



CLARK COUNTY STAFF REPORT

DEPARTMENT: Community Planning

DATE: August 12, 2014

REQUEST: Approval of contract with BERK Consulting for assistance in the establishment of a Rural Industrial Land Bank in Clark County.

CHECK ONE: Consent CAO

BACKGROUND

Clark County received an application to establish a rural industrial land bank in February 2014. Such land banks may be established under the Growth Management Act (GMA), either with a developer (RCW 36.70A.365) or on speculation (RCW 36.70A.367). The county at this point is proceeding using the latter statute. Critical to this decision was an amendment to the GMA moving the required date for completion of a land bank from the end of 2014 to the end 2016. The amendment was enacted by the 2014 Legislature.

The application is for two sites on either side of SR-503 (NE 117th Avenue) north of NE 119th Street. The Ackerland property west of SR-503 includes 223.72 acres, all zoned AG-20. The Lagler property east of SR-503 includes 378.71 acres, all zoned AG-20. Through subsequent discussions with the Board, it was decided that the application would be subject to the annual review fee, and the application was taken in on that basis.

Knowing that a rural industrial land bank application was likely, the Board directed that \$100,000 be set aside for processing of the proposal. Details of the project are contained in the attached Professional Services Agreement.

COMMUNITY OUTREACH

The consultant was selected through a competitive bid process. Community outreach and consultation with impacted cities will be part of the process to establish the land bank.

BUDGET AND POLICY IMPLICATIONS

Funds will be used to complete the statutory requirements for establishing a land bank per the contract agreement between BERK Consulting and Clark County dated August 12, 2014 and ending on or before December 31, 2016. It is possible that the level of environmental review required will necessitate the preparation of a supplemental environmental impact statement, the cost of which is not included in the budget below.

FISCAL IMPACTS

Yes (see attached form) No

*man
ok
4-3*

ACTION REQUESTED

Approval of the attached contract with BERK Consulting in the amount of \$99,998 to complete establishing a rural industrial bank outlined in RFP #674, with the County Administrator provided authority to sign any subsequent amendments thereto

DISTRIBUTION

Please return both signed original contract documents to Community Planning

ATTACHMENTS Two original copies of the contract with BERK Consulting

Oliver Orjako

Name Oliver Orjako
Title Director

Approved Tom Mielke
CLARK COUNTY
BOARD OF COMMISSIONERS

aug. 12, 2014

SR 180-14

FISCAL IMPACT ATTACHMENT

Part I. Narrative Explanation

The funds for the project were approved by the Board in the 2013-14 biennium budget for the establishment of a rural industrial land bank. The deliverables to the county are those listed in Exhibit A of the attached contract.

Part II Estimated Revenues

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	GF	Total	GF	Total	GF	Total
0001 000 545 341432 000 018114	\$10,100	\$10,100				
Total	\$10,100	\$10,100				

II A – Describe the type of revenue (grant, fees, etc.)

Part III: Estimated Expenditures

III A – Expenditures summed up

Fund #/Title	FTE's	Current Biennium		Next Biennium		Second Biennium	
		GF	Total	GF	Total	GF	Total
0001 000 545 558611 411 088225		\$44,949	\$44,949				
0001 000 545 558612 411 088225		\$44,949	\$44,949				
Total		\$89,898	\$89,898				

III B – Expenditure by object category

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	GF	Total	GF	Total	GF	Total
Salary/Benefits						
Contractual						
Supplies						
Travel						
Other controllables	\$89,898	\$89,898				
Capital Outlays						
Inter-fund Transfers						
Debt Service						
Total	\$89,898	\$89,898				

EXHIBIT A

Scope of Work Rural Industrial Land Bank (ILB)

Clark County is considering the establishment of a rural industrial land bank allowed in the GMA under RCW 36 70A 367 Clark County received a docket application to establish the rural industrial land bank on two properties that straddle SR-503 north of the Vancouver UGA

- Ackerland property west of 117th Avenue, 223 72 acres
- Lagler property east of 117th Avenue, 378 71 acres

Presently the zoning for both properties is Agriculture (AG-20) The requested zoning is Light Industrial (IL)

The Clark County Comprehensive Plan identifies the subject areas as agriculture of long-term commercial significance Portions of the properties are identified as Railroad Industrial Reserve or Industrial Reserve No zoning implementing Comprehensive Plan overlays has been applied to the subject properties

The sites have been studied for a variety of agricultural and employment uses including urban industrial uses in a 2007 EIS, prior Comprehensive Plan amendments includes the properties in the Vancouver UGA, but the expansions were removed after a Growth Management Hearings Board determination and compliance order requiring the County to do so

In order to designate and implement a rural industrial land bank under RCW 36 70A 367, Clark County needs to

- Create a record that de-designates the property currently considered agricultural land of long-term commercial significance
- Create a master plan
- Conduct a programmatic environmental review under SEPA including an inventory of developable land and an analysis of the availability of alternative sites within UGAs and the long-term annexation feasibility of sites outside of UGAs
- Prepare development regulations for a rural industrial land bank

The tasks in this scope of work address these four needs

BERK Consulting will serve as prime firm and provide project management, lead the agricultural de-designation analysis, and lead the SEPA analysis including the inventory and alternative sites evaluation as well as assist with draft development regulations BERK Consulting will be supported by subconsultants including Cairncross & Hempelmann, MacKay + Sposito, Anchor QEA, and Kittelson & Associates, Inc Cairncross & Hempelmann will support the agricultural de-designation analysis and advise on rural industrial bank formation MacKay Sposito will develop the conceptual master plan for the industrial land bank and provide utilities analysis Anchor QEA will provide critical area and water quality review of the rural industrial land bank and programmatic environmental documentation Kittelson & Associates, Inc (KAI) will lead transportation planning efforts for the master plan and programmatic environmental documentation BERK Consulting will have overall responsibility for delivery of the products supported by the subconsultant team, collectively the team is called "Consultant" Roles will be

EXHIBIT A

performed as described above and according to the level of effort shown in the Budget. The Consultant team will work in collaboration with the County project manager and other County staff assigned to the project.

TASK 1. PROJECT INITIATION AND THE DE-DESIGNATION ANALYSIS OF PARCELS ZONED FOR AGRICULTURE

The entire acreage comprising the proposed sites for the rural industrial land bank is zoned for agriculture (AG-20). In order to become an industrial land bank by county code, the sites must be re-zoned from AG-20 to IL Light Industrial. This requires that the land be de-designated as resource land of long-term commercial significance.

Subtasks

A Project Launch and Coordination

Prior to and at a kick-off meeting, the Consultant will discuss with County staff and jointly develop and refine a more detailed work program, schedule, deliverables, and budget for the project. A major piece of these discussions is to identify the scope of the project and how to successfully complete the project. The detailed work program, schedule, deliverables, and budget will be reviewed with the County at a kick-off meeting. The Consultant will prepare for County review a meeting agenda and discussion materials for the kick-off addressing 1) the study area for the master plan, de-designation analysis, and programmatic environmental analysis (i.e. inventory and alternative sites analysis), 2) public outreach strategies and legislative meeting sequencing, 3) programmatic SEPA strategies (see Task 1 E).

B Review of the de-designation process

The Consultant will assemble materials relating to agricultural lands of long-term commercial significance designation and de-designation, including relevant hearings board and court cases. The Consultant will prepare a framework for the study area de-designation analysis.

C Revisions to the county's master plan ordinance

As part of the first subtask, the County will make changes to its master plan code (CCC Section 40.520.070 or new CCC Section 40.520.075) so that rural industrial land banks are included in the list of developments that have to be master-planned.

D De-designation Analysis

The goal is to apply the information from Subtask 1(B) to the study area determined in Task 1 A using the framework developed in Task 1 B. Based on the framework in Task 1 B, the Consultant will prepare a draft evaluation of Clark County's Agriculture policies and AG zone regulations in relation to the study area in terms of whether the lands meet the minimum criteria to classify agricultural land in WAC 365-190-050. The approach and analysis will be based on the Lewis County case (*Lewis County v. W. Wash. Growth Mgmt. Hearings Bd.*, 157 Wn.2d 488), which addresses lands primarily devoted to agriculture and their long-term commercial significance considering "proximity to population areas, and the possibility of more intense uses of the land." The evaluation will be documented to reflect consideration of each of the WAC criteria. The Consultant and the County will meet to apply

EXHIBIT A

and validate the criteria and results. Following the meeting the Consultant will prepare a revised draft evaluation to be shared during outreach or legislative efforts. The Consultant will prepare a presentation and attend a legislative meeting regarding the de-designation analysis (either Planning Commission or Board of County Commissioners). The meeting may be preceded by an open house or other outreach event.

- E The Consultant will prepare a memo outlining different SEPA strategies considering the prior environmental review, baseline conditions and the proposed master plan, and the potential number of alternatives. Potential approaches could include the following:
- 1 Adoption of the 2007 EIS and a Determination of Non-Significance supported by an expanded non-project SEPA Checklist (e.g. use of Ecology's non-project checklist that is optional for use). This Checklist will be supported by Task 3 (inventory and alternatives analysis) and the existing conditions report in Task 2.
 - 2 Adoption of the 2007 EIS and a Determination of Significance supported by an Addendum relying on the range of the alternatives in the 2007 EIS and the analysis created for the proposal including Task 3 (inventory and alternatives analysis) and the existing conditions report in Task 2.

Task 1 Deliverables

Consultant deliverables include

- Refined work program, schedule, deliverables, and budget
- Draft and revised memo regarding outreach strategies and legislative meeting sequencing
- Draft and revised SEPA strategies
- Draft and revised framework for the study area de-designation analysis
- Draft and revised de-designation analysis
- Preparation of a presentation and attendance at one legislative meeting regarding the de-designation analysis (either Planning Commission or Board of County Commissioners). The meeting may be preceded by an open house or other outreach event.

County deliverables include

- Revisions to the county's master plan ordinance
- Review of consultant products
- Lead public involvement activities with consultant support
- Provide available GIS layers regarding current zoning, infrastructure, parcels and similar information for de-designation analysis

Task 1 Timeline

The schedule for products and meetings will be developed in Task 1 A. A timeline estimate for products is approximately

- Kick off meeting August 2014
- Refined work program, schedule, deliverables, and budget August 2014

EXHIBIT A

- Draft outreach and meeting strategy, study area recommendations, and SEPA strategies: August 2014
- Revised outreach and meeting strategy, study area recommendations, and SEPA strategies: September 2014
- Draft and revised de-designation framework: September 2014
- Draft de-designation analysis and team meeting: October 2014
- Revised de-designation analysis and public meeting (outreach and legislative meeting): November 2014

TASK 2. MASTER PLANNING PROCESS

Before any site(s) can be designated as an industrial land bank, the site(s) has to be master-planned.

Subtasks

- A. Completion of revisions to the county's master plan ordinance (Task I(C))
The adoption of (changes to CCC Section 40.520.070)(a new CCC Section 40.520.075) will be done as the first step in the subtask.
- B. Development of a master plan for the sites.
The Consultant will develop a master plan for the site using the criteria in RCW 36.70A.367 and CCC Section 40.520(070)(075). Steps will include:
1. Draft and revised planning criteria for industrial uses. Criteria may address road classification, rail, visibility, freight access, size or property or ability to have multiple development sites in one area, etc. The purpose is to consider the needs of industrial uses in general before analyzing the particular docket site.
 2. To support the development of the conceptual master plan and the programmatic SEPA analysis, the Consultant will develop a draft and revised existing conditions technical memo. Existing conditions will address natural environment, land use, transportation and utilities. The approach to each is described below:
 - **Critical Areas and Water Quality:** The Consultant will review critical area, topography, and drainage basin maps and existing studies pertinent to the site; the Consultant will also conduct a site visit and review aerial photography. A formal reconnaissance or delineation will not be conducted. The Consultant will prepare a technical memo documenting applicable critical area and water quality regulations and standards and provide a conceptual analysis of opportunities and constraints with regard to the presence of environmentally sensitive areas and the ability to provide industrial development as well as the types of water quality requirements and the ability to feasibly develop industrial uses.
 - **Utilities:** The Consultant will review the preliminary plans for sewer developed by the applicant and Clark Regional Wastewater District, as well as available utility functional plans and the 2007 Comprehensive Plan EIS to establish a base of information for the master plan. These utilities, including storm water, wastewater, and the utility

EXHIBIT A

connections, will be an integral component to the conceptual planning process. These infrastructure improvements are critical to the success of the planning effort as they help guide and/or constrain the development patterns. The Consultant will look for opportunities to reduce costs in a sustainable manner and integrate utilities, such as storm water, into the rural setting.

- Transportation: The Consultant will conduct a qualitative review of anticipated collector and arterial level roadways needed to support site development through the master plan as well as potential roadway connections to SR 503. The review will include coordination with Clark County and WSDOT staff to qualitatively assess potential transportation mitigation improvements that could be required concurrent with site development. Weekday daily, a.m. peak hour, and p.m. peak hour trip generation estimates will be prepared to represent "reasonable worst-case" development of the site under its current AG-20 zoning designation and the IL designation. Finally, the Consultant will prepare a qualitative summary of potential transportation demand management and transit elements that may be considered to support site development through the master planning effort. No traffic counts, formal concurrency analysis, nor intersection modeling will be prepared.
3. Develop draft and revised goals and objectives for the conceptual master plan. Based on the existing conditions technical memo the Consultant will develop draft and revised goals and objectives for the master plan.
 4. Develop a draft and revised public draft conceptual plan, and a final plan following the Draft SEPA review. After setting clear goals and objectives, the Consultant will then use the site analysis information. This includes topography, critical areas, and site access, along with zoning and regulations. This will then allow the team to embark on a planning effort to create a well-planned industrial area that will depict sustainable development patterns for the two properties. The plan will also contain components that will make the area attractive for development. In addition, it will include transportation system and utility improvements that will help provide a clear plan for development. The plan, while promoting sustainable policies and infrastructure, will also reflect the community's vision that is compatible with the adjacent rural land uses. The intent of the conceptual plan is to guide future planning, public investment, and the development of the study areas. The conceptual plan will provide a preferred layout, and identify the necessary infrastructure components to support the future development. It will be flexible enough to respond to future industry trends and employment needs. As part of this effort, the team will anticipate the private development needs, market, consider variable parcel sizes, site configurations, suitability, access utilities, and quality of life.
 5. Team Meetings: a) The Consultant will meet with County staff to review the existing conditions report and draft goals and objectives including issues, options, and trade-offs to be explored in the Master Plan Concept. b) Following review of the existing conditions report and draft goals and objectives in meeting 2.5.a, The Consultant will meet with County staff to review a draft conceptual plan. Following the meeting the Consultant will prepare a revised conceptual plan for public review.

EXHIBIT A

Task 2 Deliverables

Consultant deliverables include

- Draft and revised planning criteria for industrial uses
- Draft and revised existing conditions technical memo
- Draft and revised goals and objectives for the conceptual master plan
- Draft and revised public draft conceptual plan, and a final plan following the Draft SEPA review
- Two consultant-county team meetings

County deliverables include

- Review of consultant products

Task 2 Timeline

The schedule for products and meetings will be developed in Task 1 A. A timeline estimate for products is approximately

- Draft and revised planning criteria for industrial uses September 2014
- Draft existing conditions technical memo including team meeting October/November 2014
- Revised existing conditions technical memo December 2014/January 2015
- Draft and revised goals and objectives for the conceptual master plan October/November 2014
- Draft conceptual plan and team meeting January 2015
- Revised public review conceptual plan for evaluation in SEPA Document in Task 3 February 2015
- Final conceptual plan August 2015

TASK 3. PROGRAMMATIC LEVEL OF ENVIRONMENTAL ANALYSIS

RCW 36 70A 367(2)(b) requires that an environmental review for a comprehensive plan amendment under this section be done at a programmatic level

Subtasks

- A Prepare draft SEPA documentation
Prepare the necessary draft SEPA document such that contains a programmatic level of analysis of the site and alternative sites

The programmatic environmental review will address SEPA requirements and also address aspects identified in GMA, such as the industrial land inventory and the alternative sites analysis

In the past, the County has considered a variety of land use and zoning designations on the properties. The County's 2007 Environmental Impact Statement studied a variety of UGA boundaries and rural overlays, the most intensive Alternative 3 proposed a UGA Boundary expansion and Industrial classification for the subject properties and surrounding areas. In

EXHIBIT A

2007 the County adopted amendments to extend the UGA to encompass the subject properties, but the properties were removed from the UGA per a Western Washington Growth Management Hearings Board (WWGMHB) determination. The 2007 EIS will provide a base of information for the necessary rural industrial bank programmatic SEPA review.

Other sources of information for this task include past (2007) and in-progress buildable lands inventories and the Clark County Employment Land Inventory developed by the CREDC Land for Jobs Committee in 2011.

Given the available budget and the GMA and SEPA requirements the scope includes the following sub-tasks:

1. Conduct Inventory: Develop an inventory of developable land consistent with RCW 36.70A.365 (referenced in Section X.367) including land in the current UGA and in close proximity to the UGA. The Consultant will evaluate the 2007 BLR, the 2011 CREDC study, and prepare an inventory using these studies and updated GIS analysis applying GMA criteria. The Consultant will prepare a technical memo and maps for County review.

2. Develop Alternative Sites Analysis: Based on the inventory, the Consultant will prepare alternative site criteria (e.g. parcel size, land use and zoning, availability of utilities, lack of critical areas, etc.) and analyze the availability of alternative sites within UGAs and the long-term annexation feasibility of sites outside of UGAs using and interpreting available GIS based information. The Consultant will prepare a technical memo and maps for County review.

3. Prepare SEPA Document: Our team will implement a draft of the selected SEPA Document in Task 1.E based on direction from the Responsible Official regarding the selected SEPA strategy. The Consultant will meet with County staff to review the Preliminary SEPA document and obtain staff feedback. (Per preliminary project schedule, this team meeting is anticipated to be combined with team meeting in Task 2 on Draft Conceptual Plan.)

B Outreach and hearings on the SEPA document

Participate in public outreach and public hearings on the SEPA document. The scope includes one Planning Commission meeting and one Board of County Commissioners meeting in association with the public comment period on the SEPA document or docket application review. These meetings would be preceded by public open houses.

C Prepare final SEPA documentation

Prepare the necessary final SEPA document such that contains a programmatic level of analysis of the preferred alternative.

Task 3 Assumption

The SEPA Review will be programmatic and based on the 2007 EIS and available studies. A new EIS or SEIS will not be required. Should the SEPA Responsible Official determine that an EIS or SEIS is appropriate, the County and Consultant will determine a mutually agreeable supplemental scope and budget.

EXHIBIT A

Task 3 Deliverables:

Consultant deliverables include:

- Draft and revised inventory
- Draft and revised alternative sites analysis
- Preliminary and Draft SEPA Document
- Public Outreach and Meetings (two meetings with associated open houses per Task 3.B)
- Definition of a Preferred Alternative and associated team meeting
- Final SEPA document following public review and preferred plan.

County deliverables include:

- Review of consultant products
- Lead public involvement activities with consultant support
- Provide available GIS layers regarding zoning and land capacity for inventory and alternatives analysis
- Assist with request of Clark County Employment Land Inventory developed by the CREDC Land for Jobs Committee in 2011

Task 3 Timeline:

The schedule for products and meetings will be developed in Task 1.A. A timeline estimate for products is approximately:

- Draft inventory: October 2014
- Revised inventory: December 2014
- Draft alternative sites analysis: January 2015
- Revised alternative sites analysis: February 2015
- Preliminary SEPA Document: March 2015
- Draft SEPA Document: May 2015
- Public Outreach and Meetings: May/June 2015
- Definition of a Preferred Alternative based on legislative and public input: July 2015
- Final SEPA document: September/October 2015 depending on type of document.

TASK 4. DEVELOPMENT REGULATIONS

Development regulations have to be in place before a rural industrial land bank can be established.

Subtasks

- A. Research regulations from similar developments. The Consultant will evaluate broadly the County's current regulations and standards that could apply to the rural industrial land bank, compile example industrial bank/industrial UGA regulations, and identify any applicable features for Clark County.

EXHIBIT A

- B Draft development regulations for the site The Consultant will prepare draft development regulations for the site consistent with the conceptual master plan goals and objectives The Consultant will prepare one round of revisions following County review The County will refine and revise the regulations during the legislative review process with Consultant peer review as appropriate

Task 4 Deliverables

Consultant deliverables include

- Research development regulations from similar developments
- Draft and revised development regulations

County deliverables include

- Review of consultant products
- Refine and revise regulations during legislative process with Consultant peer review

Task 4 Timeline

The schedule for products and meetings will be developed in Task 1 A A timeline estimate for products is approximately

- Research development regulations from similar developments September/October 2014
- Draft development regulations January 2015
- Revised draft development regulations February 2015

TASK 5. APPROVAL PACKAGE

The final task will be to assemble the Rural ILB package for the approval process

Subtasks

- A Assemble final adoption package The County will lead this assembly with Consultant peer review as needed
- B Participate in the adoption process, to include assisting with public outreach and public hearings The Consultant scope and budget assume attendance at two legislative meetings

Task 5 Deliverables

Consultant deliverables include

- Two legislative meetings
- Peer review of County final adoption package as appropriate

County deliverables include

- Lead assembly of final adoption package

EXHIBIT A

Task 5 Timeline:

The schedule for products and meetings will be developed in Task 1.A. A timeline estimate for products is approximately:

- Two legislative meetings: October to December 2015

EXHIBIT B.

CLARK COUNTY RURAL INDUSTRIAL LAND BANK

Budget

BERK Consulting, July 18, 2014

	Hourly Rate		Estimated Hours					Total
			Task 1	Task 2	Task 3	Task 4	Task 5	
BERK Consulting								
L Grueter	\$175	Project Manager	30	22	34	12	8	\$18,550
A Cohen	\$131	Lead Planner		12	32			\$5,781
L Sturdivant	\$87	Demographic Analyst	24		36			\$5,195
Analyst	\$82	Project Support		12	16	6	2	\$2,956
Subtotal			\$7,328	\$6,412	\$14,585	\$2,593	\$1,564	\$32,483
Mackay Spicito								
B Cole	\$119	Landscape Architect/Plar	4	60	24	4		\$10,948
T Schauer	\$158	Pnncipal Engineer	4	44	20	4		\$11,393
Subtotal			\$1,109	\$14,103	\$6,021	\$1,109	\$0	\$22,341
Anchor GEA								
G Summers	\$247	Environmental Lead	4	16	24			\$10,889
V Oster	\$98	Environmental Lead		24	36			\$5,875
Subtotal			\$990	\$6,310	\$9,464	\$0	\$0	\$16,764
Callincross Kempelmann								
A Lane	\$355	Legal Support	24	14	6	2	2	\$17,040
Subtotal			\$8,520	\$4,970	\$2,130	\$710	\$710	\$17,040
Kittelson Associates								
C Brehmer	\$203	Pnncipal Engineer	4	14	20			\$7,714
J Kuhn	\$237	Senior Pnncipal Engineer		1	1			\$474
Analyst	\$104	Transportation Analyst		16	6			\$2,283
Subtotal			\$812	\$4,739	\$4,919	\$0	\$0	\$10,470
Total Cost by Task			\$18,759	\$36,533	\$37,120	\$4,412	\$2,274	\$99,098
Estimated Hourly Cost								\$99,098
Project Expenses @ ~1% of project budget								\$900
Estimated Project Cost								\$99,998

Task 3 Assumption

The SEPA Review will be programmatic and based on the 2007 EIS and available studies. A new EIS or SEIS will not be required. Should the SEPA Responsible Official determine that an EIS or SEIS is appropriate, the County and Consultant will determine a mutually agreeable supplemental scope and budget.