properties are not developments – they're small properties that in his opinion will not be developed. He feels that these properties are being asked to carry an undue traffic burden and asked staff to consider moving the collector further into the development to relive that burden. He fully supports all of the issues raised tonight and asks the City of Ridgefield to represent their concerns, rather than the developers' concerns on the significant issues that have been raised tonight.

Patrick Earl lives right across the street from the proposed development and wanted to know why the City is allowing a 90-degree corner that breaks all the rules?

Jim Johnston, used to live on 21st for a long time and was concerned about the road. He did not want to be the person to hit one of the kids on their skateboards (referring to the steep connection to Pioneer). He was afraid there is going to be an accident and was concerned about the road going out to 45th. It would behoove the City to get this road straightened out and widened to 45th. As Roy Garrison said, why spend all this money when a simpler solution is available?

Clint Pickett, a neighbor from S. 10th Way, who owns the 10 acres across from the bottom of this subdivision and represents the partners who own the adjacent 10 acres. He approves of this subdivision but has concerns about the traffic – that is a very dangerous road. But they intend to develop the 20 acres. He is concerned about access to 45th and would like to see the City improve that road.

On rebuttal Mr. Crummett testified that with respect to the planning-related questions, first, when staff is presented with a project, their role isn't so much to redefine it -- it is to review the project based on the City's land use laws and engineering standards. There are a lot of preliminary meetings and there are many projects where Staff says, absolutely not. That means that, once a project makes it to this point, there has been extensive review, so that may be why it seems that staff sides with developers. There have been a number of general comments about the way properties are developed, with respect to how properties look, lot size etc. Staff has no power to compel a developer to do something outside what the law requires – that's when lawsuits occur.

With respect to Mr. Gervais' comments about improvements over to 45th Ave., those are off-site street improvements. The traffic analysis looked at off-site improvements that should be done, but they did not come up in the traffic study. The signal at Pioneer and Riemann is being done by the applicant, but other off-site improvements were not raised in the traffic study. Second, a SEPA analysis was done for this project and a DNS was issued. Clark County Public Works said the intersections were in compliance with their concurrency standards. With respect to the comment about why the high school was not included in the traffic study, when those studies are prepared, they can't rely on projects that have not yet happened. There are a number of areas in Ridgefield that are being speculated on – typically, projects are only included if they have been approved. If the high school is approved, they will be required to do a traffic study and to mitigate for any traffic impacts. With respect to dumping on the site, raised by Ms. Finn, the archaeological study found no evidence of this. Any debris, trash or toxic chemicals discovered on the site must be removed by the applicant.

With respect to the question of a roundabout, rather than a traffic signal, at the intersection of Pioneer St. and Riemann Rd., the capital facilities plan and comprehensive plan don't indicate a roundabout there – they are referenced in the agreement between WSDOT and the City. He has never seen a proposed plan for a roundabout at this intersection. There will be at least one other traffic signal at 9th and Pioneer in the future.

With respect to the idea of a barricade at the end of 10th, he did not think that would be feasible, because the fire department would not want circulation to be limited.

Examiner (HE) indicated that two exits are typically required for a subdivision because of issues of fire and emergency vehicle access, but there are conditions of approval in other cases which specified removable bollards or gates that only emergency vehicles can open – a temporary solution until the rest of the road is improved. He did say that's warranted, but it is an option.

Mr. Crummett, continued that there were concerns raised about what might happen if the developer sells the project, what the subsequent homes might look like. The City does not have residential architectural standards at this time. There are some architectural standards along Pioneer and Hillhurst. Staff anticipates that architectural covenants will be in place in this subdivision, but that's outside the City's development and zoning code.

In response to a question from the Examiner, Mr. Crummett explained that the City is in the process of rewriting its development code and is discussing architectural standards for residences. It is unknown at this point if they will be included. With respect to Mr. Maul's comments about Riemann Rd., and whether that's a safe intersection, as it is conditioned, a signal is required and it looks as though some sight distance improvements will be necessary at that curve. Warning signs are another possibility. The intersection and all other engineering components will undergo a full City engineering review. Also, the State Highway Department will be reviewing the plans and has already expressed a number of concerns the applicant will be required to satisfy.

With respect to insuring that offered amenities are in fact provided he agreed and suggested that Condition C.1 receive an added sentence, "...including all trails and recreational facilities."

With respect to the issue about the fact that the improvements made for this development will transition to an unsafe County road, that will be addressed in the traffic analysis and during engineering review. With respect to Mr. Sellers' letter, in the record, he will receive access to his property, likely by an extension of Street A. Mr. Christianson has submitted multiple letters to the record and density is his main concern. He has questions about how the density transfer ordinances are being applied (Mr. Crummett has highlighted the relevant sections in Exhibit 14). He raised the issue of transferring density off-site. Code is very clear that density can be transferred legally as proposed by the applicant. The applicant has complied with the existing density transfer requirements, which is his vested right.

One condition – C2 – that needs to be modified. There is a \$660 per PM peak-hour trip figure quoted; staff needs to check and potentially recalculate that number. It may be closer to \$720, and will be addressed in the open record period.

Mr. Alexander stated that contrary to some of the testimony there have been four meetings with the applicant and their engineering staff which discussed almost all of these issues. With respect to the 90-degree corner issue, Staff did not want to create a four-way stop that would stop the free flow of traffic. On a temporary basis, Staff agreed to this curve, as long as it is designed to AASHTO standards. Staff agreed to a 55-degree radius for the curve and a speed of 15 mph – it is a collector and has to meet the City standards. "Temporary" means until they can acquire this property for right-of-way, or until that property is developed.

The Examiner asked what a permanent solution might look like.

Mr. Alexander explained that at some point, the City standard requires a 300-foot radius for that curve. With respect to the issue of a signal vs. a roundabout at the intersection of Riemann and Pioneer, WSDOT is very meticulous in reviewing the safety of their roads and will insist on a safe intersection.

Steve Hale, the City Engineer, interjected that during the design stages Staff reviews for City standards and can't design the project for the applicant. Staff can apply its standards, but can't tell them how to design the project. Staff reviewed the options the applicant came up with, and the best option was the one approved by Staff as a temporary solution. With the amount of traffic likely, there may be the basis for concern regarding more traffic safety analysis for the road to the east, but that is a county road, not a City road.

Mr. Christianson asked Staff when they encounter such an issue, do they ever just say no, because the applicant doesn't have the property they need to make the road safe? The report presumes that all of this area is going to be developed – he owns some of that property and have no intention of developing it.

Mr. Hale explained that Staff does say no. The option they came up with met the factor of safety Staff could approve. Even if this temporary improvement is in place for quite awhile, it still meets the applicable safety standards.

The Examiner explained that the question is whether the turn is safe and the engineering testimony is that it is safe. The real issue is, even if it is safe, is it allowed? The testimony we have heard is that, with a 55-foot radius and 15 mph speed limit, it is safe and because an exception has been filed, it has been approved by the Staff.

The hearings examiner requested applicant rebuttal.

On rebuttal Mr. Bantz agreed to abide by any architectural standards, if that is conditioned, as long as they are consistent citywide. He also agree to a condition that the project, whenever it is developed, will include the trail system and parks and will look substantially like the intent of this plan (see Condition A.1). Finally, the applicant did look into installing a roundabout at Pioneer and 21st, but the problem was topography. The street to be put in has to come in at a relatively flat alignment, but Pioneer slopes at about 7 percent. The east and west legs would be sloped. The applicant may be able to come up with enough area, but is concerned that it would not be adequately safe.

Chris Brehmer, the applicant's principal engineer for this project, clarified that the traffic study was prepared for a 213-unit subdivision, whereas 200 units are now proposed, so the actual traffic impacts from the development should be somewhat less than the figures quoted in the traffic study. With respect to construction traffic, this will be a phased project with construction access from the state highway. There was a lot of comment about the trip distribution; there is a memo in the record addressing that issue. It has been reviewed by both the City and the County. The applicant is comfortable with its accuracy, even with the new I-5 interchange being built to the south. The County requested a supplemental analysis and that was provided, looking at intersections to the south and east. That was developed and provided to the City. The applicant

did not find a crash history at those intersections. Based on the City and County concurrency requirements, it is not required to include the proposed high school.

There were comments about why build the bridge (to Pioneer) at all, why go to all this expense; the capital facility plan requires this east-west connection. The CFP did not require a roundabout at the intersection of Pioneer and Riemann, although it was considered – again, the 7 percent grade made that impractical because of the “slingshot” effect. That’s why the applicant proposed the signal option. The State does have concerns about sight distance and those concerns will be addressed. WSDOT not only supports the signal, they’re requiring it.

With respect to the skateboarder issue, there will be bike lanes and sidewalks, so there will be facilities if people choose to use them. There is no question that this project will be sending traffic to the east; however, with major improvements to the north. From a concurrency perspective, the applicant meets City and County requirements. There is no nexus to perspective to require that of the project.

The Examiner asked whether if the proposed trip distribution is off by half (there will be twice as many trips to the east), what effect will that have if it goes to 60 peak hour trips?

Mr. Brehmer replied that from a capacity perspective, in his opinion, the critical intersection will still meet the intersection level of service standard even if traffic doubles.

Mr. Birndorf concluded that the applicant’s representatives worked hard with staff to come up with a safe solution. It is an improvement over the current situation – it improves the existing radius and widens the lanes. It is a temporary solution and will be replaced when those abutting properties redevelop in the future. The burden of proof requires the applicant to show that the temporary solution proposed is safe and in their opinion, it can be designed safely. To relocate that road would deprive these properties to the west of access and would encounter wetlands, grade and other issues.

As a number of neighbors wanted to make additional points, the Examiner explained that this is not an informational meeting or a planning commission meeting. It is a quasi-judicial hearing. While there are members of the public who may feel their issues may not have been adequately addressed, the record will remain open for seven days to allow the public to submit any additional written comments. The applicant will then have seven days to respond, not counting Thanksgiving and Friday. If the applicant introduces new evidence, the cycle will begin again.

OPEN-RECORD PERIOD:

First Week – Neighbors and Agencies

Exhibit 19 Letter from James Sellers - Nov. 15, 2007

Mr. Sellers submitted a correction to the language that Mr. Bantz and he agreed upon, to wit:

"On or before the recording of the final plat, an easement or right-of-way for access and all utilities, which is of sufficient width for the two parcels hereinafter referenced, shall be provided through the plat, which is adequate in width to meet the requirements

for legal access for two homes (as required by the City of Ridgefield) to either one of those parcels that are Clark County Property Account Number 213789-000.0 (short legal #68, Section 20, Township 4 North Range 1 East of the Willamette Meridian) or 213743-000.0 (short legal #42, Section 20, Township 4 North Range 1 East of the Willamette Meridian)"

He asked that the Examiner insert this condition – See Condition C. 38

Exhibit 20 Email from Steve Hale, City Engineer - Nov. 15, 2007

The amount stated in Condition C.2. (page 25 of 27) needs to be corrected to read \$726.72. An attached work sheet and memo show how amount was calculated.

Exhibit 21 Email from Nancy Finn - Nov. 15, 2007

Ms. Finn repeated her request (presumably to Staff or Applicant) for a clarification or justification why on the traffic study for this development you they could not use the proposed new high school BUT were are allowed to make a temporary change in the road (90 degree turn) on the ASSUMPTION that the adjoining property WILL GET DEVELOPED. She thought that there was more likelihood the high school will be built before the neighbor will sell their property.

Exhibit 22 Email from Ailsa Crawford - Nov. 16, 2007

She inquired whether their property at 2382 Pioneer may be altered by the remodeling of the Reiman-Pioneer intersection since no mention of this was mentioned in the Kemper Subdivision report. (repeated essentially in Exhibit 28)

Exhibit 23 Letter from John Christianson - Nov. 18, 2007

Mr. Christianson restated three points:

- **Intersection at S 4th Way & S 25th Pl:** To address both safety and traffic load along the front of their property he again asked the city and the applicant to consider extending S 4th Way straight east into the Kemper property with the addition of a stop sign on 25th Pl where it intersects S 4th Way. This modification will have the dual benefit of reducing the traffic load from the Kemper development along the front of his property and improve the safety of this intersection. Per the City Engineer's analysis, the current proposal does not meet the design guidelines for a collector road and it is faulty for its presumption that the private property needed for the corner will be "developed" in the future and made available to the city. Such a scenario is unlikely due to the negative impact this large-radius corner will have on the corner property value. In any case, he objected to any proposal to install a large radius curve at this corner due to the negative impacts it would have on the value of his property and on road safety entering & exiting our driveway due to the resulting increase in traffic speed along the front of our house.

- **Road capacity & safety from Kemper property to S 45th Ave:** When asked by the hearing examiner to estimate the road capacity if the traffic loads were doubled, the

response of the applicant's engineer focused on the capacity of the intersection at S 45th Ave. His concern is the road safety between the proposed development and the intersection. Road improvements are required to make this road safer for more traffic. He requested that the City require a separate engineering study reexamine the safety issues and focus more attention on the road itself.

* He objected to generalization that abutting properties will be developed like the Kemper property.

Exhibit 24 Letter from Peter Zwingli - Nov. 19, 2007¹

Pioneer Street and Bertsinger Road Intersection:

- At the time the subdivisions north of Pioneer were developed, Reiman Road was not meant as the primary access route. Instead an east-west road paralleling Pioneer to the north was expected to be the main access road. The additional of a traffic light will create a choke point. Mr. Zwingli continues to reference unquoted and unreferenced Ridgefield planning directives call for roundabouts as the favored type of intersection.
- Mr. Zwingli questions Mr. Bantz's testimony that a roundabout was not feasible due to the 7% grade. He argues that when developers need to reduce grades in their developments earth is easily moved around. The traffic light is the easiest and cheapest way for the developer to control traffic at the intersection, but it is not the best solution for the community.
- Given the steep descent of Pioneer St. and curves, a traffic light at this intersection only magnifies the dangers by requiring that all traffic come to a complete stop for an prolonged period, causing potential backups not just on Pioneer, but also on Reiman Road and Bertsinger Road. A vehicle approaching down any of these roads towards the traffic light, given the curves and grade, risks an accident.
- The traffic control vision and standards the City established in 2004 should not be relaxed for the convenience of this proposed subdivision.

Section H 1 C: Parking along western edge of the proposed subdivision (S 21st)

- No parking is available along the side of this street now – nor has a need been demonstrated for this in the future.
- Creating parking on this road creates safety issues with parked cars along the road.

Section H-2

- The developer and the City proposed a sub-standard curve at S 4th and S 25th on a temporary basis. No definition of temporary was ever given. If the City continues to

¹ Echoing Mr. Christianson objection to the assumption that future abutting development will occur, Mr. Zwingli receives Mr., Christianson's endorsement of proposal for S 4th Way & S 25th PI described in the 5th bullet in the section titled "H2". This solution would address the road issues he raised in the comments he submitted earlier.

support this unacceptable option, they should provide an acceptable funding mechanism for correcting the curve in the future.

- The City and developer repeatedly stated that when (not if) the Peraza property is developed this curve would be corrected. This is based on the assumption that the Perazas will develop their property. Neither the City nor the developer offered any evidence that this is the case.²

Solution to the proposed sub-standard curve:

- Create a new through road (without houses lining the street to maintain traffic flow) from 4th to 10th to the east of S 25th. S 4th would be extended to the east, and curve southwards connecting with S 10th to the east of the grove of fir trees. Access to the existing properties on S 25th would be maintained by blocking S 25th at both ends to motorized traffic (leaving it open to pedestrian and bicycle traffic), and providing motor vehicle access to S 25th by way of an access road through the new subdivision from the new through road. This solution also avoids any environment impact to the areas around the intersection of S 25th and S 10th. This solution may cause a loss of lots for the developer, but this should not be a rationale in allowing such a major exception to street standard and safety requirements
- Ridgefield School Board has purchased the new school site and additional residential development will require more schools, but this is not considered while the assumption that the Peraza property will be developed without any evidence that this is actually the case.

Road capacity from proposed development east to S 45th.

- Allowing development to proceed without developing this series of roads will only create a problem in the future for which the tax payers of Ridgefield will be required to remedy (not the developer).
- Neither the developer nor the City clearly explained their rationale that almost all traffic from the subdivision will travel north instead of east. This, despite that fact that if traveled east instead of north the travel distance from half the home to I-5 is the same or less, and with fewer intersections.
- From the statements of the representative of the firm doing the traffic study, this assumption is based on his opinion, not fact.

Traffic studies in Ridgefield are highly questionable because they are done under contract between the traffic engineers and the developer, not the City. This should be considered a clear conflict of interest.³

On-street parking

- Given the small lot sizes in the proposed subdivision, on street parking may be an issue. A 5-minute drive through new subdivisions in Ridgefield with such small lots will find

² Interjecting some hearsay Mr. Zwingli asserts that in his communication with Mr. Peraza, he has never heard him state that he has plans to develop his property.

³ Mr. Zwingli argues that most of the traffic study done in 2001 for the northernmost development off to the east of Hillhurst Road were conducted on days when both the High and Middle schools did not hold classes. The City unfortunately chose to accept this report despite public objections.

roads lined with cars, commercial vehicles, boats, and trailers, causing safety issues and reducing the appeal of Ridgefield. Also, vehicles are often parked across sidewalks, which should never be tolerated. Any overnight parking on streets within the proposed subdivision not be allowed to maintain safety and maintain the appeal of the neighborhood.

Exhibit 25 Email from Nancy Finn - Nov. 20, 2007

She is offended by the assumption that the abutting neighbors will develop

Exhibit 26 Letter from Heather Gordon - Nov. 18, 2007

She was not clear on the City's response to her requests in Exhibit 18 (now resubmitted) and wanted to add one additional point that she did not buy her three acre property with an eye to develop it in the future. Not everyone owns land in order to sell it or build houses on it.

Exhibit 27 Letter from David Jardin, Clark County Design & Engineering Services - Nov. 20, 2007 to Stephen Hale.

The letter states that Clark County has reviewed the concern raised at the Kemper Subdivision Public Hearing last week as it specifically dealt with the road width adequacy of S 10th Way, S 35th Place and S 15th Street to handle the additional traffic from the proposed subdivision. These roadways are classified as Urban Collectors (C-2) as identified in the County's adopted Arterial Atlas. Review of road width was not a part of the County's Concurrency review. Typically, road width standards are reviewed and enforced by the County's Community Development Engineering Services.

County Staff has further reviewed the transportation information, submitted by the applicant. This information did not show the road widths for facilities under County jurisdiction. Thus, the applicant has not shown compliance with the Clark County code, which states:

40.350.030 (B)(6) — Off Site Improvements

b. Requirements for Off-Site Access Road Improvements. All roads providing access to parcels being developed, whether such roads are to be public or private, shall at a minimum:

(1) Within the urban area have an unobstructed and paved roadway width of twenty (20) feet, except in those cases where the pre-existing road is eighteen (18) feet wide with one (1) foot wide shoulders, additional widening to the twenty (20) foot standard is not necessary. Any preexisting roadway narrower than eighteen (18) feet with one (1) foot shoulders shall be widened to the full twenty (20) foot standard.

Because the applicant has not shown compliance with code requirements, the County would recommend that conditions be added, which state:

1. The applicant shall submit construction plans to resolve deficiencies in roadway widths on S 10th Way, S 35th Place and S 15th Street and maintain all existing appurtenances (i.e. pedestrian facilities, roadway drainage, etc.). These construction plans shall

comply with Clark County Code Section 40.350.030 (B)(6)(b)(1). The construction plans shall include signing, striping and all related features. These plans shall be submitted to the County for review and approval prior to approval of any construction permit.

- a. The applicant shall submit a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or site plan approval.
2. The applicant shall construct asphalt surfaces, as approved, to resolve deficiencies in roadway widths on S 10th Way, S 35th Place and S 15th Street and maintain all existing appurtenances (i.e. pedestrian facilities, roadway drainage, etc.). This construction shall include all related features. This construction shall be completed prior to the approval of the final plat, unless modified by the Public Works Director.

Exhibit 28 Email from Ailsa Crawford - Nov. 20, 2007

Following comments in Exhibit 22 Ms. Crawford asked that were a change in the placement of our driveway to be made, we would be very concerned about our safe access to Pioneer St. I would hope that an opportunity to comment further on the intersection would be available when plans for it are more clear.

Exhibit 29 Letter and Photo from Bob Sawyer - Nov. 20, 2007

Issue 1 - The applicant pointed out the buffer area (7,500 or larger lots) on the west side of the subdivision, shouldn't that buffer area also include the far south and east side of the subdivision. There is just as big a disparity between the existing homes on large acreage and the subdivision on those sides as in the west. He is requesting that the buffer area be extended to the south and east sides of the subdivision per the existing code.

Issue 2 - The applicant agreed to take the expanded right-of way out of the Kemper property. The drawing of the subdivision needs to be changed to reflect that because it will effect the lot configuration and sizes. That should to be done before final approval?

Issue 3 - The applicant indicated that all houses would face toward the internal streets. For safety reasons a fence should be constructed around the subdivision where house sites exist (lots) to keep kids that generally are playing in the backyard of homes from running into the road or driveway.

Issue 4 - The planned solution for the intersection at S.4th Way and S. 25th Pl. is questionable! The applicant and the City Engineer are proposing on a temporary basis, a curve with the minimum centerline radius of 55-feet and proper signage for reduced speed to 15 miles per hour is provided. The temporary curve shall also meet all AASHTO design criteria, including super elevation requirements.

The applicant says this is a result of right-of-way being unavailable from the property owner to the southwest. (Alex and Sheila Peraza) The applicant suggests that when the properties

to the south and west redevelop, the roadway curve could potentially be realigned with a larger radius curve. The Peraza's and other property owners have no intention of developing in the next 5-10 year time frame at a minimum, if ever. If the city is going to give an exemption make it permanent. The Peraza's need to be able to sell their home without the buyer having to rebuild this curve. This most likely would reduce the price that a developer or any other buyer would offer. This is being done at the expense of the Peraza's.

Issue 5 - The traffic engineer for the applicant didn't respond to most of his November 14, 2007 submittal; which challenged the conclusions of the existing traffic study. It appears that approximately 100 lots or more would use the I street and S 10th Way entry into the subdivision. It would be reasonable to expect that as high 800 to 1200 trips would go east.

The big safety factor is the road out to 45th. It should at least have a yellow stripe/line down the middle and be widened using existing right-of-way. Attached is picture where the school bus broke down on 35th St on Friday 11/16/07 showing what a narrow road this is.⁴

The attached picture with a school bus indicates that a school bus blocks the other lane of traffic.

Exhibit 30 Email from Karen Beall - Nov. 20, 2007

First, she did not understand why the traffic report does not include the traffic that will be generated by the new high school, given that concurrency does not allow the subdivision to be built without the schools that are included in the school district's comprehensive plan.

Second, a natural vegetative buffer that screens the subdivision from view be required around the entire perimeter of the subdivision. Although this may not be required by code - a buffer can help reduce current as well as future conflicts between these different desires.

Exhibit 31 Email from Joe Burton - Nov. 20, 2007

Without necessary alterations to the current proposal, the result of the development will be a traffic nightmare on the roads east of the property. Roads which are already unsafe will become dangerous. I am currently a real estate professional, but I am a degreed civil engineer and have studied traffic.

He has spoken with Richard Gamble (397-2375 ext 4385) of Clark County public works regarding the eastern access to and from the proposed development on S. 15th and 10th Way. The road has a "collector" designation which requires a 20 foot minimum pavement width.⁵

He also took issue with his understanding that the traffic flows were modeled from developments north of Pioneer. Of course most of the traffic from those developments route through Pioneer,

⁴ Mr. Sawyer suggests that the Examiner call Art Edgerly, Superintendent of Schools for Ridgefield, WA 11/14/07. The Examiner does not talk to witnesses outside the hearing or through the open record. It is up to parties to present evidence.

⁵ He references submittal from Clark County Concurrency which gives the required dimensions and proposes conditions - See Exhibit 27.

as there are no main destinations to the north. Most traffic destinations from this area are towards Vancouver. From the Kemper property, especially from 10th Way exiting the planned development, going eastbound on 10th is a very attractive option. It would be more accurate to survey residents in the area to obtain a basis for predicting future traffic flows. Even with the proposed road improvements to the west, he will still travel east unless going into downtown Ridgefield which is only about one in ten trips and all future residents of the southeast portion of the development will do the same, resulting in far higher traffic counts on those roads than predicted. As many as 2/3 of the new trips will travel east, for which no improvements are planned

At the hearing he proposed a barricade at the end of the development. The city rebuttal is that the Fire District would not allow it. On the contrary, Larry Bartell at the local Fire District told him that the installation of a "knox box" on the barricade would fulfill their needs. Final fire district approval would be with Tim Dawdy who is away on vacation this week. (See Tim Dowdy's contrary response in Exhibit 38)

Exhibit 32 Email from John Finn - Nov. 21, 2007

- At the proposed 90 degree corner, why would it not be built meeting current city standards the first time? The thought that the current owner will sell is not a given, would the road then never meet city standards? In doing this the current owner's property in essence has been reduced in value by the city it would seem.
- From the new collector off the state highway, currently Bertsinger, to the intersection of 15th and 45th. The road is the concern not the intersections, 10th and 15th are both too narrow for opposing traffic to pass without someone pulling over to allow the other to proceed. If the city assumes someone will sell their property, then can I assume the schools will be built?
- As this property is being developed, how will construction traffic enter? Will 110,000 lb. trucks be driving up and down 10th way bringing in materials? Will they park on the highway? How does the city propose to handle this on these narrow roads.
- If the trucks do come in on this route, who will pay for road repairs when they are done?
- Will the city of Ridgefield guarantee the development will be built as proposed at the meeting in its entirety?

Exhibit 33 Letter from Donna Quail & Peggy Quail - Nov. 21, 2007

Echoed the safety concerns of our neighbors:

1. The intersection of Pioneer and Bertsinger: Based on daily personal experience and observation, motorists, both East and West, are going at a considerable speed at this spot in the road. The city should adopt a roundabout at this intersection as both a traffic calmer and for its aesthetic continuity. It seems reasonable at this early planning stage, that engineering departments of Developer, City or WSDOT could find an alternative to a signal light that would maximize flow and safety.
2. The right angle turn at S. 10th Way and 25th Pl: Again, from observation and experience on a daily basis, this is a dangerous turn in the road. The use of the term "temporary" for that corner in the current development plan seems misleading and disingenuous as neither developer or city staff was willing or perhaps unable to give a definition.
3. Streets, 10th and 15th: Traffic analysis put forth that 15% of trips would exit the

neighborhood via these routes. Again, as daily drivers on these roads, experience tells us this couldn't possibly be an accurate assessment.

4. Realizing that these are currently county roads, this leaves the city outside the scope of responsibility at this time. It would seem wise for both the city and developer to consider these pending changes and explore the possibilities of what could be done now to ensure maximum safety for current and future residents.

Exhibit 34 Email from Steve Hale, P.E., City Engineer - Nov. 21, 2007

Conditions B.2 require that condition b. of this section be replaced and additions of d. e. f. and g. to clarify and transfer all the "Engineering Review Comments" (Pg. 12 through 16 of Staff Report) to conditions as follows:

B.2.

a. (No change)

b. (delete and replace) The proposed modifications to the City's standard collector section as shown on the preliminary plans may be designed as shown for section AA and section BB as shown within the areas of environmental and topographical constraints only. The remaining portion of the Collector commencing on approach to the frontage of lot 8 shall meet the City's standard Collector section per City Detail T-2.5, or a partial section thereof. The existing roadway is within a 30-foot right-of-way and will require a minimum of an additional 20 feet of dedication to meet the 35-foot half width right-of-way requirement for the Collector. Where the Collector abuts along the project boundaries, the minimum partial section shall have a 35-foot paved width, 6-foot planter strip and 6-foot sidewalk within a minimum of 50 feet of right-of-way (30' existing plus 20' dedication). The design of the collector street shall maintain a consistent centerline throughout the extent of the improvement. Within areas of topographic constraints as determined by the city engineer upon final design, the design speed for the collector may be reduced to 30 MPH west of the intersection of 4th Way and 25th Place. The 90 degree curve located at the intersection of 4th Way and 25th Place shall be designed to AASHTO design criteria, including superelevation requirements to meet a minimum design speed of 15 MPH and shall have a minimum centerline radius of 55-feet. Proper signage for the reduced speed shall be required.

c. (No change)

d. A note on the plat shall state, "No vehicular access (driveways) shall be allowed to lots abutting the Collector Street."

e. All sidewalks and landscaping along the Collector street shall be installed with the development of this subdivision.

f. A temporary turnaround meeting both City and Fire standards must be installed at the east end (lots 110 & 111) of Street 'F'.

g. A 30-foot access and utility easement shall be provided for a future private road from the nearest public street ("Street C") to Tax Lot 213743-000.

Exhibit 35 Undated note from Debbie Raffolson – received Nov. 21, 2007

The note objects to small lots and possible taking of a neighbor's property.

OPEN RECORD PERIOD - Applicant's Rebuttal (Second Week)

36. Rebuttal Letter from MGH Engineering – Michael Birndorf and Derek McCurdy PE, Nov. 30, 2007

Issue #1 – S. 10th Way, S. 35th Place, and S. 15th Off-Site Road Adequacy

In response to comments in Exhibits 23, 24, 27, 28, 29, 31, 32, and 33).

As to the letter from Clark County dated November 20th, 2007 (Exhibit 27) recommending a condition of approval for widening these off-site County roadways. The County's suggested condition is open-ended and has the potential to result in substantial off-site improvements that could include rebuilding approximately one mile of off-site roads from the eastern boundary of the subject site to S. 45th Avenue. Additionally, these potential improvements would far exceed the impacts from the development.

As documented in the applicant's traffic impact study and concurred with by both the City of Ridgefield and Clark County Engineering staff, the traffic study trip distribution estimates that only 15% of the site generated trips will utilize these off-site roadways. These roadways will be improved in conjunction with future development of the properties fronting the respective roadways. Similar to the Kemper project, re-development of properties along the roadway will necessitate half-street frontage improvement requirements.

Based on the foregoing, the applicant requests that the hearings officer not adopt a condition requiring off-site road improvements. If the hearings officer chooses to condition the project with improving the off-site roads, the applicant requests that the County's recommended condition be reworded as follows, so that the scope of the condition is specifically limited to widening the existing roadway as stated in the referenced County Code section 40.350.030 (B)(6)(b)(1). The applicant further requests the option of constructing a barricade at the site access as an alternative to said improvements and having the option to phase the timing of such improvements.

Suggested Modifications:

1. *The applicant shall submit construction plans to resolve deficiencies in roadway widths on S. 10th Way, S. 25th Place, and S. 15th Street and maintain all existing appurtenances (i.e. pedestrian facilities, roadway drainage, etc.). These construction plans shall comply with Clark County Code Section 40.350.030 (B)(6)(b)(1). The construction plans shall including signing, striping, and related features. These plans shall be submitted to the County for review and approval prior to approval of any construction permit.*
 - a. *The applicant shall submit a reimbursable work order, authorizing County Road Operations to perform any signing and striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or site plan approval.*
 - b. *The applicant shall construct asphalt surfaces, as approved, to resolve deficiencies in roadway widths on S. 10th Way, S. 35th Place, and S. 15th Street and maintain all existing appurtenances (i.e. pedestrian facilities, roadway drainage, etc.). The*

construction shall be limited to adding to the existing asphalt surface to create a total width of 20-feet in cases where the pre-existing roadway is narrower than 18-feet with 1-foot shoulders. The required improvements specifically exclude re-building or re-surfacing the entire roadway and/or re-construction of the roadway to modify or expand existing centerline curve radii. This construction shall be completed prior to the approval of the final plat, unless modified by the Public Works Director.

- 2. If the project is phased, a maximum of 36 dwelling units within the first phase of the subdivision (north of S. 4th Way) can be occupied prior to providing the above listed improvements.*
- 3. As an alternative to providing the above the listed improvement, the applicant may construct a gate that prevents vehicles, other than emergency vehicles, from accessing S. 10th Way east of the subject property, provided all requirements of the Fire Marshal are met.*

Issue #2: Pioneer Street/N. Reiman Road Roundabout Request

Exhibits #24 and #33 request the applicant consider a roundabout at the intersection in lieu of signalization.

There is no basis for requiring a roundabout at this intersection. It is not identified in the City's Transportation Capital Facilities Plan or in the City's agreement with WSDOT. No traffic control was anticipated at this intersection. The existing agreement between WSDOT and the City of Ridgefield dated April 30, 2004 states that "future location of traffic signals on SR 501, when warranted, will be at Main Street, 9th Avenue, North Reiman Road, vicinity of 35th Place, 45th Avenue, and 51st Avenue", and further states that "roundabouts may be installed in the SR 501 corridor in lieu of signals at 35th Place, 45th Avenue and 51st Avenue". The Ridgefield City Council has only adopted the requirement for a roundabout at 45th Avenue. A roundabout at the Reiman Road intersection was not determined to be an option for that location.

In addition to not being part of an approved plan, installation of a roundabout at this location is not feasible based on existing environmental and topographic constraints and a lack of available right-of-way. The additional width required to construct a roundabout would impact approximately 5,000 square feet of wetland areas on the south side of Pioneer Road and would result in the need to acquire additional right-of-way from off-site properties to the north of Pioneer Road. The existing Pioneer/Reiman Road intersection has a slope gradient of 7%, which does not meet WSDOT safety standards. The WSDOT guideline for the maximum gradient for a roundabout is 4%. Significant slopes through a roundabout can cause uneven speed distributions, as a vehicle is alternately going uphill and downhill while circulating around the roundabout, causing an unsafe condition. The purpose of a roundabout is to get speeds down and more uniform.

As described in the attached letter from Kittelson and Associates, the installation of a traffic signal at the intersection and associated improvements allows the intersection to meet the adopted WSDOT intersection operating/capacity requirements while providing for safe and efficient operations.

Issue #3: Collector Street Alignment & 4th Way and 25th Place Intersection Safety

Several comments from the public questioned the alignment of the proposed Collector Street, as well as the safety of the 90-degree intersection of 4th Way and 25th Place (see Exhibits 23, 24, 29, 30, 32, 33).

It was suggested that the Collector road could be relocated by extending 4th Way to the east and curving the roadway southwards to reconnect to S. 25th Place or S. 10th Way, eliminating the need to design the Collector with a 55-foot centerline curve radius curve. Relocating the Collector would violate the City's Transportation Capital Facilities Plan, which specifically identifies the Collector Road alignment as the existing S. 25th Place, S. 4th Way and S. 21st Way. The proposed alignment of the Collector road is in conformance with the Capital Facilities Plan.

Furthermore, existing conditions, including right-of-way, and design issues impose a significant economic hardship on the applicant that precludes the applicant from re-aligning the Collector and meeting the 300-foot centerline curve radius requirement. This was discussed with staff and both parties agreed that it wasn't practical. Relocating the proposed Collector within the site would effectively result in the requirement for two parallel Collector roads. The existing S. 25th Place and S. 10th Way adjacent to the Kemper site are all classified as Collectors; therefore, the applicant would still have had to improve them to meet the Collector street standard. Additional access roads would be required so that any of the properties along the "existing" Collector could safely access the "new" Collector. In the case of both roads, any new proposed lots located adjacent to the Collectors would not be allowed to have "driveway access" directly to the Collectors per City Code. This creates significant design issues for a single-family residential subdivision, since each lot must have an individual driveway with off-street parking. This is an unnecessary duplication of roadways, resulting in a series of double frontage lots, at significant additional costs.

The costs associated with relocating the Collector roadway by extending 4th Way to the east and curving the roadway southwards to reconnect to S. 25th Place would be substantial and would require a complete re-design of the project. At a minimum, 10 lots would be lost and 12 additional lots would back onto a Collector that did not previously, open space would be removed, significantly diminishing the value of the adjacent lots.

Extending the Collector into the site with a 300-foot curve radius would result in the need to construct a minimum of an additional 1,034 linear feet of Collector roadway at an estimated cost of approximately \$330,000 (See attached cost estimate: Attachment B). The estimated cost in lost income of removing the 10 lots and diminishing the value of the other 12 lots would be approximately \$1,550,000. This is based on an estimated value of \$125,000 per lot and a reduction in value of \$25,000 for each double frontage lot. Therefore, the total estimated financial loss to the applicant would be \$1,880,000.

The intersection of 4th Way and 25th Place can be safely designed as a Collector based on AASHTO design standards utilizing a 55-foot centerline curve radius, 15 mph design speed, and proper signage for the reduced speed. Regardless of how long this improvement remains in place, no substantial evidence has been submitted into the record to refute the safety of this intersection using these design parameters. The applicant has prepared an exhibit, which further demonstrates that the curve, and associated improvements, can be designed to meet AASHTO requirements and provide safe sight distance based on a 15 mph design speed (see Sight Distance Exhibit: Attachment C). The sight distance requirement for a 15 mph design

peed per AASHTO standards is 170 feet (2004 AASHTO Design Manual-Chapter 9 Exhibit 9-55). There are currently two existing driveways in the proximity of the curve that access the Collector. Both access points are associated with one circular driveway that provides redundant access to Tax Lot 213504-000. The driveway access on S. 4th Way could remain and the southern most driveway access on S. 25th Place for this tax lot, which is not needed, would have to be closed or re-located further south to insure that adequate sight distance is met.

37. Rebuttal Letter from Kittelson Assoc - Sagar Onta PE and Chris Bremer PE – Nov. 29, 2007 – with sight line exhibit for S 4th Way and S 25th Place

Three traffic related issues are discussed below that Kittelson staff addressed for the project through the transportation impact study and public hearing testimony.

Issue #1 – Distribution of Site-generated trips to S 10th Way, S 35th Place, and S 15th Street Road

Some of the public comments indicate continued concern as to the basis for the assumed trip distribution pattern (refer to Exhibits 24, 28, 31, and 33). As stated on page 14 of the July 20, 2007 Kemper Subdivision Transportation Impact Study, the distribution pattern was based on review of existing turn movement patterns at the study intersections and a select zone analysis obtained for the site. The distribution pattern and trip assignment was accepted by technical reviewers at the City of Ridgefield, Clark County, and the Washington State Department of Transportation (WSDOT).

Regional Travel Demand Model Data

The select zone analysis referenced in the July 2007 impact study was prepared by the Southwest Washington Regional Transportation Council (RTC) and reflects the origins and destinations of trips from the site vicinity on a regional level. The select zone analysis was prepared by RTC for two periods – year 2000 near-term conditions and year 2030 long-term conditions assuming build-out of the comprehensive plan.

Near-term Model Predictions

The near-term modeling prepared by RTC predicts that an average of 8 percent of the weekday p.m. peak hour site-generated trips will travel to the site via S 10th Way, S 35th Place, and S 15th Street.

Long-term Model Predictions

The long-term year 2030 RTC modeling assumes build-out of the Comprehensive Plan, including new roadway connections to and over Interstate 5 to the north, east, and south. The RTC year 2030 model predicts an average of 20 percent of the weekday p.m. peak hour site-generated trips will travel on S 10th Way, S 35th Place, and S 15th Street. For the purposes of this study, the year 2030 modeling data was not used because many of the infrastructure projects assumed in the model will not be constructed by the time the site is developed.

Existing Traffic Counts

The existing turn movement counts at the N Reiman Road/Pioneer Street intersection were reviewed given that they reflect residential trip patterns to and from the study area. The existing traffic counts are generally consistent with the 22 percent of trips assumed to travel west of N Reiman Road along Pioneer Street in the July 2007 study.

Application to the Kemper Project

The modeling data provided by RTC and the existing traffic counts clearly indicate that the majority of trips to and from the site will travel to the east. The traffic study trip distribution pattern reflects this assumption, with 75 percent of the site-generated trips assigned to the east.

The assignment of 15 percent of the site-generated trips to S 10th Way, S 35th Place, and S 15th Street is nearly double that predicted by the near-term RTC modeling data (8 percent); however, the transportation impact study recognized that some drivers will use the roadways given the location of the school facilities to the south as well as the new interchange under construction on Interstate 5 to the south. The propensity to travel to new schools to the south and the interchange is discussed in further detail in the November 6, 2007 response letter submitted by Kittelson & Associates, Inc. to the record of this project.

Based on the available data and review by the affected jurisdictions, the assumed trip distribution pattern and trip assignment is reasonable and appropriate. No changes are needed to respond to public comments raised at the hearings.

Issue #2– Pioneer Street/N Reiman Road-S 1st Way Intersection Mitigation

Installation of a traffic signal is proposed at the Pioneer Street/N Reiman Road-S 1st Way intersection in conjunction with site development. Traffic signal warrants are predicted to be met at the intersection prior to site development as documented in the July 2007 Kemper Subdivision Transportation Impact Study. Signalization of the intersection is proposed in conjunction with site development and will include widening to accommodate a new westbound left-turn lane and the new south leg of the intersection. Roadway widening and slope reconstruction will also be required east of the intersection to accommodate adequate sight distance approach the signal from the east (as required by proposed Condition of Approval #7).

Exhibits #24 and #33 request that further consideration of a roundabout be made at the intersection in lieu of signalization.

As indicated in Kittelson staff's testimony at the public hearing for the project, installation of a roundabout was considered from a feasibility perspective and was rejected in large part based on roadway and intersection grade considerations.

Installation of a traffic signal at the intersection in conjunction with provision of appropriate sight distance and signage allows the intersection to meet the adopted WSDOT intersection operating/capacity requirements while providing for safe and efficient operations. As such, the proposed signalization is reasonable and appropriate.

Issue #3 – In-process Development

Public comments continue to question the basis for not accounting for future school related trips as part of the July 2007 Kemper Subdivision in-process traffic (refer to Exhibits #24, 25, 30).

As indicated in Kittelson staff's testimony at the public hearing for the project, the future Ridgefield school district buildings to the south are not approved for development and thus are not to be included in the transportation impact study per City, County, and WSDOT concurrency review requirements. The impact of future school related trips will be considered as part of the land use application for the school facilities.

While trips related to future school facilities were not included in the July 2007 Kemper Subdivision in-process traffic, Kemper Subdivision site-generated trips were assigned to and from the area of the future school buildings recognizing that some future residents of the proposed subdivision would likely travel to the existing and future school facilities to the south.

38. Letter from Michael Simon, Applicant's Attorney with Exhibits from Fire District 12 and Clark County Concurrency – Nov. 30, 2007

Submitted as attachments letters from Clark County dated November 29⁶ and the Clark County Fire District dated November 27, 2007 (see below) with which the applicant agreed to comply. Mr. Simon objected to the City's attempt to submit additional testimony dealing with the intersection of 4th Way and 25th Place on the basis that nothing new has been offered by the public since the hearing date. Curiously, as it relates to this intersection, on November 21, 2007, Exhibit 34 was submitted by the City through its engineer, Stephen Hale. In that letter, Mr. Hale reiterated his approval of the submitted design at 4th Way and 25th Place.

The November 21, 2007 letter, Exhibit 34⁷, should be the last exhibit allowed to be submitted by the City of Ridgefield. Any other comments by the City after November 21st should be rejected.

Clark County Fire District 12, made the following comments (Nov. 27, 2007):

Roads

- The Intersection of Bertsinger Road and Pioneer Street will require a major traffic revision to safely accommodate fire apparatus.
- The Fire Chief must approve any traffic-calming devices. Any blockage of South 10th way will not be allowed. (IFC 503.2.2- 503.4)
- The builder should plan for minimum 20-foot road widths on any "Fire Access Road" in or leading up to this project. The roads must allow easy access for the Fire District engines and aerial ladder truck. The ladder truck is 39 feet long and requires a clear area 20 feet wide to deploy its ladder outriggers. (IFC 503.2.1)
- Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so to provide all weather driving

⁶ **David Jardin**, Clark County Concurrency Engineer (Nov. 29, 2007) acknowledged the possibility of a phasing plan that could be suggested by the applicant. At such time the applicant introduces a phasing plan for the Kemper Subdivision, in a subsequent review, County Staff would reconsider the timing of the suggested conditions of approval.

⁷ The last recorded comment is Exhibit 35, a handwritten comment from Debbie Raffolson (see above)

capabilities. (IFC 503.2.3)

39. Letter from Sam Crummett's letter to HE requesting permission for further City Comment – Nov. 30, 2007.

By this letter, this City is requesting the record to be reopened for the City to submit a letter that addresses new information that concerns public health and safety. Clark County Fire District 12 and Clark County Public Works have also submitted letters concerning public health and safety and the City is requesting these letters to be also included into the record (See above).

40. Email from Examiner to Mr. Crummett and Simon in response to Ex. 38 and 37.

After noting that Mr. Hale (city Engineer) had already commented on November 21, 2007, HE observed that there was nothing factually different from the neighbors in the open record period that has not been raised before. The City provides no basis for reopening the record on its behalf, unless the City is arguing that it has made an error of law which affects public health and safety. If the City has made an error of law, and explains the error, then HE would be inclined to allow the City an immediate chance (24 hrs) to submit an exhibit which clarifies and rectifies such an error. The applicant would have adequate time to respond. That would be more efficient then dealing with this on appeal; however the City needs to be more forthcoming about the basis for their request.

41. Mr. Crummett via e-mail indicated that an error of law had in fact been committed and submitted Exhibit 42.

42. Memo from City Engineer, Steven Hale, Dated Nov 29, 2007

The City has revisited all available applicable materials and submits the following responses to applicable public comments as follows:

1. Exhibit #31 – This commenter suggested that a *"barricade be installed on 10th Way blocking new residents of the development from going east, or the roads to the east will need to be improved"*.

Response –City Engineer and Clark County Fire District No. 12 have reviewed the proposal of a barricade across this City Collector road and determined that it would not meet safety response or traffic circulation needs. However per Exhibit #27, Clark County Comments, the City generally concurs with the County's recommended conditions which would require that the roadway widths on S 10th Way, S 35th Place and S 15th Street be improved to a minimum roadway width of 20-feet, either with an 18-foot paved section with 2-foot of gravel shoulder or with 20-feet of paved width. The City requests that the county's recommended conditions be revised to require a minimum of a 20-foot wide paved width.

2. Exhibit #24 and others – *Many of the comments questioned the approval of the modification to the minimum centerline curve radius for a collector from 300-feet to a minimum of 55-feet at the 90 degree curve located at 4th Way and 25th Place. Both safety and input that other design options are available that would meet the city collector requirements were identified as public concerns.*

Response – Per City request – the City accepts applicant's justification for this modification as discussed in Exhibit 43.

3. *Exhibit #24 – Mr. Zwingli indicated in his comments that a roundabout was not adequately considered and that a roundabout was the favored type of intersection for the Reiman Road/SR 501 intersection.*

Response: There is an agreement between the Washington State Department of Transportation (WSDOT) and the City of Ridgefield dated April 30, 2004, that establishes and states that “future location of traffic signals on SR 501, when warranted, will be at Main Street, 9th Avenue, North Reiman Road, vicinity of 35th Place, 45th Avenue, and 51st avenue”, and goes on to mutually agree that “roundabouts may be installed in the SR 501 corridor in lieu of signals at 35th Place, 45th Avenue and 51st Avenue”. City Council has only adopted the requirement for a roundabout at 45th Avenue. A roundabout at the Reiman Road intersection was not agreed as an option for that location. This agreement, the existing topographical and environmental constraints adjacent to the proposed intersection, and the lack of anticipated intersection control at this location in the city's current transportation CTP and the associated lack of city participation make this an unjustifiable request.

4. *There were additional comments referring to questions as to why the proposed new Ridgefield High School could not be considered in the traffic study.*

Response: The proposed new school property site has not been annexed into the city and therefore is not yet within the City's inventory of developable/zoned parcels. Therefore it can not be considered in present studies on the assumption that it will or may soon be developed.

5. *Comments to review of distribution of applicants' traffic study.*

Response: City Staff had independent reviews of the traffic study completed by the city's consulting traffic engineer and Clark County Transportation/ Concurrency staff. Both parties approved the methodology and results of the study.

43. Applicant's Final rebuttal - Dec 6, 2007 from Michael Birndorf.

There apparently was misunderstanding, now resolved regarding the criteria for approval of the proposed reduced radius curve at the intersection of 4th Way and 25th which have been met. The misunderstanding occurred because the City's November 29th, 2007 letter was issued without the benefit of having reviewed the information provided in the applicant's November 30th, 2007 letter. This letter demonstrated compliance with the modification criteria in response to public comments related to the road alignment and intersection design.

City Engineering Staff was able to review the applicant's letter on December 4th, 2007 along with a letter from the applicant's traffic engineer (Attachment A: Letter from Kittelson & Associates) re-confirming that the proposed design complies with AASHTO standards.⁸ After

⁸ Based on the American Association of State and Highway Transportation Officials (AASHTO) Green Book Equation 3-10 (minimum radius) and a Friction Factor of 0.32 (Exhibit 3-15), a 55-foot radius would result in a calculated speed of 16.7 miles per hour (MPH). Calculated in reverse assuming a 15 MPH speed, a friction factor of 0.32, and a 2 percent superelevation (normal crown), the resultant minimum radius is 44 feet. Accordingly, from an AASHTO perspective, the speed through the proposed corner should be 15-16 MPH.

reviewing this information, Staff concurred with the applicant that the proposal complies with the modification criteria of the *City's Engineering Standards for Public Works Construction Volume 1, Section 1.16 (D)*. Modification criteria #2 and #3 are met with this request. Specifically, right-of-way and design issues impose an undue economic hardship that precludes the applicant from meeting the standard for providing a full radius curve and an alternative design is available that achieves the same objectives and does not compromise public safety or accessibility. The applicant is not relying on the potential temporary nature of the curve as the basis for approval of the reduced radius.

Now that the misunderstanding has been resolved, Staff prepared the attached letter dated December 6th, 2007 (see Attachment B: Letter from City Staff). The City's letter rescinds the language contained in item #2 of Staff's November 29th, 2007 letter to the hearings officer and reinstates the proposed condition of approval outlined in Exhibit 34 allowing the reduced radius curve.⁹

The record was closed on December 7th with the receipt of the last exhibit.

FINDINGS

The Hearing Examiner adopts as his own and incorporates by reference the findings and conclusions contained in the November 8, 2007 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

The site-access driveway design proposed for the property on the southwest corner of the turn appears to meet both the AASHTO intersection sight distance requirement (170 feet for a left-turn exiting the residence on the southwest corner) and stopping sight distance requirement (80 feet) for a 15 MPH assumed speed on the major street approaches.

The Manual on Uniform Traffic Control Devices (MUTCD) would allow for installation of a W1-1 (horizontal alignment turn) warning sign (Section 2C.06 of the MUTCD) and a 15 MPH advisory speed plaque (W13-1) (Section 2C.46 of the MUTCD) approaching the turn. The MUTCD allows for posting speeds in 5 MPH increments and 15 would be the closest to the calculated speed using AASHTO. The signing can be finalized during design assuming the project moves forward.

⁹ The City of Ridgefield requests that item #2 in the City's letter to the Hearing Examiner dated November 29, 2007, be stricken from the record and disregarded by the Examiner. At the time that letter was prepared, we did not know that the applicant would be providing information in its November 30, 2007, response to the public comment which would address the issue of modification of the City's street standards. The City's consulting planner received this letter on November 30, 2007, however City engineering staff did not receive the letter until December 4th, and now find that the information in it plus the additional exhibits and narrative recently submitted by Kittelson & Associates, Inc. satisfies the Criteria of the City's Engineering Standards for Public Works Construction, Volume 1, Section 1.16 (D). Therefore, the letter demonstrated that modification of those standards would be appropriate for the curve to which it refers.

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:

Overview

As happens from time to time in land use hearings, neighbors frequently do not realize the consequences of prior zoning decisions made by the legislative body until a development is proposed. In that context the nature of the proceeding in front of the hearings examiners is sometimes misunderstood. The proceeding before the Examiner is a quasi-judicial proceeding to determine whether the application complies with the existing applicable code provisions. It is not a planning exercise, neither is it a conversation with the City. The Examiner does not report to the City Council.

The applicant is vested in the City Ordinances in effect when his application is filed. The applicant chooses the manner in which he will develop the site in compliance with those ordinances. The Examiner cannot change the rules nor can he redesign the application before him. Any given site can be developed in a number of ways, any of which will be consistent with applicable law. The Examiner does not search for the best design. The Examiner does not plan. The Examiner checks whether the applicant by preponderance of evidence has met his burden of proof that he or she complies with the applicable regulations, regardless of whether they are good regulations.

In that regard there were a lot of objections to the density of the development or to the application of density transfer to this proposal. The density is governed by zoning in place, as is the allowance for density transfer. The applicant has a legal right to rely on those designations. A suggestion was made to use density transfer off site. The right to density transfer belongs to the applicant and the applicant can use that right as he chooses. It is not up to the City Staff or the Examiner to tell the applicant how to apply that right. Similarly, number of neighbors took "offense" at the suggestion that they may redevelop. That presumption simply applies the existing zoning to their properties which in many cases will allow them to subdivide. They may not intend to do so now, but comprehensive plans are long term documents intended to provide housing supplies for 20 years. Regardless of any individual intention, as development comes in, over time some individual owners will redevelop, for any number of reasons just as Kemper are doing now. The assumptions does not question existing neighbors' commitment to their current life style, but recognizes legal possibilities. Zone changes are accomplished by the City Council with the advice of the Planning Commission.

Density issues aside the preponderance of concerns had to do with transportation, the intersection of Reiman and Pioneer, the 90 degree turn on the City collector, and the inadequacy of the road to the southeast which connects to 45th Avenue. These issues are addressed in the transportation and concurrency findings below. The concern over future compliance with future building design have been and continues to be addressed in the condition of A.1 which states that at the time of construction and at all times thereafter, the development shall comply with all approval requirements including all trails and recreational facilities established in applicable plans, policies, regulations (including any City-wide architectural standards adopted prior to the

issuance of the first building permit for any phase) and any City and standards adopted at the time of this application.

A. COMPLIANCE WITH RDC 13.08 (DEVELOPMENTAL CHARGES FOR WATER & SEWER CONNECTIONS)

Finding:

Pursuant to RDC 13.08 the applicant is required to pay sewer and water system development charges for connections to the public sewer and public water system at time of or prior to building permit issuance. A **condition** of approval is warranted requiring the payment of sewer and water system development charges prior to the issuance of any building permits for the project.

B. COMPLIANCE WITH RDC 18.070 (IMPACT FEES)

Finding:

Pursuant to RDC 18.070 (Impact Fees) the City has the authority to charge impact fees for water and parks. A **condition** will require that prior to or at time of building permit issuance the applicant should pay the required impact fees.

C. COMPLIANCE WITH RDC 18.210 (LOW DENSITY RESIDENTIAL DISTRICTS)

Finding:

The number of homes allowed within the project boundaries is determined by the zoning of the involved properties in this development. The entire site is zoned Low Density Residential (LDR), in which are two different zoning districts, LDR 7.5 and LDR 8.5. The portion of acreage of the LDR 7.5 district is 37.2 acres and the portion of acreage of the LDR 8.5 district is 30.3. The combined acreage of the site 67.4 acres.

Density is determined by first applying the allocated density referenced in Table 18.210.050, which is 3 to 5.8 units per acre for LDR 7.5 and 3 to 5.1 units per acre for LDR 8.5. Secondly, the City's critical areas ordinance codified as RDC 18.280 allows for density to be transferred from identified critical areas to non-critical area property (RDC 18.280.070). The permitted density range for this site, including on-site density transfers, is a minimum of 89 units and a maximum of 216 units. The applicant may provide densities anywhere within this range, as authorized by the development code. At 200 proposed dwelling units, the applicant complies with the density requirements as referenced in RDC 18.210.050 and RDC 18.280.070.

The portion of the site the designated as LDR 7.5 is allocated a maximum density of 134 units and a minimum density of 64 units. Density for the LDR 7.5 portion is calculated as follows:
--

Maximum 35.6 acres of gross buildable land

-8.6 acres for street right-of-way
 -5.4 acres for open space and stormwater and facilities
 = 21.6 acres
x 5.8 units per acre
 =125 maximum number of units
+ 9 units (1.6 acres of protected critical areas x 5.8 units)
 = 134 units per acre

Minimum
 21.6 acres
x 3 units
 = 64 units per acre

The portion of the site designated as LDR 8.5 is allocated a maximum density of 82 units and a minimum density of 25 units. Density for the LDR 8.5 portion is calculated as follows:

Maximum
 22.3 acres of gross buildable land
 -4.8 acres for street right-of-way
 -9.2 acres for open space and stormwater and facilities
 = 8.3 acres
x 5.1 units per acre
 =42 maximum number of units
+ 40 units (8.0 acres of protected critical areas x 5.1 units)
 = 82 units per acre

Minimum
 8.3 acres
x 3 units
 = 25 units per acre

The applicant is requesting the remaining 16 units of available density to be reserved for future transfer to another project off-site. This is not allowed because the City does not have a density transfer program that specifies where the density should be redistributed. Without such a program, density transfers from critical areas to non-critical areas may only occur on-site.

As described above, since density is permitted to increase on the site through the allowance of on-site density transfers, this will result in the reduction of lot sizes. RDC 18.280.070 specifies that when density transfer provisions are used, the applicant may reduce lot sizes. RDC 18.280.070 states, "For single-family residential development, the receiving property (ies) shall be authorized to increase to the density and minimum lot size requirement of the immediate next lowest single-family residential zoning designation." In this case, the portion of the site designated LDR-8.5 may be reduced to the LDR-7.5 district lot sizes and the portion of the site

designated LDR-7.5 may be reduced to the LDR-5 lot sizes. For this reason, the applicant has proposed many of the lot sizes at 5,000 square feet which are allowed in the LDR-5 zone.

A **condition** will state that the portion of property zoned LDR-7.5 shall not create lot sizes or setbacks that are less than those specified in the LDR-5 zoning district. The portion of the site zoned LDR-8.5 shall not create lot sizes or setbacks that are less than those specified in the LDR-7.5 zoning district.

RDC 18.210.150 requires street trees at 25-foot intervals along each street frontage. A **condition** specifies that all street trees shall be planted at 25 feet on-center in accordance with RDC 18.210.150. A **condition** will require a final landscaping plan prior to final plat approval. The applicant has requested the planter strip and street trees to be removed along the Collector adjacent to the northern open space area. This modification is acceptable in order to provide a clear view of the open space area and park as long as the trees are planted in clusters in various places along or near the Collector street. This section of road is approximately 700 feet in length and would require the planting of approximately 28 trees.

The following items are encouraged, although not required by Code, in the submittal of the final landscaping plan:

- Include a variety of street tree types. For example, no more than 25% of any single tree species should be used in the project. The reasons for this are to strengthen survival rates in the case of disease or extreme weather conditions. Tree variety also provides a more interesting streetscape in neighborhoods.
- Street trees may be spaced at 25 feet on-center, or they may be clustered as long as the equivalent of one tree is planted for every 25 feet of street frontage.
- Additional landscaping is encouraged near the recreation areas on site, including the trail network and children's play area.

Pursuant to RDC 18.210.090, a **condition** will assure that each lot provides at least two off street parking spaces. Off-street parking must provide a minimum of 18 feet of lineal parking between the street and the dwelling setback. Testimony from Mr. Zwingli expressed displeasure with the appearance issues created with driveways filled with vehicles; nevertheless, the existing code allows visual clutter. The alternative, given contemporary accumulation of vehicles, RVs, boats etc would be larger garages, which is a legislative trade off.

A **condition** will require all fences and wall within the subdivision to comply with RDC 18.740.

D. COMPLIANCE WITH RDC 18.280 (CRITICAL AREAS)

This proposal has followed the preferred sequence of avoiding, minimizing, and mitigating for impacts to on-site streams, wetlands, and buffers. The identified critical areas on site include Fish and Wildlife Habitat Conservations Areas, Frequently Flooded Areas, Geologic Hazards,

Aquifer Recharge Areas, and Wetlands. Findings and conditions are included below for each identified critical area.

Fish and Wildlife Habitat Conservation Areas

As documented in the Wetland Delineation & Mitigation Plan prepared by Ecological Land Services, Inc. (Appendix L), the site contains several streams that have been mapped by the Washington Department of Natural Resources. Based on the mapping provided by the State and the biologist's analysis, the Gee Creek tributary is classified as a Type F (fish bearing) stream, the eastern most stream on-site is classified as a Type N (non-fish bearing) stream, and the northern portion (on-site) of Wetland B and D develop into Type N (non-fish bearing streams). According to the Department of Fish and Wildlife, the tributary to Gee Creek, and Gee Creek, downstream from the site, contains Coho and Summer Steelhead, which are identified as threatened species.

Pursuant to RDC, Table 18.280.110-1, the minimum riparian buffer widths are as follows: Type F streams greater than 5 feet wide require a 150-foot buffer, Type N streams with low mass wasting require a 50-foot buffer, Type U streams do not have a required buffer per RCAO, and the biologist has identified the mapped Type U stream as Wetland B (Category IV with a 50-foot buffer). The required buffers are identified in the wetland delineation and mitigation report and are shown on the site plans.

Because the project will be impacting the Fish & Wildlife Habitat Areas, mitigation is required. A number of measures have been taken to avoid, minimize, and finally, compensate for unavoidable impacts related to the stream crossing.

1. Altering the road alignment. The first measure taken was to alter the alignment. This involved offsetting and skewing the south-leg of the proposed intersection (S. 1st Way) so that it avoids impacting the north/south portion of the stream that ultimately flows under Pioneer Street.
2. Reducing the cross-section. The second measure involved reducing the cross section. The Collector road cross-section over the stream corridor, and associated riparian area, has been narrowed to less than the standard cross-section design for a Collector. The proposed cross section is 23-feet narrower than the standard cross section.
3. Spanning the stream. The third measure taken is to use a large box culvert structure to completely span the Type F stream, which avoids all in-water work.
4. Mitigate for unavoidable impacts. Finally, compensation for the road crossing will be provided for unavoidable impacts. WDFW regulates work over fish bearing streams and has recommended the replacement of an existing non-fish passable culvert with an improved fish passable "stream simulated culvert" as mitigation for working over the Type F stream (1,000 square feet). The culvert replacement will be located on-site and east of the proposed stream crossing, under Bertsinger Road. In addition, the applicant is proposing to plant 38,859 square feet of riparian enhancement plantings on the north side of the Type F stream to mitigate for stream buffer impacts (12,953 square feet) at a ratio of 3:1.

The proposed residential development will also temporarily impact approximately 1,488 square feet of Type N streams and temporarily impact approximately 3,565 square feet of Type N stream buffers on-site due to proposed installation of a sewer pipe. The impacts will be within grassy swales (Wetlands B and D) that develop into Type N streams to the north. Impacts will be temporary and vegetation within the stream and buffer will be replaced with a native seed mix.

Stormwater dispersion outfall structures and swales are proposed within wetland buffers and stream buffers and will impact 2,161 square feet of buffers. The applicant is proposing to install jute matting around the rip-rap as well as plant willow cuttings within the rip-rap at the wetland end of the swale to mitigate for the minor impacts to the buffers.

A pervious foot path is proposed for installation to meander throughout the site and will impact approximately 2,375 square feet of Type N streams buffers. According to the City of Ridgefield pervious trails are allowed within stream buffers if they that do not interfere with wetland hydrology. The stream buffer impacts will be mitigated for by stream buffer enhancement plantings (16,921 square feet) between the proposed development and the streams to help shield the Type N streams from future development, the enhancement plantings will be at a ratio of 6:1. Installation of foot bridges are proposed for crossing the two Type N streams. The foot bridges will impact approximately 329 square feet of Type N streams on-site. According to WDFW the minimal Type N stream impacts can be included within the culvert replacement mitigation recommended for the road crossing as well as the stream enhancement plantings.

Pursuant to 18.280.110(D) the applicant is using the buffer averaging and buffer reduction provisions in the development code. Buffer averaging is proposed for two Type N streams located in the center of the site. Buffer reduction is proposed for the Type F stream and the Type N stream located in the eastern most portion of the site. As demonstrated in the Wetland Delineation & Mitigation Plan, the applicant's plan is in compliance with RDC 18.280.110(D) (d) and (c) for buffer width averaging and reduction.

No net loss of the overall functions will occur due to proposed development. Buffer impacts on-site total 22,517 square feet, and 61,744 square feet of buffer enhancement plantings are proposed for buffer impact mitigation for an overall replacement ratio of 2.7:1. Activities within the remaining buffer areas will be limited to soft surface recreational trails, stormwater management facilities, and underground utilities.

The following **conditions** will be imposed to assure compliance with geologic area regulations:

1. The project shall comply with all recommendations made in the Wetland Delineation Report, dated April, 2007 and the Preliminary Mitigation Plan, dated August 13, 2007 prepared by Ecological Land Services, Inc.
2. Submit final mitigation plan to be prepared that addresses the mitigation criteria found in RDC 18.280.150 for all on-site and off-site work. Approval of the final mitigation plan is required from the Community Development department prior to any on-site construction.

3. On the final plat, or within a conservation easement, identify the type of critical area, the buffer width, and a note stating that the identified critical areas are protected area subject to regulation by the City of Ridgefield, RDC 18.280.
4. The boundary of the outer edge of the Fish & Wildlife Conservation Habitat buffer shall be delineated with permanent survey stakes using iron or concrete markers as established by local survey standards.
5. The boundary of the outer edge of the Fish & Wildlife Conservation 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. 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 a minimum of every 200 feet. The sign shall state, "The area beyond this sign is a Fish & Wildlife Conservation Habitat Area. Alteration or disturbance is prohibited by law. Please call the City of Ridgefield for further information."
6. Unless otherwise authorized, all buildings and other structures shall be set back a minimum of five (5) feet from the edges of all critical areas buffers. Uses allowed in this minimum setback area include landscaping, uncovered decks, and building overhangs that extend no more than twenty-four (24) inches into the setback.

Frequently Flooded Areas

The tributary to Gee Creek, which is located within the northern portion of the subject site, is identified as a Frequently Flooded Area by the Federal Emergency Management Agency (FEMA).

The proposed Kemper Subdivision Project was analyzed to determine the location and potential impacts on the 100 year flood plain. The 100-year flood plain was determined by the draft report of the National Flood Insurance Program "Flood Insurance Study". The draft report is in the final stages of adoption by FEMA and represents the most up to date information on the flood plain in this area.

The proposed development, including the Collector street crossing over the tributary to Gee Creek, will not impact the 100-year flood plain on the site. This information is documented in the attached Flood Plain Memorandum prepared by a qualified engineer (Kemper Subdivision Application Submittal, Appendix H).

The 100-year flood plain on the project's survey is located at 86.7 feet. The elevation at the crossing location will be 85.2 feet. The crossing of the flood plain will be achieved with a 10-foot high, 34-foot wide concrete structure that will be located above the floodplain. Since no impacts are proposed to the flood plain, no mitigation measures are proposed to address impacts.

Geologic Hazards

A geotechnical investigation and report has been prepared for the site that contains all of the critical area report requirements listed above (*Geotechnical Site Investigation Kemper Property*, Kemper Subdivision submittal, Appendix K). This decision provides a detailed evaluation of the site soil conditions, geology, hydrology, drainage etc. and recommendations for property development on the site, including those within geologic hazard areas.

Portions of the site are mapped by the City to potentially contain unstable slopes and severe erosion hazard areas. These areas are generally concentrated around the ravines and drainages that are associated with the tributary to Gee Creek within the northern and eastern portions of the site. The geotechnical engineer has prepared a slope reconnaissance and slope stability assessment of these areas. Slopes within these areas typically range from 10 to 30 percent, with portions of the existing ravine slopes as steep as 50 percent. Based on the geotechnical review, it was determined that portions of the steep ravine adjacent to the Gee Creek tributary likely meet the definition of geologic hazard (slope hazard and erosion hazard areas). The identified areas are specifically mapped in the geotechnical report. As confirmed in the geotechnical report, the site does not contain any seismic hazard areas.

According to the report, the proposed residential development will generally be located more than 100 feet from the geologic hazard areas. There are limited areas of cuts and fills proposed within the northern open space areas. The proposed grades and limited areas of fill are unlikely to have a significant affect on the existing steep slopes. Crossing the stream and realigning the road are feasible; however, a supplemental investigation with detailed recommendations for the road crossing will need to be prepared at the time of final engineering for the project.

The proposed road must connect to Pioneer Street at the proposed location to align with Reiman Road to the north to provide safe access to the site and surrounding neighborhoods. The road must cross the ravine and geologic hazard area to access the site. The road cannot be located outside of the geologic hazard area; however, the proposed cross section and the design speed of the road have been reduced to less than the standard for a Collector in order to decrease the size of the road and the associated impacts to the geologic hazard area.

The geotechnical report includes a discussion of the mitigation measures that will need to be taken during construction of the road and other site improvements to insure that adverse impacts do not result. This includes recommendations for wet weather construction methods and techniques, erosion control measures, drainage and utility design, excavation, foundation design etc.

The following **conditions** will apply to this project:

1. Comply with all design recommendations and mitigation measures specified in the *Geotechnical Site Investigation Kemper Property*, Columbia West Engineering, Inc., July 30, 2007.
2. Provide a supplemental geotechnical investigation with detailed recommendations for the Collector street stream crossing and for design modifications required on Pioneer Street/S.R. 501.

Aquifer Recharge Areas

The entire City of Ridgefield is mapped as either a Category 1 or Category 2 aquifer recharge area. The subject site is mapped as a Category 2 lower classification aquifer recharge area.

As described in the attached geotechnical report (Appendix K), because the proposed development is a residential use, the potential for groundwater contamination is extremely low. Stormwater from the development will be detained and treated before being discharged to local surface waters. No subsurface injection or infiltration of concentrated storm water is proposed due to the high clay content of the native soils, and no wells are proposed. The water source for the development will be the City of Ridgefield municipal system. Based on the use, site conditions, and the proposed storm water system, a hydrological aquifer recharge study is not necessary for development.

Wetlands

The site contains six wetlands. These wetlands have been professionally delineated and mapped in accordance with the above standards as documented in the Wetland Delineation Report, dated April, 2007 and the Preliminary Mitigation Plan, dated August 13, 2007 prepared by Ecological Land Services, Inc. The mapped wetlands are identified as wetlands A-F in the delineation report. As discussed in the report, Wetland A is a slope wetland located in Parcel 2, which eventually flows into the Gee Creek Tributary. Wetlands B, C, and D are located in Parcel 3. Wetland C is an isolated slope wetland. Wetlands B and D are slope wetlands that develop defined stream channels on site, down slope, and north of the wetlands. Wetlands E and F are located on Parcel 4 that develop defined stream channels off-site, down slope and north of the wetlands. All six wetlands are classified as Category IV low functioning wetlands.

Pursuant to RDC 18.280.150.C.1.c, public streets, sewer facilities and stormwater facilities may impact wetlands and their buffers as long as the impacts are mitigated according to an approved mitigation plan. Ecological Land Services provided a Wetland Mitigation Report that outlines mitigation for the proposed impacts to these areas. Recreation trails and stormwater outfalls are proposed within the buffer, which are both allowed uses. The recreational trails will include a soft surface to minimize impacts to the buffer. The stormwater outfalls are designed with a rip-rap pad, which will reduce the potential for erosion and scouring. The applicant has submitted a mitigation plan for the impacted wetland buffers

The following **conditions** apply to this project:

1. The project shall comply with all recommendations made in the Wetland Delineation Report, dated April, 2007 and the Preliminary Mitigation Plan, dated August 13, 2007 prepared by Ecological Land Services, Inc.
2. Submit final mitigation plan to be prepared that addresses the mitigation criteria found in RDC 18.280.150 for all on-site and off-site work. Approval of the final mitigation plan is required from the Community Development department prior to any on-site construction.

3. On the final plat, or within a conservation easement, identify the type of critical area, the buffer width, and a note stating that the identified critical areas are protected areas and subject to regulation by the City of Ridgefield, RDC 18.280.
4. On-site wetland buffers shall be delineated with permanent survey stakes using iron or concrete markers as established by local survey standards.
5. The outer edge of the wetland 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.
6. 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 a minimum of every 200 feet. The sign shall state, "The area beyond this sign is a wetland or wetland buffer. Alteration or disturbance is prohibited by law. Please call the City of Ridgefield for further information."
7. Unless otherwise authorized, all buildings and other structures shall be set back a minimum of five (5) feet from the edges of all critical areas buffers. Uses allowed in this minimum setback area include landscaping, uncovered decks, and building overhangs that extend no more than twenty-four (24) inches into the setback.

A **condition** will require that prior to construction, the applicant shall provide evidence of any other required state or federal permits as they related to impacts to on-site critical areas.

E. RDC 18.630 - 18.640 (Design Requirements -Subdivisions)

The applicant shall comply with all subdivision approval requirements of RDC 18.630 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. A **condition** will require that prior to final plat approval all subdivision design requirements and improvements shall comply with RDC 18.630 to 18.640, unless an exception is given through this approval or unless expressly modified by the City Engineer.

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

Pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C, the Community Development Director, as the responsible official, issued a Determination of Non-Significance (MDNS) for the proposal on October 25, 2007. The determination was based on a review of the environmental checklist and other pertinent documents, resulting in the conclusion that the proposal would not cause probable significant adverse impacts on the environment. Therefore, an environmental impact statement (EIS) was not required prior to proceeding with the review

process. Agencies, affected tribes, and the public were offered the opportunity to comment on the determination for 14 days subsequent to published notice.

The following **conditions** are associated with the MDNS determination and incorporated into the conditions associated with this land use decision:

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. Any identified critical areas shall comply with the City's critical areas ordinance.
3. To mitigate traffic impacts of the proposed project on the following intersections, the applicant shall pay traffic impact fees per Ridgefield Municipal Code Section 18.070.
 - a. Pioneer Street / 45th Avenue
 - b. Pioneer Street / S. 56th Place
 - c. I-5 Interchange
4. Payment of these fees shall constitute a proportionate share of planned improvements required to meet concurrency requirements at the following intersections:
 - a. To mitigate impacts to the intersection of 35th Avenue and Pioneer Street, the applicant shall contribute a proportionate share to the cost of intersection improvements.
 - b. To mitigate impacts to the intersection of South 1st Way and Pioneer Street, the applicant shall construct a new signalized intersection to provide primary access to the site.
 - c. To mitigate the 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. Install the traffic signal and widen SR 501 to accommodate a west bound left turn lane from SR 501 to S. 1st Way.

Because the widening is necessary for the development, the applicant will need to demonstrate that the following concerns can be mitigated to the satisfaction of WSDOT:

6. Sight Distance – Due to the topography of the area, the minimum sight distance may not be currently available for the safe operation of a traffic signal. The applicant will be required to make improvements to SR 501 to meet current WSDOT standards for sight distance.
7. Fish Passage Barrier - The tributary to Gee Creek that crosses under SR 501 at the intersection location has been designated as a fish passage barrier. Any work that impacts this tributary may require the reconstruction of this fish passage.
8. Geotechnical - The slopes in this area may be geologically unstable. WSDOT has recently had portions of SR 501 in the immediate vicinity fail due to unstable slopes. A geotechnical

analysis will need to address all impacted slopes, retaining wall design, and signal foundations.

9. Stormwater Treatment - All stormwater runoff from new impervious surfaces within WSDOT right of way will need to be treated for quality and quantity within WSDOT right of way. This treatment and detention must be done to current WSDOT standards.
10. Environmental Permitting & Documentation – The WSDOT environmental staff is very interested in following the permitting process for this project as it develops. City wants to see and review some of the permits before they are applied for, such as the HPA, JARPA, ACOE 404 or others, and DOE 401 & 402. City is also interested in following the Wetland Delineation, cultural resource review and biological assessment processes for areas within WSDOT right-of-way. City wants to be a part of any meeting with other state and federal agencies concerning the work in WSDOT's right of way.
11. Right-of Way-Donations - This project will require right of way donations and it appears that the applicant does not own all of the lands required for donations. This additional right of way shall be deeded to WSDOT with a Warranty Deed. The right of way donation process could take several months to complete and should be started as early as possible to avoid potential delays to the project.
12. Utility Impacts - There are going to be significant utility impacts resulting from this work. All conflicts and remedies must be identified and agreed to by all parties before any work can commence.

WSDOT will require the following for all work within WSDOT right of way:

13. Proposed changes to State facilities must be designed to current WSDOT standards and specifications.
14. Plans must be reviewed and approved by WSDOT prior to beginning work.
15. Engineering calculations, plans and reports submitted for review and approval must bear the seal and original signature of a professional engineer licensed in the State of Washington.
16. Copies of all environmental documentation required of this project by any local, State, or Federal jurisdiction. Failure to provide this documentation may result in a substantial delay of approval by WSDOT.
17. Construction must be done in accordance with the current WSDOT Standard Specifications for Road, Bridge, and Municipal Construction manual.
18. Construction inspection will be performed by WSDOT at the developer's expense.
19. WSDOT shall be reimbursed by an agreement for our actual direct and related expenses associated with this project. All work performed within the WSDOT right of way will require our technical review, permits, inspection and approval by WSDOT prior to

construction. This reimbursable agreement must be in place prior to WSDOT reviewing any plans submitted for approval.

20. This development will require work within WSDOT right of way. WSDOT will require that the developer enter into a Developer Agreement with WSDOT. The Developer Agreement is a contract between WSDOT and the developer stating each party's rights and responsibilities, and describing the proposed work. It typically includes a standard agreement form, right of way plan sheet(s), and a complete set of specifications and engineering plans. Any alteration to the standard wording on the pre-printed developer agreement form must be approved by the Attorney General's office prior to execution of the agreement.
21. This conceptual review does not constitute final WSDOT approval. Additional information, more detailed analysis, changes in the development proposal, or changes in the existing or planned operational characteristics of the State Highway System may necessitate modification in our preliminary assessment of this development. WSDOT's comments prior to final approval are meant to alert the applicant to areas of WSDOT's concern.

G. Proposed Street Pattern and Circulation

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 applicant proposes a roadway network to serve the lots created on the site that generally meets the intersecting street spacing criteria. The distance between Street E and Street G is approximately 730 feet. The applicant proposes an open space tract for pedestrian access midway between these streets. This proposed pedestrian access is consistent with the exception to the street spacing guidelines allowed in Section 2.01 of the Engineering Standards.

RMC 18.630.060.B discourages double fronted lots. Lots 1 through 8, 22 through 26, 173 through 182, and 195 through 200 are proposed as double frontage lots. Since these lots all front along Collector streets on one side, they shall be provided with vehicular access from a residential street instead of a Collector street. The proposed lot configuration is acceptable as long as no vehicular access is allowed from the Collector street to the double fronted lots. All sidewalks and landscaping along the Collector streets of the double frontage lots shall be installed with the development of the subdivision.

The east end of Street 'F' terminates at the east property line. Since this street is greater than 150 feet and serves more than three lots, a temporary turnaround must be installed at the east end of this street.

The proposed street pattern provides access to adjacent parcels and allows for logical extension of the roadway network on adjacent properties. Tax Lot 213743-000 is a triangular shaped parcel located adjacent to the projects northern boundary and south of Cedar Ridge Subdivision. Upon development of the Kemper Subdivision would be "land locked" and therefore a **condition** is warranted that would require the developer to provide a 30-foot access easement for a future private road from the nearest public street ("Street C") in to the west property line of Tax Lot 213743-000. The buildable area of Tax Lot 213743-000 is limited and therefore a private road should provide a sufficient level of access for this property.

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

The proposed site fronts along several existing City streets including Pioneer Street, South 21st Place, South 4th Way, South 25th Place, South 10th Way. Two existing City streets, Bertsinger Road and S. 1st Way, zig-zag across the property at the north end. The primary access to the site is provided by Bertsinger Road and S. 1st Way from Pioneer Street. Both of these roads are narrow with sharp curves, and steep grades that do not meet current City street standards. The intersection of Bertsinger Road with Pioneer Street also does not meet current City or WSDOT standards.

To provide safe access to the site, the applicant proposes to realign the Bertsinger Road intersection to create a 4-way intersection with Reiman Road on the north side of Pioneer Street. The applicant proposes to signalize this intersection. This created considerable comment at the hearing as to whether or not City planning or policy required a roundabout in lieu of a signalized intersection or whether a signalized intersection was inherently unsafe. While many opinions were expressed there was no evidence submitted for either proposition. The record clearly establishes that there is an agreement between the Washington State Department of Transportation (WSDOT) and the City of Ridgefield dated April 30, 2004, that establishes and states that "future location of traffic signals on SR 501, when warranted, will be at Main Street, 9th Avenue, North Reiman Road, vicinity of 35th Place, 45th Avenue, and 51st avenue", and goes on to mutually agree that "roundabouts may be installed in the SR 501 corridor in lieu of signals at 35th Place, 45th Avenue and 51st Avenue". City Council has only adopted the requirement for a roundabout at 45th Avenue. A roundabout at the Reiman Road intersection was not agreed as an option for that location. This agreement, the existing topographical and environmental constraints adjacent to the proposed intersection, and the lack of anticipated intersection control at this location in the city's current transportation CFP and the associated lack of city participation make this an unjustifiable request.

In addition to not being part of an approved plan, installation of a roundabout at this location is not feasible based on existing environmental and topographic constraints and a lack of available right-of-way. The additional width required to construct a roundabout would impact approximately 5,000 square feet of wetland areas on the south side of Pioneer Road and would result in the need to acquire additional right-of-way from off-site properties to the north of Pioneer Road. The existing Pioneer/Reiman Road intersection has a slope gradient of 7%, which does not meet WSDOT safety standards. The WSDOT guideline for the maximum gradient for a roundabout is 4%. Significant slopes through a roundabout can cause uneven speed distributions, as a vehicle is alternately going uphill and downhill while circulating around the roundabout, causing an unsafe condition. The purpose of a roundabout is to get speeds down and more uniform.

As described in the letter from Kittelson and Associates (Ex. 42), the installation of a traffic signal at the intersection and associated improvements allows the intersection to meet the adopted WSDOT intersection operating/capacity requirements while providing for safe and efficient operations. There is no engineering testimony to the contrary.

As part of this project, the applicant proposes to realign S. 1st Way and construct a bridge over the Gee Creek tributary. This realignment appears to provide adequate access to the proposed site. It appears that the southerly section of the existing S. 1st Way would be kept to provide local access to existing residences and utilities.

The City's Transportation Capital Facilities Plan identifies Pioneer Street/SR501 as a principal arterial roadway. The Transportation Capital Facility Plan identifies a cross section for Pioneer Street in this location as consisting of a 90-foot right-of-way, two 13-foot travel lanes, two 5-foot bike lanes, a center turn lane, buffers, and sidewalks. Frontage improvements along Pioneer Street must be completed as part of this project to achieve this cross-section. The applicant has proposed a modified cross section at this location due to the steep ravine adjacent to the roadway. The proposed modification, as shown in the preliminary plans, includes two 12-foot travel lanes, a 12-foot right turn lane, a 12-foot left turn lane, one 6-foot sidewalk, and two 5-foot bike lanes. The preliminary plans indicate that the street width and right-of-way width varies. The proposed cross section appears to provide reasonable functionality within the topographical constraints of the site. Since Pioneer Street is State Highway, final design of the intersection modifications and frontage improvements will need to be approved by WSDOT. Therefore, review and approval of the proposed modification will be completed during the engineering plan review process.

The City's Transportation Capital Facility Plan identifies South 1st Way, South 25th Place, South 4th Way, and South 21st Way as Collector roadways. These streets will need to be improved to the Collector standard prior to final plat in order to provide access to the proposed development. The Collector must have a 46-foot paved width in a 70-foot right-of-way width to meet the City's Engineering Standards. The applicant proposes several modifications to the Collector design requirements due to steep slopes, streams, wetlands, and buffer areas that surround the roadway site. These modification requests are discussed in detail below.

Table 2.03A of the Engineering Standards provides criteria for street design. The proposed interior streets for the subdivision would be classified as Residential Local A streets. The applicant proposes to construct these streets with a 28-foot paved width in a 50-foot right-of-way. Therefore the proposed interior streets would meet the requirements of Table 2.03A of the Engineering Standards.

The applicant has submitted several requests for modification to street design criteria. Section 1.16 of the Engineering Standards provides criteria for review of Modification Requests.¹⁰ A discussion of each modification request follows:

1. The applicant requests to modify the cross section requirements along the Collector streets South 1st Way, South 25th Place, South 4th Way, and South 21st Way due to the adjacent

¹⁰ The City Engineer may grant a modification to the adopted specification or standards when any one of the following conditions are met:

1. The specification or standard does not apply in the particular application.
2. Topography, right-of-way, or other geographic conditions impose an economic hardship on the applicant and an equivalent alternative which can accomplish the same design is available that does not compromise public safety or accessibility for the disabled.
3. A change to a specification or standard is required to address a specific design or construction problem which if not enacted will result in undue hardship.

steep slopes, streams, wetlands, and associated buffer areas. Modifications are also requested due to the location of the roadway along the border of the site. Table 2.03A of the Engineering Standards call for standard Collectors to have a 46-foot paved width within a 70-foot right-of-way, two 10-foot travel lanes, two 8-foot parking lanes, two 5-foot bike lanes, two 6-foot sidewalks, and two 6-foot planter strips (including gutter). The applicants proposed modifications are as follows:

- a. The first cross section A-A applies to the north end of S. 1st Way just south of the intersection with Pioneer Street. The cross-section includes two 12-foot travel lanes, one 12-foot center turn lane, two 5-foot bike lanes, and two 6-foot curb tight sidewalks, providing a total right-of-way width of 66.5-feet. Parking and planter strips have been omitted to reduce the impacts to the sensitive environmental areas of the site and to reduce grading. This request meets the second criterion in Section 1.16.D of the Engineering Standards because the topographic and geographic conditions of the Gee Creek Tributary impose an economic hardship on the applicant. The request also meets the third criterion because, the proposed center left turn lane also provides better functionality in this area than the typical Collector standard because of its proximity to the proposed intersection with Pioneer Street.
- b. The second cross section B-B applies to S. 1st Way south of the Gee Creek Tributary. It consists of the same cross section as A-A, except there is no 12-foot center turn lane. The total proposed right-of-way width is 57-feet. This request meets the second criterion in Section 1.16.D of the Engineering Standards because the topographic and geographic conditions of the Gee Creek Tributary impose an economic hardship on the applicant. Parking lanes are not necessary in this area because the roadway is not adjacent to developable property.
- c. The third cross section C-C applies to S. 21st Way along the project's west boundary. This portion of the proposed roadway does not lie within a site sensitive area, and therefore is not accepted. The City would accept a total pavement width of 35 feet within a 49 foot total right-of-way. This cross section would consist of one 2 foot section west of one 12 foot travel lane, one 10 foot travel lane, one 5 foot bike lane, one 8 foot parking lane, one 6 foot planter strip, and one 6 foot sidewalk. This will meet the City's Standard Collector Section, Detail T-2.5 with the exception of the 12 ft driving lane and additional 2 ft section on the outer property boundary. The remaining pavement, bike lane, planter strip and sidewalk would be constructed in the future with development on the west side of the street.
- d. The fourth cross section D-D applies to the curve where S. 21st Way transitions to S. 4th Way. The roadway in this area is completely on the applicant's property. The proposed cross-section would include two 12-foot travel lanes, two 5-foot bike lanes, two 5-foot planter strips, and two 6-foot detached planter strips, with a total right-of-way of 57-feet. This section must be modified to match revisions to section C-C as described in the previous paragraph.
- e. The fifth cross section E-E, applies to the remainder of S. 4th Way, S. 25th Place and S. 10th Way. The proposed cross section is a "3/4 street" version of cross section as D-D,

with the bike lane, sidewalk, and planter strip omitted from the opposite side of the street. The remaining section of roadway improvements would be completed when the adjacent parcels develop. Although portions of the Collector allow for expansion of the total right-of-way, the City prefers to maintain a consistent centerline throughout the Collector while also providing parking; therefore, maintain the cross section described above in modification C-C for the entire length of the Standard Collector. As part of engineering design review, the City Engineer may consider removal of the 8 foot parking lane in certain sections C-C resulting from environmental and/or topographical constraints.

2. The applicant also requests a modification to the Collector design speed for the portion of the Collector west of the intersection of 4th Way and 25th Place due to topographic constraints of the site. A design speed of 30 mph is proposed instead of the 35 mph design speed required by the Engineering Standards. This request meets the second criterion in Section 1.16.D of the Engineering Standards.
3. Additionally, the applicant requests that the intersection of 4th Way and 25th Place be designed with a temporary 90 degree corner with a 37-foot centerline curve radius. This request is a result of right-of-way being unavailable from the property owner to the southwest. The applicant suggests that when the properties to the south and west redevelop, the roadway curve could potentially be realigned with a larger radius curve. Per Table 2.08A of the Engineering Standards, the minimum centerline radius for a Collector street at a design speed of 30 mph is 300-feet, which is significantly greater than the proposed radius of 37-feet. The City Consulting Engineer finds that this request poses a significant public hazard even at the reduced speed. Section 2.08 of the Engineering Standards also specifies that low speed curves, under 25 mph, may be used on residential local streets. The City Engineer may consider this as an acceptable mitigation on a temporary basis, provided that the curve meets the minimum centerline radius of 55-feet and that proper signage for reduced speed to 15 miles per hour is provided. The temporary curve shall also meet all AASHTO design criteria, including superelevation requirements. It was suggested that the Collector road could be relocated by extending 4th Way to the east and curving the roadway southwards to reconnect to S. 25th Place or S. 10th Way, eliminating the need to design the Collector with a 55-foot centerline curve radius curve. Relocating the Collector would violate the City's Transportation Capital Facilities Plan, which specifically identifies the Collector Road alignment as the existing S. 25th Place, S. 4th Way and S. 21st Way. The proposed alignment of the Collector road is in conformance with the Capital Facilities Plan.

Furthermore, existing conditions, including right-of-way, and design issues impose a significant economic hardship on the applicant that precludes the applicant from re-aligning the Collector and meeting the 300-foot centerline curve radius requirement. Relocating the proposed Collector within the site would effectively result in the requirement for two parallel Collector roads. The existing S. 25th Place and S. 10th Way adjacent to the Kemper site are all classified as Collectors; therefore, the applicant would still have had to improve them to meet the Collector street standard. Additional access roads would be required so that any of the properties along the "existing" Collector could safely access the "new" Collector. In the case of both roads, any new proposed lots located adjacent to the Collectors would not be allowed to have "driveway access" directly to the Collectors per City Code. This creates significant design issues for a single-family residential subdivision, since each lot must have an individual driveway with off-street parking. This is an unnecessary

duplication of roadways, resulting in a series of double frontage lots, at significant additional costs.

The costs associated with relocating the Collector roadway by extending 4th Way to the east and curving the roadway southwards to reconnect to S. 25th Place would be substantial and would require a complete re-design of the project. At a minimum, 10 lots would be lost and 12 additional lots would back onto a Collector that did not previously, open space would be removed, significantly diminishing the value of the adjacent lots.

Extending the Collector into the site with a 300-foot curve radius would result in the need to construct a minimum of an additional 1,034 linear feet of Collector roadway at an estimated cost of approximately \$330,000 (See attached cost estimate: Attachment B). The estimated cost in lost income of removing the 10 lots and diminishing the value of the other 12 lots would be approximately \$1,550,000. This is based on an estimated value of \$125,000 per lot and a reduction in value of \$25,000 for each double frontage lot. Therefore, the total estimated financial loss to the applicant would be \$1,880,000.

The intersection of 4th Way and 25th Place can be safely designed as a Collector based on AASHTO design standards utilizing a 55-foot centerline curve radius, 15 mph design speed, and proper signage for the reduced speed. Regardless of how long this improvement remains in place, no substantial evidence has been submitted into the record to refute the safety of this intersection using these design parameters. The applicant has prepared an exhibit, which further demonstrates that the curve, and associated improvements, can be designed to meet AASHTO requirements and provide safe sight distance based on a 15 mph design speed (see Sight Distance Exhibit: Attachment C). The sight distance requirement for a 15 mph design speed per AASHTO standards is 170 feet (*2004 AASHTO Design Manual-Chapter 9 Exhibit 955*). There are currently two existing driveways in the proximity of the curve that access the Collector. Both access points are associated with one circular driveway that provides redundant access to Tax Lot 213504-000. The driveway access on S. 4th Way could remain and the southern most driveway access on S. 25th Place for this tax lot, which is not needed, would have to be closed or re-located further south to insure that adequate sight distance is met.

4. The applicant also request design speed modifications to permit centerline curve radii of 135-feet, to accommodate a 20 mph design speed rather than 25 mph for the following streets:
 - Street 'B' curves adjacent to lots 10-11 and 16-17
 - Street 'D' reverse curves adjacent to lots 85-87
 - Street 'E' curve adjacent to lots 193-194
 - Street 'E' reverse curves adjacent to lots 187-189
 - Street 'F' reverse curves adjacent to lots 123-125
5. Additionally, the applicant requests modifications to permit centerline curve radii of 75-feet with crown to accommodate a 15 mph design speed rather than 25 mph for the cul-de-sac street along Street 'D' adjacent to lots 75-77. A modification to the Engineering Standards is not necessary for these curves since Section 2.08 of the Engineering Standards would allow

curves with these radii for residential local streets. However, signage will be required indicating a Dead End

All portions of the Collector shall be bordered by a standard concrete monolithic curb on the unfinished side of the road. If any construction occurs within two feet of the property line of adjoining properties, temporary grading easements must be obtained prior to start of construction.

All interim width portions (partial street sections) of the collector street as proposed may require additional right-of-way upon final design to meet the requirements of engineering standard 2.16 (D) where in the absence of a curb and storm drainage the interim portion of the street shall have at minimum a 2-foot side shoulder adjacent to the street at a 2 percent cross-slope and roadside ditch.

I. Transportation Concurrency

A Traffic Impact Analysis by Kittelson and Associates dated July 20, 2007 was submitted for this project. An analysis titled "Pioneer Street/Reiman Road-Bertsinger Road Intersection Preliminary Design and Operations" was also provided by Kittelson and Associates in a memo dated August 3, 2007 to Steven Wall. The traffic impact analysis estimates a total of 2,080 average daily trips will be generated from this subdivision.

There was a great deal of discussion as to whether the trip distribution provided by the Kittelson study was correct as the neighbors felt strongly that there will be a greater percentage of trips than the assigned 15% going east on 10th Way, especially if Ridgefield builds a new high school. It was not clear necessarily that a new high school building will radically increase the number of trips on this road as the new high school is near the old one; however there is no engineering testimony contradicting the City and the applicant in finding that the new high school has not been approved or applied for, so those trips cannot be counted. In addition with the findings and a new condition imposed by the Examiner where the extension of 10th Way to 45th Avenue will be widened to the required standard, the concern with road safety caused by width have been addressed.

As documented in the applicant's traffic impact study and concurred with by both the City of Ridgefield and Clark County Engineering staff, the traffic study trip distribution estimates that only 15% of the site generated trips will utilize these off-site roadways. These roadways will be improved as necessary with this development and brought up to collector standards in conjunction with future development of the properties fronting the respective roadways. Similar to the Kemper project, re-development of properties along the roadway will necessitate half-street frontage improvement requirements.

The applicant evaluated two intersections for concurrency with Level of Service Standards. The following intersections were found to have unacceptable Levels of Service with the traffic from the proposed traffic and background traffic:

- Bertsinger Road and Pioneer Street

The Traffic Analysis Report does not evaluate the intersections at 35th/Pioneer, 45th/Pioneer and 56th/Pioneer and the I-5 interchange. These intersections have proposed improvements that are currently being designed and will be funded in part through traffic impact fees.

Based on the traffic analysis submitted and the results of other recent traffic studies, the following mitigations should be required to correct the transportation concurrency deficiencies identified in the traffic analysis and known to exist within the City transportation system:

1. To mitigate traffic impacts of the proposed project on the following intersections the applicant shall pay traffic impact fees (TIF) per Ridgefield Municipal Code Section 18.070. Payment of these fees shall constitute a proportionate share of planned improvements required to meet concurrency requirements. The improvements at these intersections are identified as being partially funded by traffic impact fees in the City's Transportation Capital Facilities Plan.
 - a. Pioneer Street / 45th Avenue
 - b. Pioneer Street / S. 56th Place
 - c. I-5 Interchange
 - d. Pioneer Street / 9th Avenue
2. To mitigate impacts to the intersection of 35th Avenue and Pioneer Street, the applicant shall pay a proportionate share of the intersection control improvements currently planned for this intersection.
3. To mitigate the impacts to the Bertsinger Road / Pioneer Street Intersection, the intersection shall be realigned with the Reiman Road / Pioneer Street Intersection and the intersection shall be signalized.
4. Pertaining to numerous comments as to deficiencies in roadway widths on S. 10th Way, S. 25th Place, and S. 15th Street Clark County concurrency submitted a letter dated November 20th, 2007 (Exhibit 27) recommending a condition of approval for widening these off-site County roadways. The applicant suggests that the County's suggested condition is open-ended and has the potential to result in substantial off-site improvements that could include rebuilding approximately one mile of off-site roads from the eastern boundary of the subject site to S. 45th Avenue. Additionally, these potential improvements would far exceed the impacts from the development.

As documented in the applicant's traffic impact study and concurred with by both the City of Ridgefield and Clark County Engineering staff, the traffic study trip distribution estimates that only 15% of the site generated trips will utilize these off-site roadways. These roadways will be improved in conjunction with future development of the properties fronting the respective roadways. Similar to the Kemper project, re-development of properties along the roadway will necessitate half-street frontage improvement requirements.

Based on the foregoing, the Examiner finds it necessary condition the project with improving the off-site roads to be widened the existing roadway as stated in County Code section

40.350.030 (B)(6)(b)(1). The applicant shall have an option of constructing a barricade at the site access as an alternative to said improvements and having the option to phase the timing of such improvements.

1. The applicant shall submit construction plans to resolve deficiencies in roadway widths on S. 10th Way, S. 25th Place, and S. 15th Street and maintain all existing appurtenances (i.e. pedestrian facilities, roadway drainage, etc.). These construction plans shall comply with Clark County Code Section 40.350.030 (B)(6)(b)(1). The construction plans shall including signing, striping, and related features. These plans shall be submitted to the County for review and approval prior to approval of any construction permit.
- c. The applicant shall submit a reimbursable work order, authorizing County Road Operations to perform any signing and striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or site plan approval.
- d. The applicant shall construct asphalt surfaces, as approved, to resolve deficiencies in roadway widths on S. 10th Way, S. 25th Place, and S 15th Street and maintain all existing appurtenances (i.e. pedestrian facilities, roadway drainage, etc.). The construction shall be limited to adding to the existing asphalt surface to create a total width of 20-feet in cases where the pre-existing roadway is narrower than 18-feet with 1-foot shoulders. The required improvements specifically exclude re-building or re-surfacing the entire roadway and/or re-construction of the roadway to modify or expand existing centerline curve radii. This construction shall be completed prior to the approval of the final plat, unless modified by the Public Works Director.
2. If the project is phased, a maximum of 36 dwelling units within the first phase of the subdivision (north of S. 4th Way) can be occupied prior to providing the above listed improvements.
3. As an alternative to providing the above the listed improvement, the applicant may construct a gate that prevents vehicles, other than emergency vehicles, from accessing S. 10th Way east of the subject property, provided all requirements of the Fire Marshal are met.

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

The application materials indicate that this development will be served from an existing 12-inch water main along Pioneer Street. Water main will need to be extended from the existing water main in Pioneer Street to the project site. Per the 2005 Water System Capital Facilities Plan, the water main extended along South 1st Way, South 25th Place, South 4th Way, and South 21st Way shall be 12-inches in diameter. Compensation for oversizing of water mains, if necessary, is available through the City's Utility Oversizing Ordinance.

According to the 2005 Water System Plan Update, the City has water rights to serve approximately 3,700 EDUs and existing well capacity to serve approximately 2,370 EDUs. Per the 2005 Water System Plan, the City served approximately 1,795 EDUs in 2005. With the addition of approximately 188 residential building permits issued in 2006, 28 residential building permits issued in 2007 and 57 residential building permits ready to be issued, the City currently serves approximately 2,068 EDUs. Therefore the City currently 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. The City is currently in the process of developing additional well sources in Abrams Park and in the Junction Area. These are projected to come on line in 2008 and 2009. 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 Upper Pressure Zone has adequate 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. Design of this reservoir is currently scheduled for 2007-8 with construction in 2008-9.

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

The application materials show gravity sanitary sewer service being extend to the project from connection from an existing 10-inch sewer main in Bertsinger Road. An 8-inch sewer main is proposed to be extended to the site. The Sewer Capital Facilities Plan showed this area being served by a new trunk sewer called the T16W that would connect directly to the T-8 sewer in Pioneer Street. Per Section 4.01 of the Engineering Standards, gravity sewers must be sized to serve their ultimate tributary area. The applicant will need to evaluate whether the existing 10-inch sewer is adequate for serving the basin planned for the T-16W and T-16E. If the existing 10-inch sewer is not adequate, the applicant will either need to install the T-16W as shown on the CFP or upsize the existing 10-inch sewer main. Compensation for oversizing of facilities, if required, is available through the City's Utility Oversizing Ordinance.

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, and the average flow from December 2006 to February 2007 was approximately 0.395 MGD.

Since January 2006, the City has issued approximately 216 building permits and currently has 57 building permits that are ready to be issued. Assuming 375 gallons per day per residential connection, the 216 issued permits and the 57 pending permits will use approximately 102,375 gallons per day of capacity. The additional 200 EDUs from this project will produce 75,000 gpd. The City of Ridgefield has recently completed construction of an expansion of the WWTP to 0.7 MGD. This additional capacity became operational in February 2007 and is awaiting approval from Department of Ecology. 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 2009-10. With these planned expansions, the City has made adequate provision for wastewater treatment for this development. **However, there is no guarantee or set aside of service capacity with site plan approval, as it is the city's policy that service commitment occurs when it is paid for at the time building permits are issued.**

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

The Engineering Standards require stormwater facilities to be designed in accordance with the Department of Ecology 1992 *Stormwater Management Manual for Puget Sound*. The applicant has submitted a Preliminary Hydrology Report signed July 25, 2007. The preliminary drainage report demonstrates that the proposed storm drainage collection and treatment system can meet the requirements of Chapter 3 of the city's Engineering Standards. The following specific comments must be addressed prior to Engineering Approval:

- The Stormwater Report should be prepared in accordance with Section I-3.5 of the 1992 Washington State Department of Ecology's *Stormwater Management Manual for the Puget Sound Basin* (1992 DOE Manual).
- The Proposed Basin Map should call out each of the proposed water quality and quantity treatment facilities, as well as all wetlands, streams and applicable buffers.
- The following from Page III-6-6 of the 1992 DOE Manual addresses the slope of Biofiltration Swales. "The channel slope should normally be between 2 and 4 percent. A slope of less than 2 percent can be used if underdrains are placed beneath the channel to prevent ponding [North Swales 4 & 5, Pioneer Swale 1]. A slope of greater than 4 percent can be used if check dams are placed in the channel to slow the flows accordingly [North Swales 2 & 3]." The City of Ridgefield allows up to a minimum longitudinal bioswale slope of 1-percent without the use of underdrains.
- The pond surface area should be considered impervious surface, included in the hydrologic model. The area should be either for each applicable storm event, or the 100-year event surface area.

Prior to Engineering Plan approval, a Final Stormwater Report shall be prepared in accordance with the City Standards.

M. 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.

Due to the location of the site adjacent to a Gee Creek tributary, construction within sensitive lands and buffers should be allowed only between May 1st and October 30th. As long as construction is performed outside these buffers, this restriction will not apply.

DECISION

This Type III Subdivision application as proposed can be made consistent through **conditions of approval** with RDC 13.08 (Development Charges for Water and Sewer Connections); RDC 18.070 (Impact Fees); RDC 18.210 (Low Density Residential Districts – LDR 7.5); RDC 18.280 (Sensitive Lands/Density Transfer Overlay District); RDC 18.600 (Subdivisions); RDC 18.620 (Procedure for Subdivision); and RDC 18.810 (Environmental Standards). Therefore the Examiner **APPROVES** the Kemper Subdivision per Exhibit 1 subject to compliance with the following **CONDITIONS OF APPROVAL**:

A. 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 development shall comply with all approval requirements including all trails and recreational facilities established in applicable plans, policies, regulations (including any City-wide architectural standards adopted prior to the issuance of the first building permit for any phase) and any City 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. The project shall comply with all recommendations made in the Wetland Delineation Report, dated April, 2007 and the Preliminary Mitigation Plan, dated August 13, 2007 prepared by Ecological Land Services, Inc.
4. Comply with all design recommendations and mitigation measures specified in the *Geotechnical Site Investigation Kemper Property*, Columbia West Engineering, Inc., July 30, 2007.
5. Pursuant to RCW 27.53.060 it is unlawful to remove or alter any archaeological resource or site without having obtained a written permit from the Washington State Office of Archaeology and Historic Preservation; 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, shall act to protect the potential or known historical and cultural resources area from outside intrusion, and shall notify, within a maximum period of twenty-four hours from the time of discovery, the City of Ridgefield Community Development Department of said discovery.

6. Any identified critical areas shall comply with the City's critical areas ordinance.
7. Comply with all requirements within the Fire Department letter dated September 10, 2007.
8. Comply with all requirements within the Department of Ecology letters dated October 3, 2007 and November 7, 2007.

B. The following must be accomplished prior to Engineering Approval (Note: Engineering Approval is required prior to commencement of any on-site utility or roadway construction):

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:
 - a. A Pioneer Street may be designed with two 12-foot travel lanes, a 12-foot right turn lane, 12-foot left turn lane, two five-foot bike lanes and one 6-foot sidewalk, subject to WSDOT concurrence and approval.
 - b. The proposed modifications to the City's standard collector section as shown on the preliminary plans may be designed as shown for section AA and section BB as shown within the areas of environmental and topographical constraints only. The remaining portion of the Collector commencing on approach to the frontage of lot 8 shall meet the City's standard Collector section per City Detail T-2.5, or a partial section thereof. The existing roadway is within a 30-foot right-of-way and will require a minimum of an additional 20 feet of dedication to meet the 35-foot half width right-of-way requirement for the Collector. Where the Collector abuts along the project boundaries, the minimum partial section shall have a 35-foot paved width, 6-foot planter strip and 6-foot sidewalk within a minimum of 50 feet of right-of-way (30' existing plus 20' dedication). The design of the collector street shall maintain a consistent centerline throughout the extent of the improvement. Within areas of topographic constraints as determined by the city engineer upon final design, the design speed for the collector may be reduced to 30 MPH west of the intersection of 4th Way and 25th Place. The 90 degree curve located at the intersection of 4th Way and 25th Place shall be designed to AASHTO design criteria, including superelevation requirements to meet a minimum design speed of 15 MPH and shall have a minimum centerline radius of 55-feet. Proper signage for the reduced speed shall be required.
 - c. The intersection of Bertsinger Road and Pioneer Street must be realigned with the Reiman Road intersection and signalized. Improvements must be designed and approved by the City and WSDOT.
 - d. A note on the plat shall state, "No vehicular access (driveways) shall be allowed to lots abutting the Collector Street."

- e. All sidewalks and landscaping along the Collector street shall be installed with the development of this subdivision.
 - f. A temporary turnaround meeting both City and Fire standards must be installed at the east end (lots 110 & 111) of Street 'F'.
2. 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, including but not limited to the following:
 - a. Submit plans for water and sewer infrastructure.
 - i. Per the 2005 Water System Capital Facilities Plan, the water main extended along South 1st Way, South 25th Place, South 4th Way, and South 21st Way shall be 12-inches in diameter.
 - ii. Per Section 4.01 of the Engineering Standards, gravity sewers must be sized to serve their ultimate tributary area. The applicant shall evaluate whether the existing 10-inch sewer is adequate for serving the basin planned for the T-16W and T-16E. If the existing 10-inch sewer is not adequate, the applicant shall either install the T-16W as shown on the CFP or upsize the existing 10-inch sewer main.
 - b. Submit complete plans for stormwater management facilities including final Stormwater Technical Information report. Design all storm drainage facilities as shown on the site plan materials to comply with the 1992 Department of Ecology Puget Sound Surface Water Design Manual.
 3. Present engineered construction plans of all public improvements to Ridgefield Public Works Department and Clark County Fire District #12 for review and approval.
 4. All interim width portions (partial street sections) of the collector street as proposed may require additional right-of-way upon final design to meet the requirements of engineering standard 2.16 (D) where in the absence of a curb and storm drainage the interim portion of the street shall have at minimum a 2-foot side shoulder adjacent to the street at a 2 percent cross-slope and roadside ditch.

The following conditions (5 to 21) are from WSDOT:

5. Install the traffic signal and widen SR 501 to accommodate a west bound left turn lane from SR 501 to S. 1st Way.
6. Sight Distance – Due to the topography of the area, the minimum sight distance may not be currently available for the safe operation of a traffic signal. The applicant will be required to make improvements to SR 501 to meet current WSDOT standards for sight distance.
7. Fish Passage Barrier - The tributary to Gee Creek that crosses under SR 501 at the intersection location has been designated as a fish passage barrier. Any work that impacts this tributary may require the reconstruction of this fish passage.

8. Geotechnical - The slopes in this area may be geologically unstable. WSDOT has recently had portions of SR 501 in the immediate vicinity fail due to unstable slopes. A geotechnical analysis will need to address all impacted slopes, retaining wall design, and signal foundations.
9. Stormwater Treatment - All stormwater runoff from new impervious surfaces within WSDOT right of way will need to be treated for quality and quantity within WSDOT right of way. This treatment and detention must be done to current WSDOT standards.
10. Environmental Permitting & Documentation – The WSDOT environmental staff is very interested in following the permitting process for this project as it develops. We want to see and review some of the permits before they are applied for, such as the HPA, JARPA, ACOE 404 or others, and DOE 401 & 402. We are also interested in following the Wetland Delineation, cultural resource review and biological assessment processes for areas within WSDOT right-of-way. We ask to be a part of any meeting with other state and federal agencies concerning the work in WSDOT's right of way.
11. Right-of Way-Donations - This project will require right of way donations and it appears that the applicant does not own all of the lands required for donations. This additional right of way shall be deeded to the City of Ridgfield with a Warranty Deed. The right of way donation process could take several months to complete and should be started as early as possible to avoid potential delays to the project.
12. Utility Impacts - There are going to be significant utility impacts resulting from this work. All conflicts and remedies must be identified and agreed to by all parties before any work can commence.
13. Proposed changes to State facilities must be designed to current WSDOT standards and specifications.
14. Plans must be reviewed and approved by WSDOT prior to beginning work.
15. Engineering calculations, plans and reports submitted for review and approval must bear the seal and original signature of a professional engineer licensed in the State of Washington.
16. Copies of all environmental documentation required of this project by any local, State, or Federal jurisdiction. Failure to provide this documentation may result in a substantial delay of approval by WSDOT.
17. Construction must be done in accordance with the current WSDOT Standard Specifications for Road, Bridge, and Municipal Construction manual.
18. Construction inspection will be performed by WSDOT at the developer's expense.
19. WSDOT shall be reimbursed by an agreement for our actual direct and related expenses associated with this project. All work performed within the WSDOT right of way will require our technical review, permits, inspection and approval by WSDOT prior to

construction. This reimbursable agreement must be in place prior to WSDOT reviewing any plans submitted for approval.

20. This development will require work within WSDOT right of way. WSDOT will require that the developer enter into a Developer Agreement with WSDOT. The Developer Agreement is a contract between WSDOT and the developer stating each party's rights and responsibilities, and describing the proposed work. It typically includes a standard agreement form, right of way plan sheet(s), and a complete set of specifications and engineering plans. Any alteration to the standard wording on the pre-printed developer agreement form must be approved by the Attorney General's office prior to execution of the agreement.
21. This conceptual review does not constitute final WSDOT approval. Additional information, more detailed analysis, changes in the development proposal, or changes in the existing or planned operational characteristics of the State Highway System may necessitate modification in our preliminary assessment of this development. WSDOT's comments prior to final approval are meant to alert the applicant to areas of WSDOT's concern.
22. The City Engineer may consider removal of the 8 foot parking lane in certain sections of the proposed Collector along S. 21st Way resulting from environmental and/or topographical constraints.
23. The applicant shall notify the property owner(s) at 2382 Pioneer Street upon knowledge of any proposed changes affecting the property or property access. The applicant shall bear all expenses and compensation associated with any changes to the property or property access.
24. Submit a final landscaping plan for review and approval by the Community Development Department. The final landscaping plan shall comply with RDC 18.830 and RDC 18.210.150 and provide sufficient detail to review all areas on-site including plan areas and other recreation areas. Although not required by the City's development code, the following changes are encouraged in the final landscaping plan:
 - a. Include a variety of street tree types. For example, no more than 25% of single tree species should be used in the project. The reasons for this are to strength survival rates due to disease or extreme weather conditions. Tree variety also provides a more interesting streetscape in neighborhoods.
 - b. Street trees may be spaced at 25-feet on center, or may be clustered as long as the equivalent of 1 tree is planted for every 25 feet of street frontage.
 - c. Additional landscaping is encouraged near the recreation areas on site, including the trail network and children's play area.
 - d. The street trees may be reallocated or clustered along the Collector Street along northern open space area. This modification is acceptable in order to provide a clear view of the open space area as long as the trees are planted in clusters in various places along or near the Collector street. This section of road is approximately 700 feet in length and would require the planting of approximately 28 trees.

25. Submit final mitigation plan to be prepared that addresses the mitigation criteria found in RDC 18.280.150 for all on-site and off-site work. Approval of the final mitigation plan is required from the Community Development department prior to any on-site construction.
26. Provide a supplemental geotechnical investigation with detailed recommendations for the Collector street stream crossing and the other design modifications required on Pioneer Street/S.R. 501.
27. Prior to any grading or construction, provide evidence of any other required local, state or federal permits as they related to impacts to on-site critical areas.
28. Prior to any grading activity or construction, the boundary of the outer edge of all critical areas 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.
29. The applicant shall submit construction plans to resolve deficiencies in roadway widths on S. 10th Way, S. 25th Place, and S. 15th Street and maintain all existing appurtenances (i.e. pedestrian facilities, roadway drainage, etc.). These construction plans shall comply with Clark County Code Section 40.350.030 (B)(6)(b)(1). The construction plans shall including signing, striping, and related features. These plans shall be submitted to the County for review and approval prior to approval of any construction permit.
 - a. The applicant shall submit a reimbursable work order, authorizing County Road Operations to perform any signing and striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or site plan approval.
 - b. The applicant shall construct asphalt surfaces, as approved, to resolve deficiencies in roadway widths on S. 10th Way, S. 25th Place, and S 15th Street and maintain all existing appurtenances (i.e. pedestrian facilities, roadway drainage, etc.). The construction shall be limited to adding to the existing asphalt surface to create a total width of 20-feet in cases where the pre-existing roadway is narrower than 18-feet with 1-foot shoulders. The required improvements specifically exclude re-building or re-surfacing the entire roadway and/or re-construction of the roadway to modify or expand existing centerline curve radii. This construction shall be completed prior to the approval of the final plat, unless modified by the Public Works Director.
 - c. If the project is phased, a maximum of 36 dwelling units within the first phase of the subdivision (north of S. 4th Way) can be occupied prior to providing the above listed improvements.
 - d. As an alternative to providing the above the listed improvement, the applicant may construct a gate that prevents vehicles, other than emergency vehicles, from accessing S. 10th Way east of the subject property, if the Fire Marshall approves such a gate.

C. 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, B-2 and B-3 above. Secure for any remaining construction items in accordance with City Standards.
2. Pay a proportionate share of the cost of improvements to the 35th Avenue and Pioneer Street Improvements. The proportionate share has been calculated as \$726.72 per PM peak hour trip through the intersection.
3. To mitigate traffic impacts of the proposed project on the following intersections, the applicant shall pay traffic impact fees per Ridgefield Municipal Code Section 18.070.
 - a. Pioneer Street / 45th Avenue
 - b. Pioneer Street / S. 56th Place
 - c. I-5 Interchange
4. Payment of these fees shall constitute a proportionate share of planned improvements required to meet concurrency requirements at the following intersections:
 - a. To mitigate impacts to the intersection of 35th Avenue and Pioneer Street, the applicant shall contribute a proportionate share to the cost of intersection improvements, refer to Condition C.2.
 - b. To mitigate impacts to the intersection of South 1st Way and Pioneer Street, the applicant shall construct a new signalized intersection to provide primary access to the site.
 - c. To mitigate the 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. Calculate the number of PM peak hour trips through the 35th Avenue/Pioneer Street intersection.
6. The City Engineer will review the alignment of proposed "Street A" to assure that its location will provide for safe existing and future turning movements at its intersection with S 4th Way.
7. A note on the final plat shall state, "The portion of the site zoned LDR-7.5 shall not create lot sizes or setbacks that are less than those specified in the LDR-5 zoning district. The portion of the site zoned LDR-8.5 shall not create lot sizes or setbacks that are less than those specified in the LDR-7.5 zoning district. Any adjustments or variances to setbacks or other lots dimensions must first receive approval through the Ridgefield Community Development Department."
8. A note on the final plat shall state, "Each lot shall provide at least two off street parking spaces. Off-street parking must provide a minimum of eighteen-feet of lineal parking between the street and the dwelling setback."
9. A note on the final plat shall state, "all fences and walls within the subdivision to comply

with RDC 18.740.”

10. The boundary of the outer edge of the Fish & Wildlife Conservation Habitat buffer or wetland buffer shall be delineated with permanent survey stakes using iron or concrete markers as established by local survey standards.
11. On the final plat, or within a conservation easement, identify the type of critical area, the buffer width, and a note stating that the identified critical areas are protected area subject to regulation by the City of Ridgefield, RDC 18.280.
12. Any water rights associated with existing wells, previous agricultural activity, or other activities shall be transferred to the City of Ridgefield, and all existing wells shall be properly abandoned
13. All street names associated with this subdivision shall be reviewed and approved prior to final plat approval through the City of Ridgefield, Community Development Department.
14. On or before the recording of the final plat, an easement or right-of-way for access and all utilities, which is of sufficient width for the two parcels hereinafter referenced, shall be provided through the plat, which is adequate in width to meet the requirements for legal access for two homes (as required by the City of Ridgefield) to either one of those parcels that are Clark County Property Account Number 213789-000.0 (short legal #68, Section 20, Township 4 North Range 1 East of the Willamette Meridian) or 213743-000.0 (short legal #42, Section 20, Township 4 North Range 1 East of the Willamette Meridian)

D. The following must be accomplished prior to issuance of Building Permit:

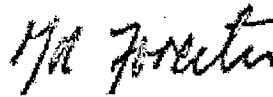
1. Pay all required impact fees and system development charges.
2. Unless otherwise authorized, all buildings and other structures shall be set back a minimum of five (5) feet from the edges of all critical areas buffers. Uses allowed in this minimum setback area include landscaping, uncovered decks, building overhangs that extend no more than twenty-four (24) inches into the setback.
3. Submit documentation that all outstanding planning, engineering, and building invoices have been paid to the City, and that all public improvement have been completed and accepted by the City. This includes any outstanding contract City consulting fees.

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

1. All landscaping shall be installed pursuant to the approved final landscape plans.
2. Comply with all Building, Clark County Fire District 12, and Americans with Disabilities Act requirements.

3. Construction must be consistent with the approved final plat, engineering plans, and building plans.
4. 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 a minimum of every 200 feet. The sign shall state, "The area beyond this sign is a Fish & Wildlife Conservation Habitat Area or Wetland Buffer. Alteration or disturbance is prohibited by law. Please call the City of Ridgefield for further information."
5. Submit documentation that all outstanding planning, engineering, and building invoices have been paid to the City. This includes any outstanding contract City consulting fees.

Dated this 14 day of December 2007



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: Pursuant to Section 2.24.100 of RMC this decision of the Hearings Examiner is appealable to the Clark County Superior Court within 21 calendar days after the date of the issuance of this decision as provided in RCW 36.70C.

EXHIBIT C

SEPA CHECKLIST

CLARK COUNTY
SEPA ENVIRONMENTAL CHECKLIST
Washington Administrative Code (WAC) 197-11-960

A. BACKGROUND

1. Name of proposed project, if applicable:

Kemper Subdivision

2. Name of applicant:

David Bantz

3. Address and phone number of applicant and contact person:

Applicant:

David Bantz
19767 SW 72nd Avenue
Tualatin, OR 97062
(503)783-1312

Contact Person:

MGH Associates
Michael Birndorf
104 West 9th St.
Vancouver, WA. 98660
(360)750-0399

4. Date checklist prepared:

August 15, 2007

5. Agency requesting checklist:

City of Ridgefield Community Development

6. Proposed timing or schedule (including phasing, if applicable):

Unknown at this time. The earliest construction would start is Spring 2008 for roads and utilities.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No.

8. List any environmental information you know about that has been or will be prepared related to this proposal.

Wetland delineation and mitigation report, archaeological pre-determination report, preliminary stormwater report, and soils analysis (geotechnical report).

9. Are other applications pending from governmental approvals

affecting the property covered by your proposal? If yes, please explain.

None currently pending.

10. List any government approvals or permits needed for your proposal.

City of Ridgefield approval of SEPA checklist, preliminary subdivision approval, critical areas permit, archaeological pre-determination, engineering plan approval, and final plat review. Permits will also be required from the U.S. Army Corps of Engineers for temporary impacts to construct a sewer line within wetlands, to construct pedestrian footbridge stream crossings, and to replace an existing undersized non-fish passable culvert with a larger fish-passable culvert.

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

The proposed total project area (as shown on the existing conditions plan) is 67.4 acres. The applicant is requesting preliminary plat approval on the site for a 200-lot single-family residential subdivision known as 'Kemper Subdivision' within the R-7.5 and R-8.5 zoning district. The residential lots range in size from 5,000 square feet to greater than 12,000 square feet.

Several tracts are proposed for storm water detention facilities, protection of sensitive areas (wetland, streams, and buffers), and open space areas for active and passive recreational use. Proposed landscaping will consist of street trees, ornamental landscaping within yards and open space tracts, and native buffer enhancement plantings.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including street address, section, township and range. If this proposal occurs over a wide area, please provide the range or boundaries of the site. Also, a legal description, site plan, vicinity map, and topographic map. You are required to submit any plans required by the agency, but not required to submit duplicate maps or plans submitted with permit applications related to this checklist.

The subject site is identified by the Clark County assessor as Tax Lots 213491-000, 213509-000, 213727-000, and 213745-000 of Tax Maps SE ¼ of Section 19 and SW ¼ of Section 20,

T4N, R1E, Willamette Meridian, Clark County. The site is generally located south of Pioneer Street at Reiman Road. A complete legal description, site plan, vicinity map and topographic map are included in the subdivision application.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____.

Topography on the majority of the site is generally moderately to steeply sloping.

- b. What is the steepest slope on the site and the approximate percentage of the slope?

The steepest slope is estimated to be approximately 50%-60% and is located within the ravine along the tributary to Gee Creek.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

According to the USDA soil survey for Clark County, the soil on the site consists of the Gee (GeB, GeD, GeR and GeF) series (Hydrologic Soil Group C).

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, please describe.

None known. Portions of the site are mapped by the City to potentially contain unstable slopes and severe erosion hazard areas. These areas are generally concentrated around the ravines and drainages that are associated with the tributary to Gee Creek within the northern and eastern portions of the site.

- e. Describe the purpose, type, and approximate quantities of any filling or proposed grading. Also, indicate the source of fill.

There will be construction as needed to install utilities, build roads and grade lots for building pads. Fill will be used to fill the lower areas of the site. The approximate grading quantities are not known at this time.

- f. Could erosion occur as a result of clearing, construction, or use? If so, please describe.

Erosion of site soils may occur during construction, and standard erosion control best management practices (bmp) will be followed throughout construction.

- g. What percentage of the site will be covered with impervious surfaces after the project construction (e.g., asphalt or buildings)?

The elements of the full development that will increase the amount of impervious surface area are roofs, streets, sidewalks, and driveways. The approximate amount of impervious area would be 40% of the site.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth include:

A storm drainage and erosion control plan will be submitted to the City of Ridgefield Engineering Department for final review and approval prior to construction of this project. The requirements of those approved plans will be followed during construction. Erosion control measures will include silt fences, bio-bags, gravel construction entrances, and other appropriate measures.

2. Air

- a. What types of emissions to the air would result from the proposal (e.g., dust, automobile, odors, industrial wood smoke) during construction and after completion? Please describe and give approximate quantities.

Construction equipment exhaust and dust from earth disturbance on the short term and day-to-day emissions on the long term from cars, barbeques, lawn mowers, etc.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, please describe.

None known.

- c. Proposed measures to reduce or control emissions or other impacts to air:

The development will include an extensive system of sidewalks, walking trails, and bike lanes, which will provide an alternative to automobile use and help reduce the amount of vehicle related emissions.

3. Water

a. Surface:

- 1) Is there any surface water body on or in the vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names and into which stream or river it flows into.

Yes. The site contains one Type F stream, which is a tributary to Gee Creek, three Type N streams, and six Category IV wetlands. Two of the wetland seeps develop into Type N streams. The streams ultimately flow into Gee Creek.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Yes. The applicant will be installing a City required Collector road that crosses over the tributary to Gee Creek (Type F stream). All in-water work will be avoided by the proposed crossing by installing a large box culvert over the stream. The applicant will also be replacing an existing undersized non-fish passable culvert located under the existing S 1st Way (formerly Bertsinger Road) with a larger culvert that will allow for fish passage resulting in some temporary construction work within the stream. Minor work will also be necessary for construction of pedestrian footbridge crossings within two Type N streams. Finally, the construction of a sewer line that is necessary to serve the development and adjacent lands will result in temporary work within Type N streams on the site.

Other work that will occur within 200 feet of streams and wetlands includes construction of stormwater detention facilities and outfalls, utilities, grading, and buildings.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

The specific quantities of earthwork haven't yet been determined; however, some material will need to be removed to accommodate replacement of the existing undersized non-fish passable culvert located under the existing S 1st Way with a larger culvert that will allow for fish passage. The area affected is approximately 300 square feet. Construction of the footbridge will also require some very minimal fill within the stream corridor within an area of approximately 330 square feet. Finally, temporary impacts to streams within an area of approximately 1,488 square

feet will result from excavation for installation of a sewer line.

- 4) Will the proposal require surface water withdrawals or diversions? Please provide description, purpose, and approximate quantities:

No surface water withdrawals or permanent diversions are required.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Yes. The site is located within the 100-year floodplain. The location of the flood plain is identified in the application.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of water and anticipated volume of discharge.

No. Stormwater will be treated prior to entering the surface water system.

b. Ground Water:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities.

No.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals . . . ; agricultural; etc.). Describe the size and number of the systems, the number of houses to be served, or the number of animals or humans the systems are expected to serve.

None.

c. Water Runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal. Include quantities if known. Describe where water will flow, and if it will flow into other water.

The source of stormwater run-off will be from impervious surfaces (roofs, sidewalks, streets, etc.) from the development. The runoff will be collected and conveyed to water quality and detention facilities designed in

accordance with City of Ridgefield standards. The proposed detention ponds will detain the run-off and treat it prior to discharging it to the existing wetland on site.

2) Could waste materials enter ground or surface waters? If so, please describe.

No.

- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

The site will be designed and contoured to insure that stormwater run-off will be directed away from adjacent properties and toward the proposed storm water detention and water quality facility.

4. Plants

- a. Check or circle types of vegetation found on the site:

☒ deciduous tree: alder, maple, aspen, other

☒ evergreen tree: fire, cedar, pine, other

☒ shrubs

☒ grass

☒ pasture

☒ crop or grain

☒ wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other

☐ water plants: water lily, eelgrass, milfoil, other

☐ other types of vegetation:

- b. What kind and amount of vegetation will be removed or altered?

Vegetation on the site will be removed for survey work, utility construction, road construction, and homesite construction.

Vegetation on the site that will be removed consists primarily of shrubs, grass cover, and trees. It is estimated that approximately 65-70 trees will be removed in conjunction with the development.

- c. List threatened or endangered species on or near the site.

None known.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site:

Proposed landscaping will consist of street trees and ornamental landscaping within open space tracts, as well as native wetland and buffer enhancement plantings. Individual

homeowners will also provide additional landscaping on their individual lots.

5. Animals

- a. Circle any birds and animals which have been observed on or near the site:

Birds: hawk, heron, eagle, songbirds, other:

Local birds are observed on the site and in the area.

Mammals: deer, bear, elk, beaver, other:

There are small mammals, such as mice, gophers, and voles located on and near this site.

Fish: bass, salmon, trout, herring, shellfish, other:

According to the Department of Fish and Wildlife, the tributary to Gee Creek, and Gee Creek, downstream from the site, contains Coho and Summer Steelhead. However, the applicant has not observed any of these fish on site.

- b. List any threatened or endangered species known to be on or near the site.

According to the Department of Fish and Wildlife, the tributary to Gee Creek, which is located on-site, and Gee Creek, which is downstream from the site, contains Coho and Summer Steelhead. Both Coho and Summer Steelhead are listed as threatened species.

- c. Is the site part of a migration route? If so, please explain.

Virtually all of Clark County is part of the Pacific Flyway. This flyway stretches the length of the Pacific Coast from Alaska to Mexico. The flyway includes various species of water fowl and other birds.

- d. List proposed measures to preserve or enhance wildlife.

Street trees and other landscaping within open space areas will be installed with the development. Future homeowners will also do individual landscaping on their lots. This will provide diversified vegetation for songbirds and small wildlife species.

The enhancement of the wetland and stream buffer areas on-site with new native plantings will provide habitat areas for small wildlife species. Buffer plantings will improve water quality. The applicant will also be replacing an existing undersized culvert located under S 1st Way with a larger culvert that will allow for fish passage.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

The development of housing on this site will result in the use of electricity for lighting and heat, and possibly natural gas, oil and/or wood stove for heating.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, please describe.

No.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts:

The construction of this project will be in accordance with the current energy standards required by Washington State and the Uniform Building Code as adopted by the Ridgefield Building Department.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, please describe.

No.

- 1) Describe special emergency services that might be required.

If someone were to be injured either during construction or after homes are occupied, hospital and emergency staff could be necessary.

- 2) Proposed measures to reduce or control environmental health hazards, if any:

We anticipate that all contractors will be WISHA compliant.

- b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Noise impacts that exist in the area include traffic along the surrounding street system, including Pioneer Street, an Arterial.

Also, there are existing homes adjacent to the site with noise that typically comes from human habitation, such as automobile and lawn maintenance equipment.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Short-term noise impacts include noise from construction machinery. Long-term noise impacts include traffic associated with occupants of the subdivision.

- 3) Proposed measures to reduce or control noise impacts:

During construction, all work activities will comply with state noise levels.

Landscaping and fencing throughout the site will help reduce noise impacts.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

The present use of the site is a farm. There is one existing residence on the site and several outbuildings, including a barn. The site is surrounded by rural residential development and open space within the City of Ridgefield and unincorporated Clark County.

- b. Has the site been used for agriculture? If so, please describe.

Yes. The site currently contains pasture land and commercial raspberry vines.

- c. Describe any structures on the site.

There is one existing residence on the site and several outbuildings, including a barn.

- d. Will any structure be demolished? If so, please describe?

Yes. All existing structures on the site will be demolished.

- e. What is the current zoning classification of the site?

R-7.5 and R-8.5.

- f. What is the current comprehensive plan designation of the site?

Urban Low-Density Residential.

- g. What is the current shoreline master program designation of the site?

Not applicable.

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, please specify.

Yes. There are several steams and wetlands on site that have been professionally delineated. There is a fish/wildlife habitat area on site, due to the presence of the Gee Creek Tributary. The site contains a FEMA designated flood plain, also associated with the tributary to Gee Creek. Portions of the site also contain steep slope/erosion hazards areas.

- i. How many people would reside or work in the completed project?

There will be 200 single-family residential lots. At approximately 2.66 persons per household there would be approximately 532 people residing in this development at the time of full build-out.

- j. Approximately how many people would the completed project displace?

One single family residence. It is not know how many people currently reside at this residence.

- k. Proposed measures to avoid or reduce displacement impacts:

None.

- l. List proposed measures to ensure the proposal is compatible with existing and projected land use and plans:

The proposal will meet the requirements of the developer and the City of Ridgefield Development Code. The City's land division ordinance include various criteria that must be met to insure that a project is compatible with existing and projected land uses and plans.

9. Housing

- a. Approximately how many units would be provided? Indicate whether high, middle, or low-income housing.

There will be 200 lots provided for building new single-family residential homes. The homes will be middle to upper income housing.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

One middle income unit.

- c. Proposed measures to reduce or control housing impacts, if any:

None.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas? What is proposed as the principal exterior building materials?

No building will exceed the allowable maximum height of 35 feet under the City of Ridgefield Code. The applicant anticipates building typical residential housing of two story homes with wood, wood products or vinyl lap siding.

- b. What views in the immediate vicinity would be altered or obstructed?

None.

- c. Proposed measures to reduce or control aesthetic impacts:

Larger lots that are at least 7,500 square feet in size will be located along the western perimeter of the site adjacent to existing rural residential development. Multiple tracts are also proposed for permanent open space consisting of approximately 23 acres or 34% of the site.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

When homes are built on the proposed lots there will be light produced from house, yard and porch lights. The project will also produce street lighting.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No significant impacts are anticipated.

- c. What existing off-site sources of light or glare may affect your proposal?

No significant impacts are anticipated. Existing street lighting and headlights from cars will have a slight impact on the proposal.

- d. Proposed measures to reduce or control light and glare impacts, if any?

The project will provide shielded street lights located in accordance with Clark Public Utility District standards. The project will also include landscaping and fencing, which will help screen off-site lighting impacts.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

The Ridgefield National Wildlife Preserve is located nearby, which provides opportunities for hiking and wildlife viewing. There are also several City owned parks located in the surrounding area.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant:

Multiple tracts are proposed within the development for permanent open space consisting of approximately 24.2 acres or 36% of the site, including protection of sensitive areas (streams, wetlands, and associated buffers), stormwater facilities, and recreational amenities. Recreational amenities include an extensive recreational trail system, tot lot, picnic areas, and viewpoints with seating areas.

Additionally, each of the new homes will pay park impact fees at the time of building permit application. Those fees will be used to offset the impact to parks made by those new homes by developing existing park sites or purchasing additional park lands. The increased property tax collected from the future developed lots will also help offset impacts created by this development.

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, please describe.

None known.

- b. Please describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

An archeological pre-determination study was done for the site that resulted in a negative finding (no further studies necessary). An early 1930's Gambrel style barn was identified within the central portion of the site. This barn will be added to the Clark County Cultural Resource Inventory prior to demolition. No other historic or prehistoric archaeological materials were observed during the predetermination survey.

- c. Proposed measures to reduce or control impacts, if any.

Excavation operators will observe excavation for artifacts while in process. If artifacts are found, the discovery will be roped off and excavation will continue on the unimpacted areas of the site. The Office of Archaeology and Historic Preservation in Olympia Washington and Heritage Trust of Clark County will be notified of the find. The owners of the site understand that failure to report a find of a cultural resource may constitute a Class C felony, subject to imprisonment and/or fines.

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

Primary access to the site will be from a new signalized intersection at Pioneer Street (SR 501) and S. 1st Way (formerly Bertsinger Road), which will be re-routed to provide safe access to the site and the surrounding neighborhood. Access will also be available from NE 259th Street to the east.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

No. Not known.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

Parking will be mainly on private driveways and within garages on each lot. Parking is also permitted on one side of the internal local residential streets within the development. The estimated amount of off street parking will be at least 800 spaces. No parking would be eliminated.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, please describe and whether it's public or private.

Yes. There will be a improvements to the existing Collector Road facility within the site, and to the Pioneer Street frontage, as well as the creation of multiple new local residential streets within the site. All proposed streets will be improved to City of Ridgefield road standards. All streets within the development will be public.

- e. Will the project use water, rail, or air transportation? If so, please describe.

Only in the sense that the future residents may use such facilities.

- f. How many vehicular trips per day would be generated by the completed project? Indicate when peak volumes would occur.

Approximately 2,000 new trips per day with usual residential morning and evening peaks.

- g. Proposed measures to reduce or control transportation impacts:

Improvement of all public streets to City of Ridgefield road standards and payment of Traffic Impact Fees at the time of home construction. New sidewalks, trails, and bike lanes will be constructed to reduce dependency on automobiles.

15. Public Services

- a. Would the project result in an increased need for public services (e.g., fire protection, police protection, health care, schools, other)? If so, please describe.

Yes, the completion of this development and the construction of new homes would very slightly increase the need for all public services.

- b. Proposed measures to reduce or control direct impacts on public services:.

The payment of impact fees will help offset the impact of this development on schools, transportation and park facilities.

16. Utilities

- a. Circle the utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone,
sanitary sewer, septic system, other.

These utilities are either on the site or available to the site.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on or near the site:

Electricity:	Clark Public Utilities
Water:	City of Ridgefield
Telephone:	Qwest
Sanitary Sewer:	City of Ridgefield
Natural Gas:	Northwest Natural Gas

Construction activities on the site will be required to extend these utilities to the proposed residences.

C. SIGNATURE:

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:

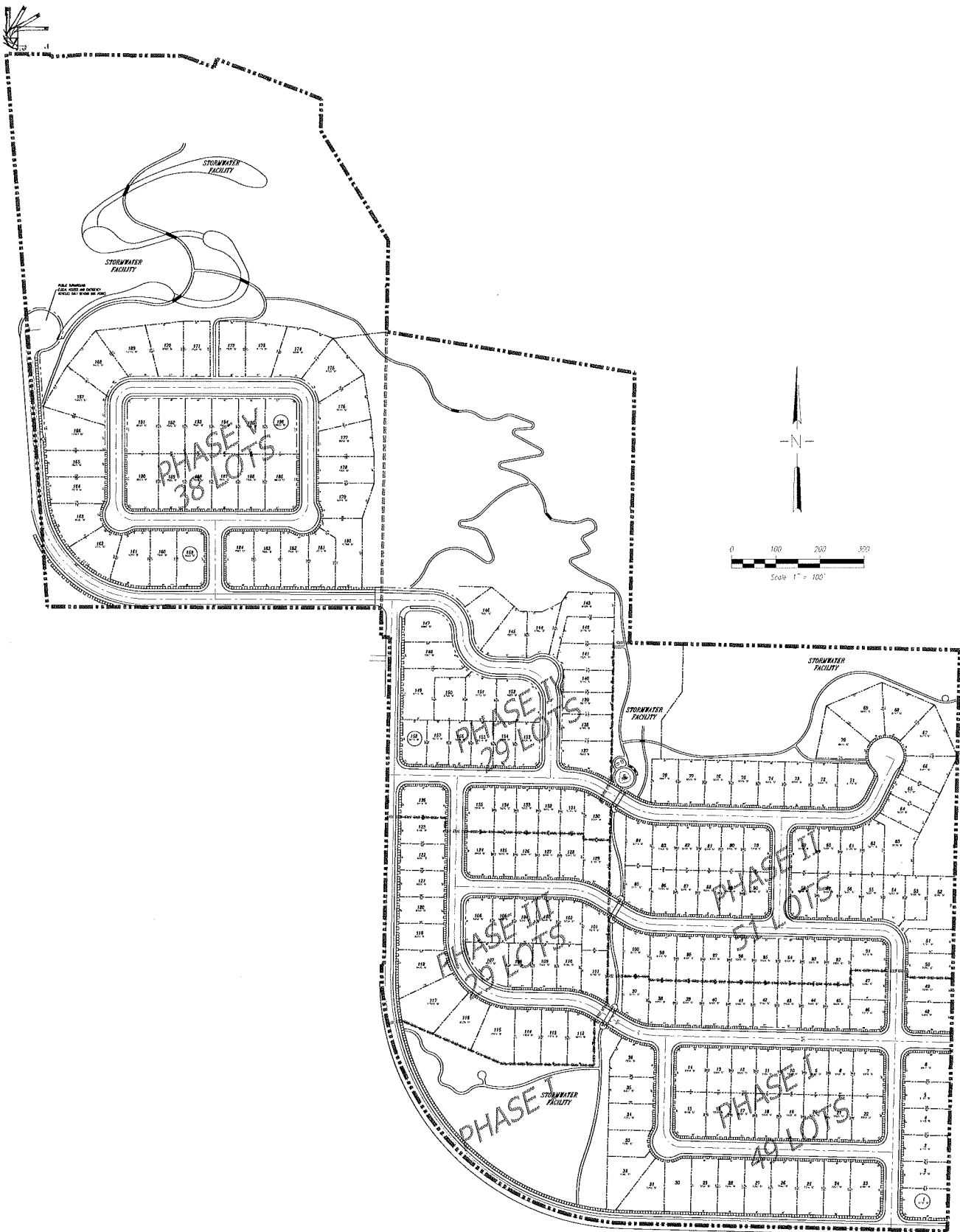
Michael Bensch

Date Submitted:

8/15/07

EXHIBIT D

PHASED DEVELOPMENT PLAN



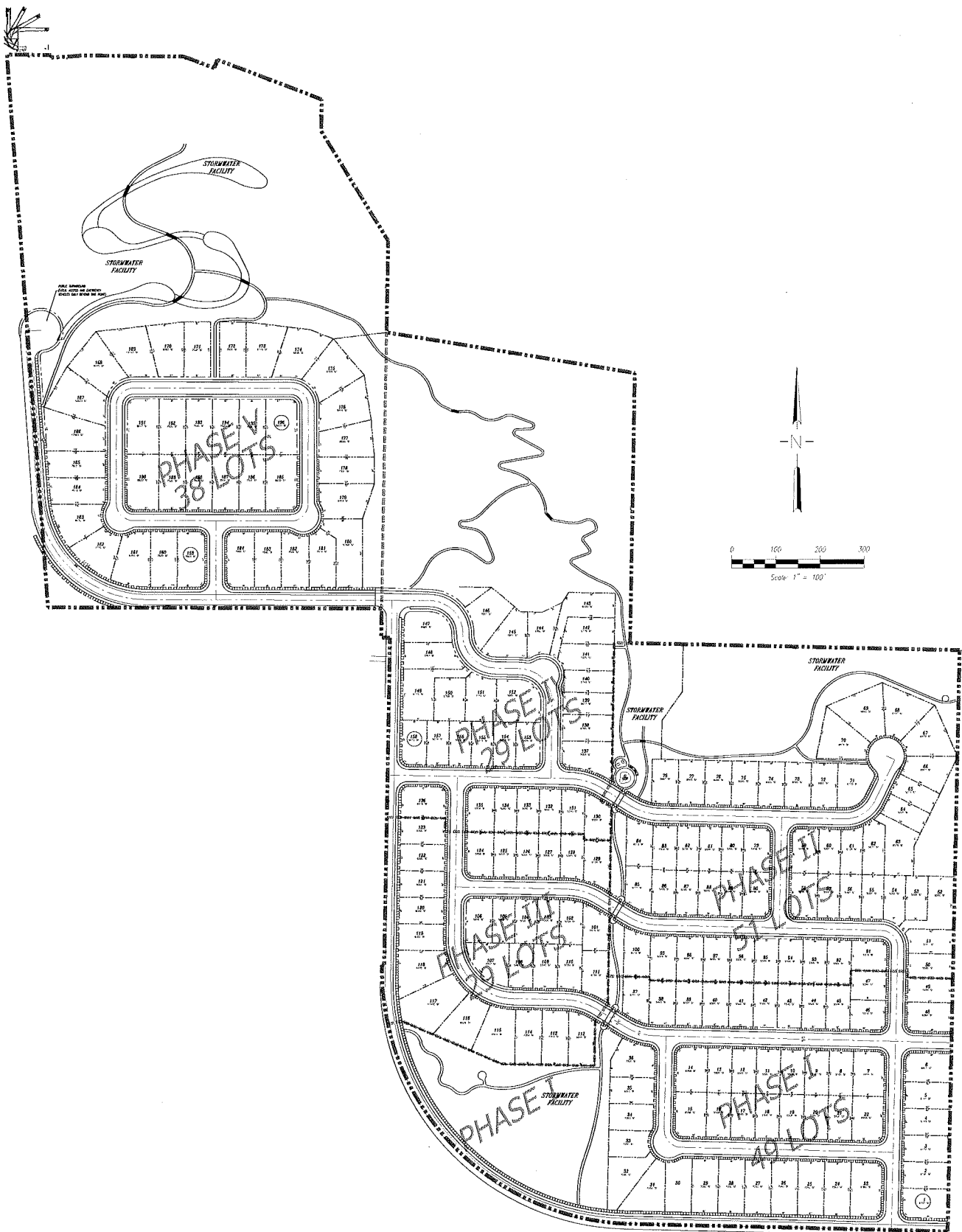
KEMPER P.U.D. SUBDIVISION

RIDGEFIELD, WASHINGTON



2005 BROADWAY
VANCOUVER, WA 98663
PH: 360-993-0911
FAX: 360-993-0912

EXHIBIT E
PLAN DEPICTING:
SUBDIVISION
FRONTAGE DEDICATION AND HALF STREET IMPROVEMENTS
EXTENSION OF PUBLIC WATER SERVICE
PARK PROPERTY DEDICATION



KEMPER P.U.D. SUBDIVISION

RIDGEFIELD, WASHINGTON



2005 BROADWAY
VANCOUVER, WA 98663
PH: 360-993-0911
FAX: 360-993-0912

CITY OF RIDGEFIELD REQUEST FOR COUNCIL ACTION

MEETING DATE: March 09, 2017

ITEM: BUSINESS

AGENDA ITEM TITLE: An Ordinance of the City of Ridgefield, Washington Approving a Development Agreement with 1108 S. Hillhurst Rd. Llc.

GOVERNING LEGISLATION: RDC 18.310.150, Development Agreements
RDC 18.620.080 (B), Extensions.

SUMMARY/BACKGROUND: The Quail Hill at Union Ridge subdivision received preliminary approval on July 11, 2007. The applicant has requested a one year extension of the preliminary plat approval to July 11, 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 18.210.060. Further, development of this 9.0 acre property will include a minimum of 13% of the gross total site area, or 1.17 acres, as open space, with placement of three bench features for use by the public to be located in consultation with city staff. The agreement also provides for land made available from adjacent parcel number 215383000 to satisfy additional open space requirements up to 17% of the original 9.0 acre site total. Finally, the agreement proposes to use adjacent parcel number 215383000, including a trail and bench features, to satisfy the open space requirements for subject 9.0 acre parcel, plus parcels 215443004 and 215443006.

BUDGET/FINANCIAL IMPACTS: None.

RECOMMENDED ACTION OR MOTION:

Staff recommends Council adopt Ordinance No. 1228 by making the following motion:

“I move to adopt Ordinance No. 1228, as presented.”

STAFF CONTACT: Jeff Niten, Community Development Director

ATTACHMENTS: DA to extend expiration - QUAIL HILL (PDF)
Legal Description (PDF)
QUAIL HILL AT UNION RIDGE PLZ-07-0024 (PDF)
Plat (PDF)
Quail Hill Request for Plat Extension (PDF)
CONCEPT PLAN FOR AMENITY MAP (PDF)

Approved to be placed on City Council Agenda:

Jeff Niten	Completed	03/07/2017 2:08 PM
Steve Stuart	Completed	03/07/2017 2:50 PM
City Council	Pending	03/09/2017 6:30 PM

ORDINANCE NO. 1228

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 July 11, 2007, Final Order PLZ-07-0024 ("Quail Hill at Union Ridge"); and

WHEREAS, the parties desire to extend the approval of the preliminary plat to July 11, 2018; and

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

WHEREAS, the Ridgefield City Council held a public hearing on the above referenced matter on February 23, 2017;

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 Quail Construction, LLC. Execution of this Agreement will generally: Extend the preliminary plat approval to July 11, 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 9th DAY OF MARCH 2017.

Mayor, Ron Onslow

ATTEST/AUTHENTICATED:

Julie Basarab
City Clerk

APPROVED AS TO FORM:

Janean Parker
City Attorney

Public Hearing:	February 23, 2017
First Reading:	February 23, 2017
Second Reading/Passage:	March 9, 2017
Date of Publication:	March 15, 2017
Effective Date:	April 14, 2017

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

RECORDING COVER SHEET

This space provided for recorder's use.

INSTRUMENT TITLE:	DEVELOPMENT AGREEMENT
GRANTOR(S):	Quail Construction, LLC, a Washington limited liability company; and Steven D. Belt
GRANTEE:	CITY OF RIDGEFIELD, WASHINGTON
ABBREVIATED LEGAL DESC:	_____
FULL LEGAL DESC:	See Exhibit A To This Document
ASSESSOR'S PROPERTY TAX	
PARCEL ACCOUNT NUMBER(S): 215443-002; 215383-000; 215443-008	
REFERENCE NUMBER OF RELATED DOCUMENTS:	_____

Attachment: DA to extend expiration - QUAIL HILL (1231 : Quail Hills Development Agreement)

DEVELOPMENT AGREEMENT

Effective Date: _____

PARTIES:

Quail Construction, LLC, a Washington limited liability construction company, and Steven D. Belt, an individual (both collectively “Developer”) are the owners of APN 215443-002, situated in 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:

1. The City issued preliminary plat approval for the Property on July 11, 2007, Final Order PLZ-07-0024 (“Quail Hill at Union Ridge”), attached as **Exhibit B** (the “Preliminary Plat Approval” and Subdivision Map).
2. Preliminary plat approval will expire July 11, 2017.
3. In accordance with RDC 18.620.080(B)(1), on February 6, 2017, the applicant submitted a written request for extension at least sixty days prior to the expiration of the preliminary plat approval, attached as **Exhibit C**.

4. 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.
5. 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.
6. 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:
7. 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.
8. The current Developer acquired this project in 2006, immediately prior to the Great Recession.
9. 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 July 11, 2017 expiration date.
10. The parties acknowledge that all street lights ultimately provided for as any 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 in effect on the Effective Date of this Amendment. The parties further agree that a Homeowners 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.
11. The parties also agree that except as otherwise provided in this Agreement, the development shall provide a minimum of **seventeen (17) percent** of the total (gross) site area for common open space, which percentage exceeds the open space requirement effective as of the date of preliminary plat approval. Open space 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.

12. The Developer has carefully analyzed the existing subdivision plans as they pertain to the shovel-ready site, and has determined that there is no viable method of increasing the current open space percentage (approximately 13 percent of total (gross) site area) within the confines of the existing parcel boundaries.

13. However, the Developer understands the City has an interest in increasing the open space percentage in consideration for this Development Agreement. Therefore, the Developer initiated communications with the representative for adjacent parcels 215383000 and 215443008, and received confirmation that, subject to Union Ridge Property Owners Association Board approval and subject to completion of due diligence review, land will be made available from adjacent parcel 215383000 (and potentially from parcel 215443008 as well) to satisfy the additional open space requirement imposed as a condition of this Development Agreement.

14. The concept is that adjacent parcel 215383000, which is approximately 10.34 acres in size, and potentially the perimeter of parcel 215443008, will serve as open space associated with residential development on the subject parcel 215443002, and potentially as open space for parcels 215443004 and 215443006 as well (if parcels 215443004 and 215443006 are included in the subsequent legal agreement referenced below). Collectively the three parcels subject to residential development total approximately 22.2 acres, and the 10.34 acre parcel 215383000, as well as the perimeter of parcel 215443008, would provide open space for the subject parcel 215443002, and potentially parcels 215443004 and 215443006 as well (if parcels 215443004 and 215443006 are included in the subsequent legal agreement referenced below).

15. This concept may be formalized through one of the following mechanisms, the specific terms of which will be formalized through the execution and recording of a supplemental Development Agreement on or before June 30, 2017:

- A) A boundary line adjustment may be completed to provide for the formal transfer and integration of a portion of 215383000 and possibly a portion of parcel 215443008, into subject parcel 215443002, to satisfy the open space percentage requirement established by this Development Agreement;

Or

- B) A legal agreement acceptable to the City may be executed to establish that acreage from parcel 215383000, and potentially from parcel 215443008, sufficient to satisfy the open space percentage requirement established by this Development Agreement, will be perpetually available for use and enjoyment by the residential development on the subject parcel 215443002 (and potentially available for the use and enjoyment and satisfaction of open space requirements associated with residential development on parcels 215443004 and 215443006, if such terms are set forth in the legal agreement);

Or

- C) In the event it is determined that use of adjacent parcel 215383000 and/or parcel 215443008 for open space purposes is not possible for reasons not currently anticipated, Developer may elect to designate additional open space from land currently devoted to residential lots in the proposed development on subject parcel 215443002, although at the time of this Development Agreement this option does not appear viable to Developer.

16. In the event the use of adjacent parcel 215383000, and potentially use of a portion of parcel 215443008, is approved and formalized, Developer will cooperate in good faith with the City and owner of adjacent parcel 215383000 (and potentially the owner of adjacent parcel 215443008), to develop a plan for improvements of a walking trail, benches, and similar amenities to be located upon adjacent parcel 215383000 and potentially upon a portion of parcel 215443008, with such amenities to be coordinated and compatible in nature among all areas of adjacent parcel 215383000 and potentially parcel 215443008, whether associated with residential development on the subject parcel 215443002, or associated with residential development on the subject parcel and additional parcels 215443004 and 215443006. Specific details regarding the trail and bench improvements associated with residential development on the subject parcel 215443002 (and potentially parcels 215443004 and 215443006) will be included in the supplemental Development Agreement executed and recorded on or before June 30, 2017.

17. The Council has considered and expects the subsequent developer agreement to substantially reflect the concept plan for open space and associated amenities as depicted on the map attached hereto as **Exhibit D**, with the understanding that this conceptual plan is subject to modification depending on the particular concept ultimately pursued by Developer (selection from Options A and B under paragraph 15, as defined above) or as part of finalizing the subsequent developer agreement. The concept presented on the conceptual map attached as **Exhibit D** is based on the Option that would involve a legal agreement between the Developers and owners of adjacent parcels 215383000 and 215443008 for use of those parcels to satisfy open space requirements associated with residential development on the subject parcel 215443002, as well as residential development on parcels 215443004 and 215443006. In the event that portions of parcels 215383000 and 215443008 are used only for open space requirements associated with the subject parcel 215443002, then the conceptual map would be modified accordingly.

18. 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 one (1) year** from the current expiration date, so that the new Preliminary plat expiration date shall be July 11, 2018; PROVIDED that a supplemental Development Agreement is recorded on or before June 30, 2017 as detailed herein.

19. 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 July 11, 2018; PROVIDED that a supplemental Development Agreement is recorded on or before June 30, 2017 as detailed in the Recitals section, fully incorporated by reference herein.

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 July 11, 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:	Quail Construction, LLC / Steven D. Belt 4501 NE Minnehaha Vancouver, WA 98661
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 – QUAIL CONSTRUCTION, LLC

By: _____ Date _____
 Its: _____

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: _____, 2017.

(Seal or stamp)

 Signature

 Title
 My appointment expires _____

Attachment: DA to extend expiration - QUAIL HILL (1231 : Quail Hills Development Agreement)

DEVELOPER – STEVEN D. BELT

By: _____
Its: _____

Date _____

State of Washington)
) ss.
City of _____)

I certify that I know or have satisfactory evidence that STEVEN D. BELT 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 free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____, 2017.

(Seal or stamp)

Signature _____

Title _____
My appointment expires _____

Attachment: DA to extend expiration - QUAIL HILL (1231 : Quail Hills Development Agreement)

City of Ridgefield

By: _____ Date _____
 Its: _____

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: _____, 2017.

(Seal or stamp)

 Signature

 Title
 My appointment expires _____

Approved as to form:

 City Counsel

Attachment: DA to extend expiration - QUAIL HILL (1231 : Quail Hills Development Agreement)

EXHIBIT A – LEGAL DESCRIPTION

Attachment: DA to extend expiration - QUAIL HILL (1231 : Quail Hills Development Agreement)

LEGAL DESCRIPTION**Parcel No. 215384000**

Lot 8, UNION RIDGE PHASE 1A, according to the plat thereof, recorded in Volume 311 of plats, page 406, records of Clark County, Washington.

**EXHIBIT B – FINAL ORDER (PLZ-07-0024) WITH SUBDIVISION MAP
ATTACHED**

Attachment: DA to extend expiration - QUAIL HILL (1231 : Quail Hills Development Agreement)

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

REGARDING THE APPLICATION FOR A)
PRELIMINARY PLAT TO SUBDIVIDE 9.02 ACRES)
INTO 61 DETACHED TOWNHOUSE LOTS IN THE)
MDR-16 ZONING DISTRICT IN THE CITY OF)
RIDGEFIELD, WA.)

**FINAL ORDER
(REVISED 7-11-07)**

**QUAIL HILL AT UNION RIDGE
PLZ-07-0024**

APPROVED WITH CONDITIONS

INTRODUCTION

This is a Type III Subdivision application for 61 detached townhouse lots on approximately 9.02 acres zoned MDR-16. The development is proposed on Lot 8 of the Union Ridge Master Plan and is subject to the Union Ridge Development Standards and Design Guidelines. The average lot size is approximately 3,820 square feet.

LOCATION: The property is located along the southeast side of South 10th Street on Lot #8 of the Union Ridge Master Plan in the Northwest ¼ of Section 27, Township 4 North, Range 1 East of the Willamette Meridian. Account #215443-002. The site is addressed as 405 NE 259th Street, Ridgefield, WA.

OWNER/APPLICANT: Quail Construction LLC, 4501 NE Minnehaha, Suite 200, Vancouver, WA 98661.

COMP PLAN/ ZONING: Medium Density Residential (MDR-16), Union Ridge Master Plan

APPROVAL CRITERIA: RDC 13.08 (Development Charges for Water and Sewer Connections); RDC 18.070 (Impact Fees); RDC 18.220 (Medium Density Residential Districts – MDR-16); RDC 18.280 (Sensitive Lands/Density Transfer Overlay District); RDC 18.600 (Subdivisions); RDC 18.620 (Procedure for Subdivision); RDC 18.810 (Environmental Standards) and the Union Ridge Design Guidelines.

APPLICATION PROCESSING:

Subdivision Application Submitted:	April 12, 2007
Determination of Technical Completeness Issued	May 8, 2007
Notice of Application w/ optional DNS:	May 16, 2007

FINAL ORDER – Quail Hill at Union Ridge (PLZ-07-0024)

Page 1 of 14

Attachment: DA to extend expiration - QUAIL HILL (1231 : Quail Hills Development Agreement)

Notice of Public Hearing / DNS	June 13, 2007
Staff Report and Notice of Decision Issued (5 days before hearing):	June 21, 2007
Hearing before the Ridgefield Hearing Examiner	June 27, 2007

SERVICES:

Streets:	South 10 th Street
Sewer:	City of Ridgefield
Water:	City of Ridgefield
Fire District:	Clark County Fire District No. 12

HEARING AND RECORD

The Public Hearing on this matter was held on June 27, 2007 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.

Hearing:

Erin Toman, the lead City Planner on this application, introduced the site, summarized the issues in the Staff Report and recommended approval. In doing so she testified that proposed condition A-3 should be stricken because Union Ridge Development Standards do not specify side yard setbacks. (See Exhibit 7)

Curt Stonex, the applicant's representative, accepted Staff's recommended conditions.

There was no other testimony.

FINDINGS

The Hearing Examiner adopts as his own and incorporates by reference the findings and conclusions contained in the June 21, 2007 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:

A. COMPLIANCE WITH RDC 13.08 (DEVELOPMENTAL CHARGES FOR WATER & SEWER CONNECTIONS)

Findings:

Pursuant to RDC 13.08 the applicant is required to pay sewer and water system development charges for connections to the public sewer and public water system at time of or prior to building permit issuance. A **condition** of approval is warranted requiring the payment of sewer and water system development charges prior to the issuance of any building permits for the project.

B. COMPLIANCE WITH RDC 18.070 (IMPACT FEES)

Finding:

Staff finds that RDC 18.070 (Impact Fees) grants the City the authority to charge traffic impact fees. A **condition** will require that prior to or at time of building permit issuance the applicant should pay the required traffic impact fee. This fee should be calculated by the City Engineer pursuant to RDC 18.070.080.C.

C. COMPLIANCE WITH RDC 18.220 (MEDIUM DENSITY RESIDENTIAL DISTRICTS)

Finding:

The project is within the Union Ridge Master Plan, which is governed by the Union Ridge Master Plan Development Agreement effective June 30, 2006. Within the Development Agreement are Development Standards & Design Guidelines. Section 3 of the Development Agreement specifies that the Union Ridge Development Standards & Design Guidelines shall “apply to govern build out of all of the properties in the Union Ridge Master Plan listed in the Final Order in lieu of the development standards set forth in RDC 18.240.111(F). Furthermore, RDC 18.240.111(F) specifies that “any development standards contained in a development agreement adopted pursuant to RDC 18.310.150 apply in lieu of any other development standards contained in RDC, unless otherwise provided. Essentially, the Union Ridge Development Standards & Design Guidelines “apply and govern” over the Ridgefield Development Code as they relate to such things as: setbacks, landscaping, parking, lighting, fencing, screening and other standards. The Ridgefield Development Code applies in areas not addressed by the Design Guidelines. The City is not responsible for administering or enforcing standards or restrictions that exceed the requirements of the Ridgefield Development Code, such as the Building Design Guidelines. These are to be enforced by the Union Ridge Architectural Review Committee.

Density

The Union Ridge Master Plan is allocated 314 residential units. Residential housing may be constructed at a rate of 20% per year for the first 3 years from the date of the approved Master Plan (September 2, 2005). 63 units are allocated from September 2, 2005 to September 1, 2006. Beginning September 2, 2006 an additional 63 units may be allocated. The applicant is proposing 61 detached residential units which is within the density allocation for the Union Ridge Master Plan.

Site Design Standards & Guidelines (page 11, Design Guidelines)

Staff finds that the proposed site complies with the exterior setback requirements specified in the Union Ridge Development Standards, however, the interior side yard setback requirement

is not specified in the Design Guidelines as the applicant is proposing *detached* townhomes, not attached, as implied by the Design Guidelines. Therefore, the internal side yard setback requirement, should comply with the Ridgefield Development Code. RDC 18.220.065.B.3 states that the minimum side yard for a townhouse shall be 5 feet for the side yard that is not attached to another townhouse. The applicant is proposing 4 feet between structures, which does not comply. However, after further discussion with the Community Development Director, a 4 foot internal side yard setback is acceptable.

Landscape Standard (page 13, Design Guidelines)

The Landscaping standards as reference in the Union Ridge Design Guidelines are written to apply to industrial buildings. Therefore the requirements of the Ridgefield Development code apply. RDC 18.220.150 requires street trees to be planted at 25 foot intervals. A **condition** will require a final landscape plan be submitted prior to final plat approval to ensure that the street tree planting requirement is installed in accordance with the submitted final landscaping plan.

Residential Buildings (pages 31 & 35, Design Guidelines)

A **condition** of approval will require that this project go through the Design Review process to show compliance with the Residential Building requirements as specified in the Union Ridge Design Guidelines. Written compliance with the Design Review shall be submitted prior to Final Plat approval.

D. COMPLIANCE WITH RDC 18.280 (CRITICAL AREAS)

Previous Critical Area work has occurred within the Union Ridge Master Development per a Wetland Delineation Report prepare by the JD White Company, Inc. dated June 2001 and two previous Wetland Delineation Reports prepared by The Resource Company, Inc., dated September 17, 1998 and November 30, 1998.

Based on the submitted Wetland and Habitat Determination Report and Buffer Modification Proposal prepared by Ecological Land Services, Inc. dated June, 2007, buffer averaging is proposed in those critical areas impacted by the platted lots on site. Because the applicant is proposing to impact the wetland and buffer area, they fall under the Critical Area Ordinance RDC 18.280.

Pursuant to RDC 18.280.150.C.1.c, public streets, sewer facilities and stormwater facilities may impact wetlands and their buffers, as long as the impacts are mitigated according to an approved mitigation plan. Ecological Land Services provided a Wetland and Buffer Modification Plan that outlines mitigation for the proposed impacts to these areas. Based on the submitted Modification Plan, mitigation to the buffer impacts of Wetland A will occur at a ratio of 1.8:1, and mitigation to the Type F stream buffer will occur at a ratio of 1:1, which meets or exceeds the standards listed in RDC Table 18.280-7 "Mitigation Ratios". The proposal avoids sensitive lands to the greatest extent possible and will comply with the RDC 18.280 subject to the following **conditions**:

1. The project shall comply with all recommendations made in the Wetland and Habitat Determination Report and Buffer Modification Proposal submitted by Ecological Land Services, Inc, dated June, 2007.
2. On the final plat, or within a conservation easement, identify the type of critical area, the buffer width, and a note stating that the identified critical areas are protected area subject to regulation by the City of Ridgefield, RDC 18.280.
3. In areas along residential lots, the boundary of the outer edge of the wetland buffer shall be delineated with permanent survey stakes using iron or concrete markers as established by local survey standards.
4. In areas along residential lots, the boundary at the outer edge of the wetland 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.
5. In critical 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 a minimum of every 200 feet. The sign shall state, "The area beyond this sign is a wetland or wetland buffer. Alteration or disturbance is prohibited by law. Please call the City of Ridgefield for more information."
6. Unless otherwise authorized, all buildings and other structures shall be set back a minimum of five (5) feet from the edges of all critical areas buffers. Uses allowed in this minimum setback area include landscaping, uncovered decks, and building overhangs that extend no more than twenty-four (24) inches into the setback.

E. COMPLIANCE WITH RDC 18.810 (ENVIRONMENTAL STANDARDS-SEPA):

Pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C, the Community Development Director, as the responsible official, issued a Determination of Non-Significance (DNS) for the proposal on June 13, 2007. The determination was based on a review of the environmental checklist and other pertinent documents, resulting in the conclusion that the proposal would not cause probable significant adverse impacts on the environment. Therefore, an environmental impact statement (EIS) was not required prior to proceeding with the review process. Agencies, affected tribes, and the public were offered the opportunity to comment on the determination for 14 days subsequent to published notice.

ENGINEERING SECTION:

F. General Description.

The site is located within Lot 8 of the Union Ridge Subdivision. The total area is approximately 9 acres, of which the applicant proposes to subdivide into 61 lots with detached residential homes within the Union Ridge Master Plan. The site is located in the northwest and northeast quarter of Section 27, Township 4 North, Range 1 East of the Willamette Meridian. The assessor's tax account number is 215443-002.

G. Proposed Street Pattern and Circulation.

The proposed access to the site will be provided from S. 5th Street S. 74th Place and South 10th Street which has recently been constructed as part of the previously approved Union Ridge Parkway project

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 applicant proposes a roadway network to serve the lots created on the site that generally meets the intersecting street spacing criteria. The proposed street layout meets the requirements of the City's street pattern and circulation requirements by providing a network of local streets through the site and providing adequate connectivity to adjacent properties for potential through connections.

RMC 18.630.060.B discourages double fronted lots. Lots 53 through 61 are proposed as double frontage lots, with S 10th Street to the north and S. 11th Street to the south. Since S. 10th Street is classified as a minor arterial, this will be acceptable as long as no access is allowed from S. 10th Street.

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

The proposed project fronts on South 10th Street. The City's Transportation Capital Facility classifies S. 10th Street as a minor arterial. This roadway was designed and approved as part of the construction plans for the Union Ridge Parkway. Frontage improvements have been designed and almost entirely completed as part of the Union Ridge Development. Any remaining frontage improvements including sidewalks, curb and gutter, and landscaping, shall be completed by the developer in accordance with City of Ridgefield Engineering Design Standards.

Table 2.03A of the Engineering Standards provides criteria for street design. The proposed interior streets for the subdivision would be classified as Residential Local A streets based on their traffic volumes. The applicant proposes to construct these streets with a 28-foot paved width in a 50-foot right-of-way. Therefore the proposed interior streets would meet the requirements of Table 2.03A of the Engineering Standards.

I. Transportation Concurrency

A Trip Generation Letter was provided by Group Mackenzie in a letter dated December 4, 2006 to Steven Wall. The trip generation letter estimates a total of 584 average daily trips will be generated from this subdivision. Since this project is within the area previously analyzed in the Union Ridge Master Plan traffic analysis, no separate analysis of impacted intersections is provided. The trip generation letter demonstrates that traffic generated by the proposed project will be within the limits identified in the Union Ridge Traffic Analysis for

Phase 1 and Phase 2 improvements that have either been completed or are currently being constructed. Therefore, payment of Traffic Impact Fees will be adequate mitigation for this development. The City Engineer originally requested the following comments be addressed prior to Land Use Approval to ensure that total trips are being adequately tracked for the Union Ridge Development.

1. In Table 3, Union Ridge Development, Phase 2 Trip Accounting, the ADT, AM and PM peak trips for UNFI are different from those presented in the Ideal Foods Trip Generation letter, dated December 4, 2005 by Group Mackenzie. This difference should be reconciled.
2. It is unclear if some of the trips from Dollar Tree and Hinton Industrial are part of Phase 2. If so, these trips should be accounted for in Table 3. These two developments show up in a Table in the above Trip Generation Letter for Ideal Foods. This difference should be reconciled.

A letter, dated June 20, 2007, from Hopper Dennis Jellison was submitted to the city and does address these concerns. It was determined that the trip generation is satisfactory.

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

The application materials indicated that this development will be served by a 10-inch water main along South 10th Street that was constructed as part of the Union Ridge Parkway project. Water will be provided to the site via an 8-inch water main connection to the existing water line.

According to the 2005 Water System Plan Update, the City has water rights to serve approximately 3,700 EDUs and existing well capacity to serve approximately 2,370 EDUs. Per the 2005 Water System Plan, the City served approximately 1,795 EDUs in 2005. With the addition of approximately 188 residential building permits issued in 2006, 28 residential building permits issued in 2007 and 57 residential building permits ready to be issued, the City currently serves approximately 2,068 EDUs. Therefore the City currently 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. The City is currently in the process of developing additional well sources in Abrams Park and in the Junction Area. These are projected to come on line in 2007 and 2008. 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 Upper Pressure Zone has adequate 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. Design of this reservoir is currently scheduled for 2007 with construction in 2008.

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

The application materials show gravity sanitary sewer service being provided by an 8-inch sanitary sewer line along South 10th Street that was constructed as part of the Union Ridge Parkway project. Sewer will be provided to the site via an 8-inch connection to the existing sewer line.

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, and the average flow from December 2006 to February 2007 was approximately 0.395 MGD. Since January 2006, the City has issued approximately 216 building permits and currently has 57 building permits that are ready to be issued. Assuming 375 gallons per day per residential connection, the 216 issued permits and the 57 pending permits will use approximately 102,375 gallons per day of capacity. The additional 78 EDUs from this project will produce 29,250 gpd. The City of Ridgefield has recently completed construction of an expansion of the WWTP to 0.7 MGD. This additional capacity became operational in February 2007 and is awaiting approval from Department of Ecology. 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 has made adequate provision for wastewater treatment for this development. **However, there is no guarantee or set aside of service capacity with site plan approval, as it is the city's policy that service commitment occurs when it is paid for at the time building permits are issued.**

Wastewater from this site will drain to the City's existing Junction Lift Station. The City's Sewer Capital Facility Plan indicates that a gravity sewer main will be extended from this lift station to the Pioneer Canyon lift station that is currently being constructed. Until this gravity sewer main and lift station are constructed, the existing Junction Lift Station will need to continue to convey wastewater to the downtown gravity sewer system. The existing Junction Lift Station currently has a capacity of approximately 150 gpm, which is equal to approximately 200 equivalent dwelling units (EDUs). Based on 2005 operating records, the station is currently serving approximately 90 EDUs. Within the area tributary to this lift station, there are six buildings that have been constructed since 2005 or are currently under

construction. The buildings are as follows:

Clark Co. Fire District 12 Fire Station – 5 EDUs
 Heron Gate – 15 EDUs
 Hinton Building A – 8 EDUs
 North Pacific Union Conference - 26 EDUs
 Parr Lumber – 4 EDUs
Pacific Crest Custom Cabinets – 16 EDUs
UNFI – 8 EDUs (estimate based on meter size)
Ideal Foods – 5 EDUs (estimate based on meter size)

TOTAL = 87 EDUs

Therefore the Junction Lift Station has approximately 23 EDUs of capacity that have not been committed. The Pioneer Crossing development has recently obtained land use approval with a condition requiring them to evaluate and potentially upgrade the Junction Lift Station. The American's Body Company is pursuing a project that will use additional capacity in the lift station (the exact number of EDUs is yet to be determined). Since the Pioneer Crossing development will generate an additional 63 EDUs of wastewater, the capacity of this lift station is reaching its limit. Therefore, the applicant will need to provide an analysis of the Junction Lift Station that includes the previously committed capacity identified above and provide improvements to the lift station as necessary to support this development.

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

The Engineering Standards require stormwater facilities to be designed in accordance with the Department of Ecology 1992 *Stormwater Management Manual for Puget Sound*. Information presented in the Preliminary Drainage Analysis dated April 5, 2007 for Quail Hill at Union Ridge demonstrates it is possible to comply with the Puget Sound manual treatment and detention requirements before discharge to a natural drainage course.

Prior to Engineering Plan approval, a Final Stormwater Report shall be prepared in accordance with the City Standards. The final stormwater report should be a stand-alone document. Accordingly, all reports previously prepared for facilities proposed to treat flows from this site should be included as an Appendix.

M. 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.

Due to the location of the site adjacent to a Gee Creek tributary, construction within sensitive lands and buffers should be allowed only between May 1st and October 30th. Lots 1 through 12 abut a wetlands and stream buffer. As long as construction is performed outside these buffers, this restriction will not apply.

COMMENTS

FIRE DEPARTMENT REVIEW COMMENTS:

Clark County Fire District No. 12 submitted comments for this land use review in their letter dated May 11, 2007. (Attachment A). A **condition** will require the site to be developed consistently with their recommendations.

DEPARTMENT OF ECOLOGY COMMENTS:

The Washington State Department of Ecology submitted comments in a letter dated May 30, 2007. A **condition** will require the applicant to follow the recommendations outlined in the Department of Ecology's May 30, 2007 letter (Attachment B).

DEPARTMENT OF FISH AND WILDLIFE COMMENTS:

The Washington Department of Fish and Wildlife submitted comments in an e-mail, dated May 30, 2007. A **condition** will require the applicant to follow the recommendation outlined in the Department of Fish and Wildlife's May 30, 2007 letter (Attachment C).

PUBLIC COMMENTS:

No public comments were received.

DECISION

The Type III Subdivision application as proposed is consistent or can be made consistent through **conditions of approval** with RDC 13.08 (Development Charges for Water and Sewer Connections); RDC 18.070 (Impact Fees); RDC 18.220 (Medium Density Residential Districts – MDR-16); RDC 18.280 (Sensitive Lands/Density Transfer Overlay District); RDC 18.600 (Subdivisions); RDC 18.620 (Procedure for Subdivision); and RDC 18.810 (Environmental Standards) and Union Ridge Design Guidelines; therefore, the Examiner grants **APPROVAL** to PLZ-07-0024 subject to compliance with the following **CONDITIONS OF APPROVAL**:

A. 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 development 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), and Union Ridge Design Guidelines.

FINAL ORDER – Quail Hill at Union Ridge (PLZ-07-0024)

Page 10 of 14

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. The project shall comply with all recommendations made in the Wetland and Habitat Delineation Report and Buffer Modification Plan submitted by Ecological Land Services, Inc, dated June 2007.
4. Pursuant to RCW 27.53.060 it is unlawful to remove or alter any archaeological resource or site without having obtained a written permit from the Washington State Office of Archaeology and Historic Preservation; 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, shall act to protect the potential or known historical and cultural resources area from outside intrusion, and shall notify, within a maximum period of twenty-four hours from the time of discovery, the City of Ridgefield Community Development Department of said discovery.
5. Comply with all requirements within the Fire Department letter dated May 11, 2007.
6. Comply with all requirements within the Department of Ecology letter dated May 30, 2007
7. Comply with all requirements within the Department of Fish and Wildlife e-mail dated May 30, 2007.
8. Prior to grading, the boundary at the outer edge of the wetland 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 (see Condition E4)

B. The following must be accomplished prior to Engineering Approval (Note: Engineering Approval is required prior to commencement of any on-site construction):

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. Any remaining improvements to S. 10th Street shall meet the Minor Arterial Standard (RESPWC 2.03A).

- b. South 11th Street, Quail Hill Parkway, South 12th Street, Quail Run Parkway and Quail Crossing Parkway shall be designed to the Residential Local A standard (RESPWC 2.03A)
- 3. 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, including but not limited to the following:
 - a. Submit plans for water and sewer infrastructure. Provide an engineering report for the Junction Lift Station and design improvements as necessary to support this development,
 - b. Submit complete plans for stormwater management facilities including final Stormwater Technical Information report. Design all storm drainage facilities as shown on the site plan materials to comply with the 1992 Department of Ecology Puget Sound Surface Water Design Manual. Since the stormwater treatment facilities for this development are to be designed by others (Gee Creek Stormwater Facility), the final Stormwater Report shall include an analysis of those facilities' ability to treat runoff from this development.
- 4. Present engineered construction plans of all public improvements to Ridgefield Public Works Department and Clark County Fire District #12 for review and approval.

C. 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-2 and B-3 above. Secure for any remaining construction items in accordance with City Standards.
- 2. In areas along residential lots, the boundary of the outer edge the wetland buffer shall be delineated with permanent survey stakes using iron or concrete markers as established by local survey standards.
- 3. Submit a Final Landscape Plan to be reviewed and approved by the Community Development Department.
- 4. Submit documentation that this development went through the Design Review process and is in compliance with the Residential Building requirements as specified in the Union Ridge Design Guidelines.
- 5. On the Final Plat, or within a covenant easement, identify the type of critical area, the buffer width, and a note stating that the identified critical area is a protected area and subject to regulation by the City of Ridgefield, RDC 18.280.

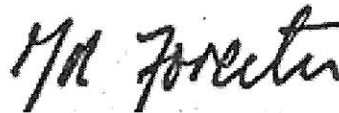
D. The following must be accomplished prior to issuance of Building Permit:

1. Submit information on water and sewer demands for proper sizing of services and calculation of SDCs. Pay water and sewer system development charges.
2. Pay all required impact fees and system development charges.
3. Unless otherwise authorized, all buildings and other structures shall be set back a minimum of five (5) feet from the edges of all critical areas buffers. Uses allowed in this minimum setback area include landscaping, uncovered decks, building overhangs that extend no more than twenty-four (24) inches into the setback.
5. Temporary signs delineating the wetland buffers shall be installed prior to development

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

1. Submit documentation that all outstanding planning, engineering, and building invoices have been paid to the City.
2. All landscaping shall be installed pursuant to the approved plans.
3. All street trees shall be planted at 25 feet on center in accordance with RDC 18.210.150.
4. In critical 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 wetland or wetland buffer. Alteration or disturbance is prohibited by law. Please call the City of Ridgefield for more information."
5. Comply with all Building, Clark County Fire District 12, and Americans with Disabilities Act requirements.
6. Construction must be consistent with the approved design review and building plans.

Dated this 11 day of July 2007



J. Richard Forester
Hearing Examiner

FINAL ORDER – Quail Hill at Union Ridge (PLZ-07-0024)

Page 13 of 14

Attachment: DA to extend expiration - QUAIL HILL (1231 : Quail Hills Development Agreement)

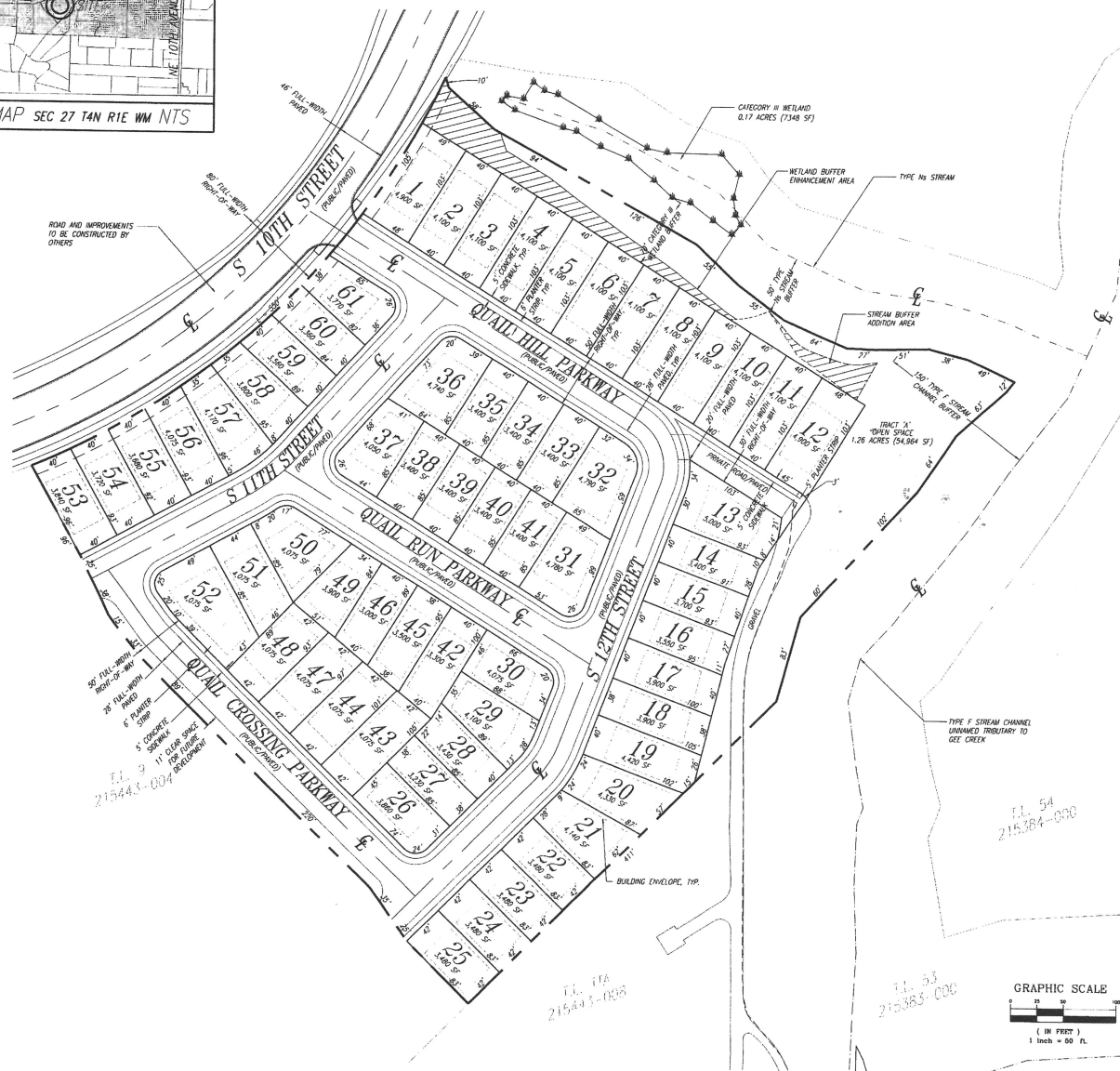
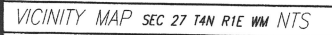
NOTE: Only the decision and the condition of approval are binding on the applicant as a result of this order. Other parts of the final order are explanatory, illustrative and/or descriptive. They may be requirements of local, state, or federal law, or requirements which reflect the intent of the applicant, 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: Pursuant to Section 2.24.100 of RMC this decision of the Hearings Examiner is appealable to the Clark County Superior Court within 21 calendar days after the date of the issuance of this decision as provided in RCW 36.70C.

EXHIBITS

1. Application Submittal Packet (Black Binders), Preliminary Plat, April 21, 2007
2. Noticing Materials
3. Comment Letter from Washington State Department of Ecology
4. Comment Letter from Fire District 12
5. Revised Preliminary Plat, June 2007
6. Revised Wetland and Habitat Determination and Buffer Modification Plan, June 2007

Attachment: DA to extend expiration - QUAIL HILL (1231 : Quail Hills Development Agreement)



QUAIL HILL SUBDIVISION

BEING A PORTION OF THE NORTHEAST AND NORTHWEST
QUARTER OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 1
EAST OF THE WILLAMETTE MERIDIAN CLARK COUNTY, WA.

OWNER/APPLICANT: QUAIL HOMES
4501 NE MINNEHAHA STREET
VANCOUVER, WA 98661
(360) 694-2446
jon@quailhomes.com

CONTACT: OLSON ENGINEERING, INC.
ATTN: ZACK GOLDFINCH
1111 BROADWAY
VANCOUVER, WA 98660
(360) 695-1385
FAX (360) 695-8117
zackg@olsonengr.com

EXISTING SITE DATA:

PRESENT USE:	VACANT AND UNUSED
EXISTING ZONING:	MOR (MEDIUM DENSITY RESIDENTIAL,
GROSS SITE AREA:	9.02 ACRES (392,970 SF)

PROPOSED SITE DATA:

PROPOSED USE: TO SUBDIVIDE 9.02 ACRES INTO 61 DETACHED TOWNHOME LOTS IN THE MDR ZONE WITHIN THE UNION RIDGE DEVELOPMENT

SANITARY SEWER SERVICE:	CITY OF HOOVERFIELD
WATER SERVICE:	CITY OF HOOVERFIELD
STORM DRAINAGE:	CITY OF HOOVERFIELD
ELECTRICAL SERVICE:	CITY OF HOOVERFIELD
BUILDING SERVICES:	CLARK PUBLIC UTILITIES
WETLAND BUILDING HEIGHT:	AS SHOWN
PRIVATE ROADS:	60'
PROPOSED EASEMENTS:	AS SHOWN
PROPOSED ON-SITE ROAD RIGHTS-OF-WAY:	SEE PRELIMINARY ENGINEERING PLAN
PROPOSED PERMITS AND ACTUAL LOCATIONS ON-SITE:	SEE MAP
PROPOSED EASEMENTS FOR ACCESS AND DRAINAGE:	SEE MAP
PROPOSED SEWER SYSTEMS:	SEE MAP
PROPOSED OPEN SPACE PLANS:	HOW PROPOSED
PROPOSED WETLAND BUFFER MITIGATION:	SEE THE WETLAND AND HABITAT INTERPRETATION BUFFER AND BUFFER AUGMENTATION PROGRAM PRODUCED BY ECOLOGICAL LAND SERVICES, DATED SEPTEMBER 2008, WHICH WAS SUBMITTED WITH THIS APPLICATION.

MDR DEVELOPMENT STANDARDS PER 18.220.060 & 18.220.065:

MAXIMUM BUILDING COVERAGE: 50% OF THE TOTAL PROJECT AREA
PROPOSED BUILDING COVERAGE: 41% (97,600 SF)
MAXIMUM IMPERVIOUS SURFACE AREA: 75% OF THE TOTAL PROJECT AREA
PROPOSED IMPERVIOUS SURFACE AREA: 41% (98,880 SF)

MINIMUM TOWNHOUSE LOT WIDTH: 20'
MINIMUM TOWNHOUSE LOT DEPTH: 80'

PROPOSED MINIMUM LOT WIDTH: 38'
PROPOSED MINIMUM LOT DEPTH: 80'

DEVELOPMENT STANDARDS (PER THE UNION RIDGE DEVELOPMENT STANDARDS AND GUIDELINES):

FRONT YARD SETBACK: 20'
SIDE YARD SETBACK: NONE (20' IF ABUTTING NON-RESIDENTIALLY ZONED/USED LAND)
REAR YARD SETBACK: NONE (20' IF ABUTTING NON-RESIDENTIALLY ZONED/USED LAND)

PROPOSED SETBACKS
FRONT YARD SETBACK: 20'
SIDE YARD SETBACK: 4'
STREET SIDE YARD SETBACK: 10'
REAR YARD SETBACK: 10'

DENSITY CALCULATIONS (PER THE UNION RIDGE DEVELOPMENT STANDARDS AND GUIDELINES):

GROSS SITE AREA: 9.02 ACRES (392,970 SF)
PUBLIC RIGHT-OF-WAY: 2.27 ACRES (98,880 SF)
OPEN SPACE: 1.26 ACRES (54,964 SF)
NET SITE AREA: 5.49 ACRES (239,126 SF)

10 UNITS/ACRE MINIMUM 16 UNITS/ACRE MAXIMUM

MINIMUM DENSITY: $5.49 \times 10 = 55$ UNITS
MAXIMUM DENSITY: $5.49 \times 16 = 88$ UNITS

TOTAL UNITS/ACRE PROPOSED: $61/5.49 = 11.1$ UNITS/ACRE

LEGEND:

PROPERTY LINE

CENTER LINE

ADJACENT TAX LOT

WETLAND/HABITAT BUFFER

WETLAND BOUNDARY

STREAM CENTERLINE

PROPOSED LOT

PROPOSED BUILDING FOOTPRINT

PENS: /consultant3.ctb
PLOT: j:/data/7000/7900/7950/7958/7958.p.prelim.plot.dwg

PRELIMINARY PLAT FOR:
QUAIL HILL SUBDIVISION

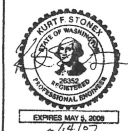
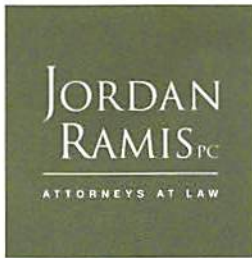
[illegible]

EXHIBIT C – WRITTEN REQUEST FOR EXTENSION

Attachment: DA to extend expiration - QUAIL HILL (1231 : Quail Hills Development Agreement)



Lake Oswego
Two Centerpointe Dr., 6th Floor
Lake Oswego, OR 97035
503-598-7070
www.jordanramis.com

Vancouver
1499 SE Tech Center Pl., #380
Vancouver, WA 98683
360-567-3900

Bend
360 SW Bond St., Suite 510
Bend, OR 97702
541-550-7900

February 6, 2017

City of Ridgefield
Attn: Jeff Niten
Community Development Director
301 N 3rd Ave
P.O. Box 608
Ridgefield WA 98642

City of Ridgefield
Attn: Steve Stuart
City Manager
301 N 3rd Ave
P.O. Box 608
Ridgefield WA 98642

Re: **Quail Hill Request for Plat Extension**
Our File No. 53596-75449

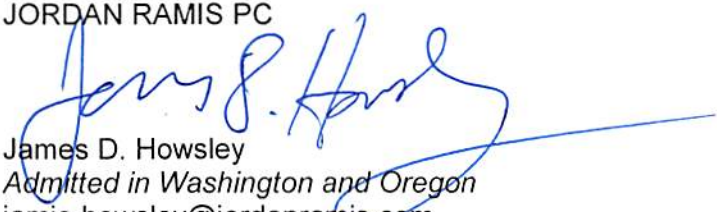
Dear Jeff and Steve:

The City of Ridgefield issued preliminary plat approval for the development of Clark County tax parcel number 215443-002 on July 11, 2007, Final Order PLZ-07-0024 ("Quail Hill at Union Ridge"). Development of the project did not proceed as planned as a result of the Great Recession, and preliminary plat approval will expire July 11, 2017. Pursuant to RDC 18.620.080(B)(1), the applicant hereby submits a written request for extension, more than sixty days prior to the expiration of the preliminary plat approval.

Thank you for your consideration.

Sincerely,

JORDAN RAMIS PC


James D. Howsley
Admitted in Washington and Oregon
jamie.howsley@jordanramis.com
WA Direct Dial (360) 567-3913
OR Direct Dial (503) 598-5592

cc: Quail Construction, LLC

Attachment: DA to extend expiration - QUAIL HILL (1231 : Quail Hills Development Agreement)

JORDAN RAMIS PC
ATTORNEYS AT LAW

February 2, 2017
Page 2

Sincerely,

QUAIL CONSTRUCTION LLC

Jon Girod

Sincerely,

QUAIL CONSTRUCTION LLC

Steven Belt

Attachment: DA to extend expiration - QUAIL HILL (1231 : Quail Hills Development Agreement)

EXHIBIT D – CONCEPUTAL OPEN SPACE AND AMENITY MAP

Attachment: DA to extend expiration - QUAIL HILL (1231 : Quail Hills Development Agreement)



S. 10TH ST.

S. 11TH STREET

QUAIL HILL PARKWAY 59

#215443-002
QUAIL WAY

#215443-004

#215443-004

NATURE TRAIL CONNECTS TO PEDESTRIAN NETWORK IN FUTURE PHASE

EXISTING
STORM POND
#215443-008

OFF-SITE POND

HALF-COURT BASKETBALL COURT
W/APPROX. 375' LONG GRAVEL
TRAIL LOOP
PICNIC AREA W/TABLES

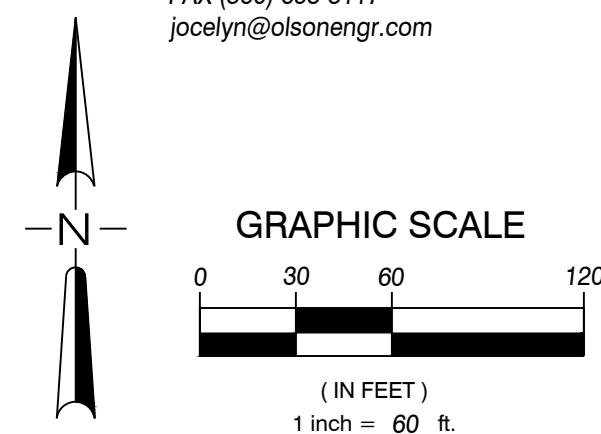
PROP. NATURE TRAIL UTILIZES
EXISTING 10'-12' GRAVEL ACCESS
ROAD APPROX. 1,400' LONG
APPROX. BOTTOM OF SLOPE

PROP. PICNIC TABLES AND
BENCHES
4'-5' NEW GRAVEL TRAIL

#215383-000

APPROX. 1,320' LONG PROP. GRAVEL TRAIL
CROSSES EXISTING EARTHEN BERM
END OF EX. ACCESS ROAD
BENCH/VIEWING AREA

CONTACT:
OLSON ENGINEERING, INC
ATTN: JOCELYN CROSS
222 E. EVERGREEN BLVD.
VANCOUVER, WA 98660
(360) 695-1385
FAX (360) 695-8117
jocelyn@olsonengr.com



PLOT: consultant3.ctb
FILE: j:/data/7000/7900/7950/7958.01.01/Planning/7958.p.exhibit.DA.dwg

TRAIL & OPEN SPACE EXHIBIT

Quail Hill

CLSON LAND SURVEYORS
ENGINEERS
ENGINEERING INC. 390.695.1385
505.289.9836
222 E. EVERGREEN BLVD., VANCOUVER, WA 98660

CHANGES / REVISIONS	
DESCRIPTION:	DATE:
DESIGNED:	
DRAWN:	
CHECKED: KFS	
DATE: FEBRUARY 2017	
SCALE: H: 1" = 60'	
V:	
COPYRIGHT 2017, OLSON ENGINEERING, INC.	
Quail Hill	
JOB NO. 7958.01.01	
SHEET	
EX1	

**CITY OF RIDGEFIELD
REQUEST FOR COUNCIL ACTION**

MEETING DATE: March 09, 2017

ITEM: BUSINESS

AGENDA ITEM TITLE: A Resolution of the City of Ridgefield, Washington, Reommending to the Legislature of the State of Washington that They Approve Legislation that Designates a Future I-5 Bridge Replacement Project as a Transportation Project of Statewide Significance.

RESOLUTION BELOW.

STAFF CONTACT: Julie Basarab, City Clerk

ATTACHMENTS:

Approved to be placed on City Council Agenda:

Julie Basarab Completed 03/06/2017 9:53 AM

Steve Stuart Pending

City Council Pending 03/09/2017 6:30 PM

Resolution No.524

A RESOLUTION OF THE CITY OF RIDGEFIELD, WASHINGTON, RECOMMENDING TO THE LEGISLATURE OF THE STATE OF WASHINGTON THAT THEY APPROVE LEGISLATION THAT DESIGNATES A FUTURE I-5 BRIDGE REPLACEMENT PROJECT AS A TRANSPORTATION PROJECT OF STATEWIDE SIGNIFICANCE.

WHEREAS, the I-5 bridge is designated as part of the national defense interstate highway system serving the west coast from Canada to Mexico, including Oregon and Washington, and is the primary interstate corridor serving the Portland/Vancouver metropolitan area; and,

WHEREAS, existing traffic congestion in the I-5 corridor is negatively impacting the economies of Southwest Washington and Ridgefield specifically, including businesses and industries that are designated industries of regional and statewide significance; and,

WHEREAS, travel time conditions along the I-5 Corridor in Vancouver continue to deteriorate, and total traffic crossings of the Columbia River bridges on I-5 hit an all-time high, as measured and reported by the Regional Transportation Council's Congestion Monitoring Report (2016); and,

WHEREAS, with the opening in 2017 of the Cowlitz Tribe's Ilani Casino Resort, I-5 traffic volume and congestion will significantly increase in North Clark County, and,

WHEREAS, lack of project planning and funding for an I-5 Interstate crossing means continued congestion and delays in the corridor for general traffic, freight mobility, and emergency responders for the forthcoming future; and,

WHEREAS, bi-state crossing projects, such as an I-5 bridge replacement project, will involve collaboration between both states, regional agencies, and public and private actors within each state; and,

WHEREAS, a bi-partisan majority of SW Washington State legislators has introduced bills in Olympia (SB 5806 and HB 2095) to restart the process to work collaboratively toward building a new I-5 bridge replacement and,

WHEREAS, an I-5 bridge replacement project is subject to being designated as a Project of Statewide Significance.

NOW THEREFORE BE IT RESOLVED, by the City Council for the City of Ridgefield, Washington, that the City of Ridgefield recommends that the State of Washington designate a future I-5 Bridge Replacement as a project of Statewide Significance.

Adopted at a regular session of the City Council of the City of Ridgefield, Washington this 9th day of March, 2017.

By:

Ron Onslow, Mayor

ATTEST/AUTHENTICATED:

Julie Basarab, City Clerk