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The Board convened in the Councilors' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Councilors Jeanne E. Stewart, Julie Olson, John Blom, Eileen Quiring, and Marc Boldt, Chair, present.

PUBLIC HEARING: 2018 ANNUAL REVIEWS & DOCKETS

To consider 2018 Annual Reviews and Dockets amending the 20-Year Growth Management Comprehensive Plan Text and Map, Zone Map, and Clark County Code (Title 40):

1. CPZ2018-00001 Yacolt Mountain Surface Mining Overlay Expansion - A proposal to amend the comprehensive plan to expand the surface mining overlay adjacent to Yacolt Mountain Quarry on parcel number 230031000 and a portion of parcel number 230061000. Hearing continued from Nov. 27, 2018
2. CPZ2018-00014 Proebstel Rural Center - A proposal to amend the comprehensive plan and zoning from Rural-5 (R-5) to Rural Center Residential with RC-1, RC-2.5 zoning and Rural Commercial with CR-2 zoning.
3. CPZ2018-00007 99th St Extension - A proposal to amend the Arterial Atlas to add, delete, and amend proposed roads to improve neighborhood circulation.

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BOLDT: So with that, moving on to the public hearings for the annual review and dockets. Starting with Yacolt Mountain Surface Mine Overlay Expansion.

For public testimony, as most of you that are here know, today we -- the only thing we have new is an agreement with the applicant. So if you would like to testify, please limit your comments to the agreement we have.

Thank you very much for your comments that have come in the e-mail and last week, we have all them down, so today essentially it's just on the agreement.

When you come up, please speak clearly and slowly and spell your last name. With that, you continue.

ORJIAKO: Good morning, Councilors. For the record, Oliver Orjiako, Community Planning, and with me this morning is Gary Albrecht on my team.

So for the Council and for those in the audience I will just ask Gary to quickly summarize and bring some background to this application before the Council begins to take public comment on the covenant running with the land. Gary.

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ALBRECHT: Thank you, Oliver. Good morning, Councilors. For the record, I'm Gary Albrecht from Clark County Community Planning.

The hearing today is for CPZ2018-00001, Yacolt Mountain was continued from November 27th, 2018, in order for the applicant to submit a covenant for the land that we are here to discuss. This covenant was posted online and should be in your hearing materials along with the public comment received since November 27th.

And as Oliver mentioned, I'll quickly provide a summary of the case and Planning Commission's recommendation for the audience.

In 2002, J.L. Storedahl & Sons applied for a rezone change, conditional use permit, site plan review and environmental review for a mining and rock crushing operation. It was denied by the Hearings Examiner based on a number of issues including environmental concerns and appealed to the Board of County Commissioners. The Board of County Commissioners overturned the Hearings Examiner denial decision.

In August 2004, the Board of County Commissioners' decision was appealed to the Clark County Superior Court. The Court affirmed the County Commissioners' decision reversing the Hearings Examiner's denial.

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In 2018, Clark County received an application, CPZ2018-00001, Yacolt Mountain, as an annual review where the applicant is requesting to amend the comprehensive plan designation and zoning map to expand the surface mining overlay to the south on Parcel 230301-000 and a portion of Parcel 230061. There's a map on the screen.

STEWART: We don't have it on our screen here.

QUIRING: I don't think he does either.

ALBRECHT: I don't either. That is not the one. Number 4 possibly on the right. There you go, that should be it. No. That's great. Just why not. There we go. That's it.

During the public hearing on August 2nd, 2018, the Planning Commission voted 5 to 2 to deny the applicant's request to expand the surface mining overlay. Based on review of the record and substantial public comment, the Planning Commission concluded that nothing has changed since 2014 and that the criteria for the policy text amendment were not met.

At the hearing, the majority of comments received were about current mine operations ranking from accidents, health and safety concerns, road conditions, truck traffic, blasting sounds,

property values decreasing to environmental concerns rather than the land use action we have before Council today.

The Planning Commission reviewed whether or not the request to expand the surface mining overlay is consistent with the applicable GMA and Countywide Planning Policies. Counties planning under the Growth Management Act are required to identify, designate and protect mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals.

In 1994, Clark County adopted a surface mining overlay map, comprehensive plan policies and Clark County Unified Development Code Regulations to recognize existing and future mining of materials. In 2014, the County updated the overlay based on a new aggregate resource inventory map.

In 2018, the Planning Commission considered the applicant's study entitled Summary: Study of Permitted Aggregate Reserves of Clark County, Washington and a map of permitted mine locations. The study indicates that the future supply of aggregate resources in Clark County should be expanded to meet demand because existing mines do not have sufficient mineral resources, and that in order to successfully mine the existing site, the applicant needs additional adjacent land to provide a temporary repository for the

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overburden generated for the mining process.

The Planning Commission further reviewed the proposal based on Clark County Code, the following four criteria is what they discussed: Number 1, does the request conform with location criteria? 2, is the site suitable for mining? Is there a lack of appropriately designated alternative sites? 3, does the amendment respond to a substantial change in conditions? And, 4, the additional criteria for surface mining overlay changes.

During the Planning Commissions' deliberation they focused on what has changed since 2014, environmental concerns, topography and the forest resource designation. In their view, nothing has changed since their first review of expanding the surface mining overlay and they voted consistent with the 2014 vote.

At the November 27th hearing, the applicant agreed to enter into an agreement limiting the use of the site to the storage of overburden and has submitted a covenant for a period of ten years. Issues surrounding the current mining operations and its conditional use permit is not before Council today.

Mitch Nickolds, Community Development Director, is aware of the concerns and is available to answer questions. In summary, what is before you is the expansion of the surface mining overlay and

the covenant.

BOLDT: Is there any questions about the covenant? Seeing none, we will go into public testimony for the covenant. Roy Garrison.

OLSON: I'm sorry, Mr. Chair, do we want to have any just brief points of the covenant, we mentioned it was ten years, any specific I think important points that what they may or may not be allowed to do under the covenant, that it runs with that land. I just think maybe just a general.

BOLDT: Good morning.

OLSON: Thank you very much.

COOK: Good morning, Councilors. Christine Cook, Deputy Prosecuting Attorney.

And the covenant is to run for a period of ten years. In general, an agreement that is made in connection with rezoning can be revised by seeking a decision from the Hearing's Examiner, but in this case, the other party to the covenant, Storedahl, has agreed that instead of going to the Hearing's Examiner that this process would be a Type IV legislative proceeding where it would be public and it would be a decision made by Council, so that's one item. So this

hopefully will stick for ten years basically.

During that time period, the Storedahl has agreed to extract -- only use the property that is noted on the map for the storage of excavated material and has specifically agreed not to extract material, mix asphalt, engage in concrete batching, clay bulking, rock crushing, temporary offices, shops, other accessory buildings or structures used for the management, maintenance of mining and processing equipment.

So that list comes from Clark County Code, those are the sorts of uses that could in general occur if a permit were obtained on surface mining overlay land. So here, the Storedahl has agreed not to engage in those, so they won't be applying for a permit to do those things.

In addition, in order to store extracted material, a permit is required, so they will have to obtain a permit to do what they anticipate doing on this property.

BOLDT: And what is that process for that permit?

COOK: That's a conditional use permit. So the decision is made by the Hearing's Examiner in a public proceeding and there is notice and opportunity for the public to comment.

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OLSON: And just because this question's come up and I want it to be clear that they are not able to move that overburden onto this parcel without the overlay.

COOK: That's correct.

OLSON: Cannot get a permit to do it unless it's zoned.

ORJIAKO: It's unless it has the surface mining designation. And if I may add, during the application process or the permit process too, for the storage of the overburden, at that time the County will look at how to mitigate whatever impact that needs to be addressed.

BOLDT: Okay.

OLSON: Thank you.

COOK: That sums it up.

STEWART: And in addition to the conditional use permit requirement, it's my understanding that there would have to be a site plan, it may still require SEPA, geohazard and any environmental reviews that are required.

COOK: That's correct. This agreement does not at all relieve the applicant from any of the normal proceedings that would be required and decisions and approvals that would have to be made in order for activities related to mining to occur on that property.

STEWART: Thank you.

COOK: So SEPA related to the specific project and as you say geohazard and then because it's a conditional use permit, the Hearing's Examiner can impose conditions that would mitigate the negative impacts.

QUIRING: Mr. Chair.

BOLDT: Yes.

QUIRING: I just wanted to also comment, many people probably know this, but I just want to make sure that they understand, this is a covenant that runs with the land. So even if Storedahl were to sell this land, for ten years this is a covenant that runs with the land, so it will not change.

COOK: That's absolutely correct, and it will be recorded with the Auditor's Office so it will be in the chain of title.

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OLSON: Sorry. One more. And if this overlay is granted, just to put the overburden on this property, they have to go through the permit process?

COOK: That's correct.

OLSON: And the geohazards and the landslides questions?

QUIRING: Yes.

ORJIAKO: Right. All applicable County code will be reviewed.

BOLDT: Okay. Thank you very much. Roy Garrison.

GARRISON: I withdraw, Council.

BOLDT: Okay. Nick Edgar. Morning.

EDGAR: Good morning again, Council. Nick Edgar, E-d-g-a-r. I live on Gabriel Road.

Regarding this expansion, basically I feel like ten years is not long enough, and God willing we're still there in 10 years, in 20 years and in 30 years. So I look at this as the way this is written,

this is opening up the possibility of mining on both of these parcels while we are still there and that I think is something that I am opposed to as long as current issues have not been addressed.

I also look at the size of this, why two parcels, why such a large parcel. If what is needed is a place to put overburden, it seems like there may be other ways to handle it, either special permission that does not put a mining overlay over these or perhaps a reparceling of the land, you know, whatever acreage is needed for the overburden, three acres, five acres, whatever that is, slice that off of that large parcel and then just expand the mining overlay there; otherwise, it's basically the first step towards mining on a hillside that it appears to be a very unsafe place to mine.

I am glad to hear of the additional permit that is needed and the additional reviews that will happen. I definitely ask that it is posted publicly in that area when hearings where those permits are so that there can be more public comment on this matter.

BOLDT: Thank you. Thank you. Dick Leeuwenburg. Good morning.

LEEUVENBURG: Good morning. Richard Leeuwenburg,
L-e-e-u-w-e-n-b-u-r-g. I am president of a newly formed group for the protection of the East Fork, East Fork Community Coalition.

And first we request that Commissioner Marc Boldt recuse himself from decision-making on the pending application to expand the Clark County Surface Mining Overlay, CPZ2018-00001. We believe that Commissioner Boldt has an actual conflict of interest in the matter or an appearance of one.

At prior meetings of the Council, Commissioner Boldt has stated that he has been through the Storedahl quarry more than a hundred times while working as a truck driver there. As such, we believe that he may be predisposed to vote in the quarry's interest to further his own interest for future employment at the mine site. At the least, his employment at the mine gives the appearance of a conflict of interest in this matter.

BOLDT: Thank you.

LEEUVENBURG: Secondly, the issue here is really quite simple. I'm reminded of the saying that if you put lipstick on a pig, it's still a pig. Well, the covenant is just lipstick. The issue here is quite simple and the introduction of the proposed covenant does not change that issue.

The proposal to expand the SMO with or without the covenant should be denied. That issue has been lost in the process, it has been

highly confusing, disorganized and it has generated a lot of noise that has little or nothing to do with the pre-application. Part of the confusion is that the applicant and others speaking on behalf of the applicant have tried to inject a sense of urgency into the application process.

The idea seems to be to create the impression that without approval, the county will run out of aggregate and development will cease. The applicant's own testimony argues against that sense of urgency. What is the real problem?

The applicant says that they miscalculated and have more overburden than they know what to do with. Their proposed solution is to pile a small mountain of dirt on property that they own near the quarry. That property is in an unstable landslide prone location that is zoned 80-acre minimum steeply sloped that they say they purchased to keep it from being developed for housing.

The law requires that, quote, the map amendment or other site suitable for the proposed designation and there is lacking appropriately designated alternative sites within the vicinity. The site proposed is clearly not suitable and there is no evidence in the record that the applicant or County staff looked for alternative sites within the vicinity where the overburden could be safely stored.

The County is obligated to deny the application because it does not conform to the law, and because if approved would create serious risk to an irreplaceable natural resource, the East Fork of the Lewis River. Thank you.

BOLDT: Thank you. Thank you very much. Gary and Marie Ogier. Good morning.

OGIER: Morning. Gary Ogier, O-g-i-e-r. Like I've mentioned before, I'm a 31-year resident of Clark County and five years in the East Fork community.

The first thing that strikes me about the covenant is, as far as I know, it was only posted yesterday and there's been no time to digest it, get any legal, outside legal opinion on it, we are going from the County this morning. So I just have to protest this process that it's being rushed, public comment and the process that allows for that is being shortcut.

One obvious thing to me that I, maybe it's been mentioned, but the original parcel that the quarry currently sits on already has a surface mining overlay and the mine only occupies about half of that parcel. Why is the overburden not being stored on the other half? And as I understand it, the original permit for the quarry,

the original approval called for the overburden to be stored on that parcel, there's plenty of room there.

Mr. Leeuwenburg mentioned the East Fork community getting organized, we want to be part of this solution. This will include an insistent that the County begin actually monitoring and enforcing the regulations the mines are supposed to be operating under currently.

The concerns of this community organization were delivered to the Council late last week in the form of a letter from the attorney representing this group, who is a former EPA Deputy Director for this region. The quality of life that is so treasured in our community is being threatened. Our air, water, wildlife, safety and health are being threatened.

This shouldn't be a fight, we should be working together for solutions. To do this right will take some time and hard work from the incoming Council. Please do not rush this decision. Please vote to deny the expansion at this time.

BOLDT: Thank you. Yes.

OGIER: So Marie Ogier, O-g-i-e-r, and I have some new things to mention.

We had a live and let live attitude with the quarry, and then approximately two years ago it started invading our home, invading our legal right to peaceful and safe enjoyment of our property. The blasting, as we've said, rattles our home and windows, the quarry equipment wakes us out of a sound sleep, and now the dust analyzed in our homes shows carcinogenics. It's also learned that it's endangering an irreplaceable asset and historic site.

So my testimony is from August 2nd, November 27th and December 4th hearings talking about the first and the second analytical tests that we had done. They say that they're regulated, but an August 23rd response from the Southwest Washington Clean Air Agency admitted to me that they do not have access to the equipment that would do this kind of testing, so they sent me to outside labs.

Both tests are showing very, every positive sign of being mordenite and erionite. Erionite, specifically woolly erionite, is also known as naturally occurring asbestos, and I submitted last hearing on December 4th six links to studies connecting mordenite, erionite to mesothelioma.

Now a study has surfaced and been submitted yesterday to your records by another nonprofit, it's from February 2013, Dr. Reed Glasmann at Willamette Geological finding mordenite and silica in

the samples taken from the dust off the trucks and also from the quarry access road. It also expresses concerns for protective measures that should be taken by the employees, and the operator states there's not approximately 90. We deserve answers.

We're calling for independent scientific testing to be done by the county and other health and environmental agencies at the State and Federal levels. The quarry operator himself offered in public testimony to allow testing.

The quarry has a long history of not complying with permit conditions, and by your own admission there's no one at the County regulating the quarries. The dangers of the steep slopes below the quarries seem to have not been taken seriously. The County Permitting Office is well aware of the landslide potential in the area and the dangers are verifiable online at DNR Maps. Have we learned nothing from Oso, Washington where 2014, 43 people were buried alive in a landslide.

My understanding is that the people allowing the permits were personally sued. If a lawsuit is won against the County for allowing the carcinogenic dust on the landslide -- or landslides from the quarry, the cost will be borne by the taxpayers including the people in this room. As I see it, the residents of Clark County pay twice, once with our health and again with our taxes. Please

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vote against the expansion of the Yacolt quarry.

BOLDT: Thank you.

OGIER: Thank you.

BOLDT: Katie Jarvis. Good morning.

JARVIS: Katie Jarvis, J-a-r-v-i-s, 212th Avenue, Battle Ground.
Good morning.

Four of my neighbors and I met with Councilor Eileen Quiring on November 26. The same Clark County residents plus dozens of others attended the Clark County Council hearing on November 27th. Each event dealt with the proposed Yacolt Mountain Quarry Overlay Expansion.

These topics were addressed: Potential carcinogens in the quarry dust; runoff into the Lewis River; landslide risk; blasting noise; rock crushing noise and the wear and tear noise of danger, and the danger generated by gravel trucks.

The Community Development Director attested that the County was not actively enforcing the provisions of the existing conditional use permit to, quote, oversight has been lax, and the Planning

Commission recommended against the planning, against the expansion.

At the conclusion of the hearing, a two-pronged, razor thin solution was proposed by the Council. The expansion would be approved on two conditions: One, limit the use of the overlay to five years then revisit the issue to consider mining gravel on the same property; and, two, develop provisions to somehow curb the wear, tear, noise, danger caused by the gravel trucks. I read the proposed covenant that allows overlay use for ten years. That's it. Excuse me, what happened to the other issues?

It was as though the concerned residents were ignored, as if they never participated in the hearing. And why was one of the Councilor's excused from the hearing? We deserve to know his position. I'm voicing my objection to the proposed razor thin solution. Realistically it's not a solution, it's a disgrace.

Another question was asked of Councilor Quiring during the November 26th meeting which remained unaddressed at the hearing. Are the sales taxes generated by the sale of gravel benefiting Clark County or Cowlitz County where the Storedahl sales office resides? Those taxes would help the County mitigate the cost of road damage exacerbated by the gravel trucks.

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I have an election flyer, you probably recognize it, I have an election flyer posted by Councilor Quiring during her campaign for County Chair. She ran on a promise to, quote, protect private property rights because she, quote, puts citizens first. And in the flyer she objected to Councilor Boldt's, quote, harmful land use policies that are, quote, hurting our citizens. Councilor Quiring, please respect your campaign promises and support the citizens being harmed by the quarry. Thank you for your attention.

BOLDT: Thank you.

OLSON: Mr. Chair, can I get clarification from legal on when the covenant was posted, just I meant to do that before in between so that we can get that cleared up.

COOK: I think that should probably come from Planning.

ORJIAKO: Councilors, it was posted on Thursday, unsigned copy. We received the signed copy I believe on Friday and then we ask staff to post the signed copy, but the unsigned copy was posted on Thursday.

OLSON: Okay. Thank you.

BOLDT: Thank you. Vickie VanZandt. Morning.

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VANZANDT: Good morning. My name is Vickie VanZandt, V-a-n capital Z-a-n-d-t. I live at 28040 N.E. 212th Avenue in Battle Ground, about two miles from the quarry to the south. I've been a resident of Clark County for 22 years and have lived at my current address for 13 of those.

I am opposed to the expansion of the quarry and to the covenant's time frame because of two factors: The probable release of particulate that has carcinogenic properties; and, two, the impact it would have on the East Fork of the Lewis River and its fish populations.

Before the Council makes a decision about whether to grant Storedahl's rezone and expansion request and this covenant, I ask that you get answers to the questions about the release of mordenite, erionite and silica, and not just at the quarry, but with the particulate that's been photographed being released from the trucks transporting the rock. Two of my family members are asthmatic.

I also ask that you ensure a full environmental impact study is performed on the proposal so you can be fully informed on the impact of your decision on the health of the river and the people in the vicinity. I do not believe that a finding of no significant impact

can be determined if you don't know what's being released into the air and finding its way into the river. It may not be enough to place restrictions on how gravel and rock are mined and transported.

I understand that although regulation is in place with the existing operation, little or no monitoring takes place. There appears to be firsthand observation that not all of them are adhered to and that there's no consequence to the company for failing to meet their current obligations. Thank you.

BOLDT: Thank you. Sherry Lambert. Don Steinke.

LAMBERT: I withdraw.

BOLDT: What?

QUIRING: She withdraws.

BOLDT: Okay. Don Steinke. Morning.

STEINKE: Good morning. I'm Don Steinke. 4833 N.E. 238th Avenue. S-t-e-i-n-k-e. I'm here to speak about the Yacolt Mountain mine.

And you mentioned, staff mentioned that there was an environmental study done of some sort 16 years ago and so maybe what I'm going to say has already been done, but as I understand SEPA, when an applicant applies for a permit, one of the first things you're supposed to do is issue a determination. If the project has potential to cause significant and adverse impacts, you're supposed to issue a determination of significance, that requires an Environmental Impact Study. Was that done for the Yaacolt mine?

ORJIAKO: I have to review County record to determine if, when the original mining was permitted and the applicant can respond to that, whether an EIS was a determination of significance was issued and whether an EIS was done, but for this application just to apply the surface overlay, it's a nonproject action, there was no, a determination was made that an EIS is not required.

STEINKE: Thank you. If you don't have that EIS, you don't have much to go on. 18 years ago, I'm surprised that you even allowed it 18 years ago.

Clark County had an endangered species program, I was part of their speakers bureau. As I recall, Commissioners were personally liable if their policies allowed harm to a listed species. We have endangered species in our waters, and sediment is one of the main barriers to spawning. Dust from the mine and the trucks will

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increase sedimentation. We're spending billions of dollars in the Pacific Northwest on salmon recovery. Projects like this mine will undoubtedly harm habitat for endangered species.

Furthermore, Clark County has lost several lawsuits over lax enforcement of the Clean Water Act. I encourage you to issue a stop work order for both mines, and I was referring to the Zimmerly mine also, until you have made sure the law is being obeyed. And I have five copies of my remarks and then one copy of my wife's remarks, she could not be here. Thank you.

BOLDT: Thank you. David Rogers. Morning.

ROGERS: Morning, Councilors. I'm David Rogers, R-o-g-e-r-s, at 18114 N.E. 317th Street.

To encourage the expansion is a mistake. The parcel sits in a geographical hazard area. The conditions set by the Hearing's Examiner for the quarry are not being enforced. If we can't trust the quarry to follow codes and conditions, we sure should not give them another chance.

A well registered for three homes with the State now is in trouble. I don't believe it has been mitigated, just ignored. The condition to include neighbors and being a good neighbor has been rejected

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by quarry operators. Even though it was negotiated, they have not allowed us to be a part of what was promised in their quarry operations.

Dust has been an issue and three times litigation agreements have been ignored by the quarry. The Examiner could see the attitude in the hearings was quarry orchestrated. The conditions were a way to see fairness given to the neighbors. His conditions are rarely enforced.

It is my opinion the quarry should be closed until conditions and agreements are kept. We need to be fiscal and conduct an inventory of cost and reimbursement for expenditures to allow Storedahl to operate. Storedahl is a disgruntled neighbor. You have not earned our trust or respect and you have been taking advantage of Clark County people. Thank you.

BOLDT: Thank you. I don't know if it's Michael or Michelle Stewart. Michelle. Okay. Good morning.

STEWART: Good morning, sir. My name is Michelle Stewart, S-t-e-w-a-r-t. I live at 28600 N.E. Zinser Road, that is down slope and downstream of the mine. I am a relatively new homeowner in the area, we only purchased last July, so this issue is new to me.

I would like to add my name to the protests that have already been discussed by the previous speakers, therefore, I can be pretty brief and limit my topics to things that are new. I also protest any encouragement of the expansion of this mine. I also protest the determination that the EIS is not required.

As a former construction engineer for the Corps of Engineers, I'm pretty amazed that an EIS would not be required in this situation given the instability of the slopes, the steepness of the slopes and of course the East Fork of the Lewis River and any expected impact on the river itself.

The one thing I would like to focus on in my comments is that in the pre-application process it was determined that no traffic study would be required. I would put forth that any changes to the operation of the quarry will certainly have an impact on the roads and the way the vehicles move on those roads definitely affect all the residents of Clark County, specifically those residents that live close to the mine. That is the essence of my concerns. I thank you for your time.

BOLDT: Thank you. Richard Dyrland.

DYRLAND: My name is Richard Dyrland, D-y-r-l-a-n-d. I live at

27511 N.E. 29th Avenue, Ridgefield, Washington.

I respectfully don't agree with the way you're doing the covenant process. The public isn't getting its due consideration. If you look at the handout I just distributed, there are a series of maps, and if you look at the first map you will see an area of the geology and there is a Tqdy type of a rock and that's what's being mined, and you notice that that curves around down toward the East Fork and then back over to the east and that's what this operation is all about.

Because if you look at Map Number 2, it shows property, it's very interesting that the Storedahl properties seem to follow that rock formation fairly closely, it's an interesting relationship.

Finally, I want to emphasize this particular point that the January 2002 environmental checklist, RCW 197-11-960 for Yacolt Mountain site plan includes provision for overburden expansion to the east. Those commitments can be found on Pages 9 and 10 along with the other relevant information in the attached, in the mountain site plan and that it's in your records because we obtained that information from the County.

Review of aerial photos of the Yacolt Quarry shows that the land to the east is already being used for overburden deposition as

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described in the 2002 checklist and there's more space available on this moderately sloped area of land. The extension sought is not necessary. Thank you for your time.

BOLDT: Thank you. Bryan Stewart. Sharon Snow-Kitashima, I probably messed that up. Terri Eklund. And Heather Tischbein.

TISCHBEIN: Good morning, Councilors.

BOLDT: Morning.

TISCHBEIN: My name is Heather Tischbein. My address is 1119 N.W. 131st Way, Apartment A, in the Salmon Creek area but I raised my family -- oh, Tischbein, T-i-s-c-h-b-e-i-n -- and I raised my family on acreage off Gabriel Road, so north county and this neighborhood is near and dear to me even though I've had to move into town. I'm here today to speak on behalf of Friends of Clark County.

Dear, Chair Boldt and Council members, I'm speaking to you today on behalf of the Friends of Clark County.

Friends of Clark County has previously testified against the Yacolt Mountain mining expansion and wishes to reiterate the following concerns for the record.

Potential landslides and watershed contamination. The property of the proposed overburden dumping site sits at 1,672-feet elevation, the property just below it ends at its lowest point of 1100 feet, that is a steep slope indeed.

Nearly the entire property below the expansion overlay has been cleared of timber and is known as a slide area. The expansion site sits above the protected Lucia Falls and the Hantwick Trail. Zoning and compliance issues already exist and there is a strong possibility of such issues increasing.

Neighbors are complaining of after hours blasting and various other noise disturbances. Additionally, the high levels of dust and contamination potential in their ponds, wells and homes. The amount of trucks on the road are safety concerns.

While the intent of the overlay expansion has been stated that it will be used as a dumping site only, it brings into question why exactly they are stating that the reason this expansion is needed is that Clark County is running out of rock.

Air quality and safety due to the dust testing positive for erionite, a known carcinogen. This dust is not present during blasts, but when the overburden is dumped and from the trucks traveling through the county.

We ask that you review the Planning Commissions previous denial and the reasons for their decision. We ask that you allow time for an in-depth investigation of our collective findings and we strongly urge you to deny the expansion until further deliberations can be made.

We concur with previous testimony here today regarding the proposed covenant and the importance of improving and monitoring, improving monitoring and enforcement of permit conditions that already exist.

BOLDT: Thank you. Val Alexander. Okay. Anyone else wishing to testify? Seeing none, oh, yes. Okay. Very good. Thank you everybody for testifying. Returning it to the Board for discussion or questions.

STEWART: I was hoping we would have like a brief break before we go into deliberations. Are we ready for that?

BOLDT: Would you like to have a break?

BLOM: I'm fine either way.

OLSON: Yeah. Did you need a break?

STEWART: Yeah.

BOLDT: Okay. We'll have a ten minute, a five-minute break.

(Pause in proceedings.)

BOLDT: Thank you. Meeting will come back to order. To start this off I think we're going to have a little conversation about what's going on with the current gravel pit and things to go forward. So if I could have our current Community Development Director come and --

NICKOLDS: Thank you. For the record, Mitch Nickolds, N-i-c-k-o-l-d-s, Community Development Director for Clark County.

BOLDT: Maybe to just start this off, just maybe a few of your views to maybe moving forward with code enforcement, you know, dealing with some of the concerns you heard here today.

NICKOLDS: Sure. As many of the folks who have spoken today have indicated, there has been a huge concern with lax enforcement and compliance at these, at the mine sites. I think it's important to note that once you have a conditional use permit in place, as with any permit that the County issues, compliance is required by

the permit holder regardless as to whether or not the County may observe an infraction at any particular time.

Their responsibility to maintain compliance with their operation or the conditional requirements of those permits is omnipresent, it's always there, it's their responsibility. We do have a responsibility to monitor and to ask for reports to make sure that things are in compliance, ultimately it is the permit holder's responsibility to comply.

That said, in this particular case there's been a great deal of discussion about lack of communication and specifically between the mine operators and the surrounding community. There has been a number of over the past week since the previous hearing had a good opportunity to review some ideas that would enhance and improve that communication to enable responsiveness from the mine operators and the community to work together to resolve some of the concerns.

Council Blom did a very nice job of making a proposal that talked about a community forum. A community forum would be a great opportunity for the mine operators do it periodically by requirement to meet and discuss operational requirements and issues and taking for example blasting schedules, we know how disruptive blasting is.

How would it look differently if the community and the mine operators got together and were able to predetermine blasting times exactly so people could protect their pets, their children, their neighbors and their properties to the greatest extent possible to prepare for that and be able to anticipate it, up to and including, you know, earmuffs or if that were necessary, those are the types of things that could be discussed in a forum like that.

And in order to do the forum, there needs to be a facilitator and I think the County would be a great facilitator for that, Community Development in particular, that's something that we'd be willing to take on as a means to foster that and maintain that good relationship between the two parties. That's just one example of something we could do.

Other than enforcement, direct enforcement is something that we struggle with simply because by the time we respond to attempt to verify a particular issue, a lot of the evidence is gone and so it makes that enforcement very difficult for us because the burden of proof is on us in the first place.

In order to ensure a rapid response, the best case scenario is one where the operators of the mine are the first responders in the event of an issue whether it's a vehicle speeding, whether it's

dust being kicked up on a road surface, whether it's truck traffic during school bus hours, whatever those cases may be, if there's a complaint, the best case scenario is the community can interact directly with the permit holder to get resolution at the time the problem develops versus waiting for us to arrive and respond. That aside, we still do have that obligation and I'm committed to ensuring that we do staff up and make sure that we have that position covered so we do have some monitoring.

Being mindful of our budgeting challenges, I would say that cost recovery is an issue. So in order to pay for that position we would hopefully look to the operators to help cover some of the cost of filling that position, specifically for the purpose of monitoring their operations and compliance and so forth.

BOLDT: Okay.

NICKOLDS: Questions?

OLSON: Yeah. We heard a lot of testimony today about the conditions of the operation, and part of the struggle I think that we have is to make sure we understand exactly what we're talking about here today and what's the avenue for those folks. In addition to public testimony here today and two weeks ago to address the operations at the mine because that's really not what we're

talking about today.

So can you just address a little bit about obviously there's some frustration in addition to possibly a new forum or a new committee or a new group what the best path forward for them would be after today.

NICKOLDS: Yeah. After today, unless we can get a commitment from the mine operators to be immediately responsive, the best result, the best thing to do is call us, to call our Code Enforcement Office and what I will commit to is making those calls a priority.

We are shorthanded at the moment, but we'll find a way to make those, to respond as quickly as possible to address those issues and do what we can within the framework of the operating permits and the conditional use permits to work with the operator to make sure we abate any nuisance conditions or any noncompliance issues that arise.

BOLDT: Okay. Any other questions?

STEWART: Well, I think the idea of a committee that can meet, it's a good idea. Generally, I thought the make up was good. We have to have the County directly involved in this, and I know that we have pressures on Code Enforcement, I know that we're not as staffed

as we maybe need to be, I know we have budget constraints against adding staff, but in spite of that, it's the County that is making the decision whether or not to allow the mining overlay to be expanded.

And if we have the authority to do that and we do it, I don't want to get into a situation where citizens have to call the mine operator because that's going to be a contest and you know what kind of a contest that's going to be, and that will, we'll end up with citizens even more frustrated.

If the County is taking the responsibility to expand the overlay, then we have to find a way to deal with matters that haven't been dealt with well in the past and that is conditional use requirements and the issues of the trucks, how fast they go, how heavily they're loaded, whether or not the loads need to be covered.

So we can't -- the County has to be involved between the citizens and the mine operator, somehow we have to be in there and we need to be both the advocates for the citizens and the quality of life in their neighborhoods as best can be done in a mining area and to make sure that the operator has the rights they must have in order to function and to do the mining operation.

So I just want to be careful that we're not taking ourselves out

of the equation, we can't. We have to be in the equation because we're the hammer, the County ends up being the hammer for making sure that the neighbors are as safe as possible and that the trucks and the roads are as safe as possible, so...

BOLDT: Okay.

NICKOLDS: I completely agree. I will, you know, I can assure you that that level of accountability is deliverable, it's something that we can do, it's not anything that is beyond our ability. However, it is important for me to be able to explore exactly what kind of controls and reporting can be imposed in these conditional use permits, what level we can exact in the form of compliance and what our options are for egregious violations where we have imminent threats to public safety.

Typically, in Code Enforcement when we have the ability to do some re-abatement if we find that there's an imminent threat to public safety, we have the ability to take whatever is causing the problem out of the picture in essence. I don't know if that same level of enforcement is available in the CUP process, but it's something we could certainly look at as, you know, from the perspective of being the hammer that you spoke of.

STEWART: Thank you.

BOLDT: Okay. Thank you.

BLOM: Mr. Chair, I'll share a little bit more about the idea that we talked about for an advisory board and just kind of flush out some of the membership. I have had conversations about surface mining since I think the second Planning Commission meeting that I ever served on four or five years ago, so this is not a topic that I'm unfamiliar with by any stretch.

And it seems like we always had these conversations at the time when there's a very adversarial relationship where either the County and the mine operators are asking for one thing and the neighbors are coming in and wanting something different, and so these conversations always happen at a time when there's that conflict going back and forth.

So the idea was to create some kind of, either an advisory board or a committee or forum - we're still talking about what to call it - that could bring together the neighbors, the mine operators, consumers of rock and then also the County to have these conversations at a time about how can we better, how can the mines be better neighbors, how can we better as a county observe and monitor these things.

So the draft proposal - and it's very much just a draft and we're still talking about membership - was to essentially have two mine operators as a member of this committee or forum, two consumers of surface mining so people in the building industry that can bring in that demand perspective and can share their side, four neighbors of mines, and we'll have to have a conversation about how to best pick those four.

Obviously there's a lot of people in the Yacolt and Livingston Mountain area that are very passionate about this, but bringing in multiple neighbors so that there's a balance there between industry and the neighbors and then also individuals from the County and my thought here, the draft we're talking about now, is someone from Public Works, someone from Community Planning, someone from Community Development and then someone from the either the County Manager or the Council's Office.

So there's a balance of individuals kind of from every sector and just being a place where we can talk about are there policies, are there better ways to have these uses and also be better neighbors.

So that was an idea that was talked about in Board Time. I feel like it was very well received by the Council and hopefully that's something that we can move forward with either today or in the very near future.

BOLDT: Okay. Thank you very much.

NICKOLDS: Thank you.

BOLDT: Returning it to the Board. First of all, I think before we go, I'd like to address, I think the comment that I should recuse myself, I have said that I have spent time, probably a hundred trips in gravel pits, not necessarily this one, but probably a bit in every gravel pit in the county; however, I've not benefited financially from any of the Yacolt pit or the Storedahl property owner directly or indirectly through my campaign, last campaign, so... With that, moving to the rest of the Council for deliberations or comments.

QUIRING: Okay. Mr. Chair, I was just, I, I really do understand all of the testimony that we've heard from the individuals that live near the mine. I think one of the things that we have to keep in mind here though, we're not talking about current operations, even though it sounds like we're expanding, in essence property is expanding, but some of the, I believe that some of what, some of the noise, some of the last two years and the noise, et cetera, that's happened actually comes because the area that's right now before us as an expansion area has been logged. That area, probably those trees created somewhat of a buffer.

And it's my belief, and actually going, I toured the mine, I had an opportunity to go up there and tour the mine, and I think it's all together possible if this is allowed, because it still has to go through a process of placing this overburden here, but if the overburden, if the permit is allowed for that overburden to be placed there, I think it's all together possible that less noise will be heard and maybe even possibly some of the dust will be deleted somehow through this mountain of dirt being there. I think that it may create actually an opportunity for having better neighbors.

I also think that the idea that Councilor Blom brought forward about a forum where you have communication and education on the part of all people involved and then we have the County who's the enforcement, at least one of the enforcement arms, actually the mine has many people that they report to and actually the operator has made available to us many reports that ordinarily we would not have, but he has given that to us.

He's also agreed to this ten-year covenant that runs with the land, which although some testimony said they didn't feel like it was enough, I actually believe that it's quite a bit to, to not operate on this, not mine on this or not even attempt to get a conditional use permit on this property for ten years and that nobody else can

either because it is a covenant that runs with the land, and covenants are enforced.

So, you know, we've heard a lot today, but we heard more about operations and not the actual, the actual thing that we're deliberating on today which is, which is expanding this overlay but it doesn't expand the operation any at all, it just provides for a place to put the overburden.

And it looks to me like that mountain is really pretty full of rock, pretty good rock it looks like to me, but I'm not an expert on rock, but it sure looks like it's, you know, it's there to be mined and this is our responsibility under the GMA as well to recognize these surface mining overlays just like we have to, as I said before, recognize agricultural land, forestry land, all of these things are required of us under GMA. So if the rock is there, we need to recognize it.

BOLDT: Anyone else? Yes.

OLSON: Yeah. I do want to just, I'll address a couple of things, but I want to, the question of whether EIS was required, I think your statement was that it's not required for this land use decision today but that in the future if a permit will be applied for, then all of those environmental questions will be answered.

ORJIAKO: It is. Let me frame it this way. It is likely because we have to look at can the issues raised be mitigated under our existing County code and first we have to determine if there is potential adverse environmental impact, and if we determine that and then look at how that could be mitigated and, if it cannot be mitigated using existing County code, then in this case it will not be my shop, it will be Mitch Nickolds shop, they will make a determination to issue an EIS.

OLSON: That's for that action.

ORJIAKO: Yes. Yes. But for this action, it is just to put an overlay, there is no actual application to develop the property, so we did not have a, we made a determination that an EIS is not required, it could be required at a later time.

OLSON: Thank you.

ORJIAKO: Yes.

OLSON: And then over the last couple of weeks I've done a little bit of research as well and I might just ask the applicant, maybe if you have a second.

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It's my understanding that, I'm trying to get an idea of how much rock is still in the current pit, and if I get this wrong let me know, but the purpose is to apply for a permit to move the overburden off the existing quarry land, that that will, that you'll move that onto this piece of property and then that will allow you to mine current rock in the current pit; is that correct?

STOREDAHL: That's correct.

BOLDT: And your name, please.

STOREDAHL: Bo Storedahl, S-t-o-r-e-d-a-h-l.

OLSON: And how much rock is left still in the main pit?

STOREDAHL: So we estimate about 34 million yards in the existing pit.

OLSON: That's about years of mining?

STOREDAHL: Well, that's about 70 million ton, and under the current truck trips that we're limited to, if we were to maximize that for the next, for 50 weeks out of the year, it would be 30 years. So it would be about two and a half million ton that we can move based on the truck trips that we're allowed.

OLSON: Okay. And then the overburden itself is going to be used for future reclamation; is that accurate?

STOREDAHL: Yes. It's required to be used for reclamation.

OLSON: Okay. So in order to actually get to the property underneath where you want to move the overburden to, you have to mine out the original pit and then move that dirt back in?

STOREDAHL: That's correct. The entire area of dirt that would be moved would then be stored on top of the overlay that I'm trying to get, and then once the entire pit is exhausted, then that dirt would come back, be used for reclamation before an opportunity to go after the minerals below it is even possible.

OLSON: Because you've got that pile of overburden on top of that.

STOREDAHL: Yes, because the dirt would be stored on top of that.

OLSON: Right. Okay.

BOLDT: Thank you.

OLSON: Thank you.

STOREDAHL: Is that it?

STEWART: So I have, I guess two major areas that I'm really interested in. First of all, this still would need to go through a conditional use permit process.

ORJIAKO: That's correct, Councilors.

STEWART: And with the conditional use, conditions may be attached, and for sure before any activity can begin, an environmental review would be required, and how extensive that is for any new or changing activity and this would be a changing activity. It's possible that a full SEPA may be required on this.

I do think it's beneficial rather than expand the full mine operation that we maintain the current footprint of the mining operation, and I think expanding the mining overlay to allow moving the overburden helps maintain it in its current footprint, the mine in its current footprint.

So I'm concerned about, and I believe an environmental review will look at slide areas if there are any, well, there are slide areas up in that area, runoff, protection of the rivers, other environmental protections that will have to be reviewed and those

are some of my main concerns and I'm reassured that those will occur.

STOREDAHL: Yes. I mean, when we file for the permit to do, and we have a lot of exploration to do before we even make application to move forward, you know, from step two, but SEPA will be likely and then all the agencies, if there's a landslide concern or, you know, water quality concern, those agencies, Ecology, Southwest Clean Air have an opportunity to come in and say, well, this needs to be done if this is where you're wanting to discharge surface water, we take issue with that, and then we would make an application that would show mitigate their concerns.

And as far as the landslide, I should mention we have a pit in Castle Rock that has operated within an area that has a landslide issue, and then when the permit was made, they just simply permitted around that landslide issue, made sure that we didn't extract from or stockpile on top of with the understanding that we were relieving weight above that landslide issue.

So we do have currently have a pit in Cowlitz County that has a known landslide area of concern within it. And then at the time of the permit, they permit around that and make sure that it can be mitigated, and if it can't, they wouldn't allow the permit to do so, so there are issues that can come up in any rock pit, but

during the application process is where I'm given an opportunity to mitigate those at that time.

BOLDT: Okay. Thank you very much.

QUIRING: I have a question for him. I just want to speak to the size of the parcel. These parcels were already parceled as they are and were for sale as they sit; is that correct?

STOREDAHL: That's correct.

QUIRING: Right. So you can't just parcel land that's in certain designations and this was in forest designation, therefore, you had to buy the whole piece.

STOREDAHL: Right.

QUIRING: And I think what that does too, you know, through this time of looking at surface mining overlays, just like Councilor Blom said, I was on the Planning Commission as well and this is a contentious issue, but one of the things that we want to protect from is developing residences around mining pits because that is not advantageous to anybody, either the new resident or the pit operator.

So by purchasing all of this land, which you couldn't have parceled off anyway, you're also preventing development in a beautiful area where it might be considered wonderful, beautiful view property, but having purchased this that won't happen.

STOREDAHL: Right.

QUIRING: So that answers the question of why not three acres, why not five acres, because it was a large parcel and it can't be parceled.

STOREDAHL: Right. And if, I don't know if you guys can see that map, but the parcel itself that the mine is within, that's not the permitted boundary. So there's a different permitted area within that, there's not more space that I can just go move it to because I don't even own that property around that to that area. So the parcels that we added, we didn't go east or west or north because we don't own that property.

BOLDT: Okay. Thank you very much.

STOREDAHL: Thank you.

OLSON: Go ahead. Oh, I'm just going to make, whether it's now or later, I just wanted to follow up on Councilor Quiring's point

that counties planning under the Growth Management Act are required to identify, designate and protect mineral resource lands that are not already characterized by urban growth that have long-term significance for extraction of minerals, and that's RCW 36.70a.170. So this is part of our responsibility under the Growth Management Act as well as protecting ag and forest.

BOLDT: Okay. Thank you.

BLOM: As we look at this issue, and much of what I'm going to say has already been said, so I'll strive to be succinct, but I see kind of five key facts that are kind of driving my thought process on this.

On the first is that whatever decision we make today will have no impact on existing operations. If we deny the overlay, it's not going to make anything any better for any of the residents. And if we expand the overlay, it is not in this decision going to have any impact on some of the negatives. So one way or the other today's decision is not about ongoing operations.

The second fact is it's going to be a limited use for ten years, that's been agreed to by the operator. Maybe one clarification for Ms. Cook is, can they, is ten years before they can even apply for a new CUP or is that when it can become active?

COOK: The restriction as it reads is for a period of ten years from the date of this covenant it will not extract material from the Storedahl property. It is silent on whether a permit could be applied for before then.

BLOM: So for the period of ten years there will not be any further extraction on this property. The third thing - thank you, that was my only question I think. - any change is going to require a conditional use permit.

So even to just start using this for overlay, there is going to be another process where many of the concerns that have been addressed are going to be looked at and considered and detailed and mitigation is going to be required, so there's still another process before even using it for overlay will be there.

The fourth thing, any change to the covenant - and this is really important and I'm thankful that we put this in the language - will require coming back to this Council. So if Storedahl in five years wants to come back and say, you know, we want to start extracting earlier, that's not going to go to the Hearing's Examiner, that's going to come right back to this Board and we're going to make that decision at that time as to whether the situation has changed enough where that might be allowable or not.

So we'll have this whole process if they even attempt it or ask for that again, we would come back here and have this process, there would be no shortcuts, no way around it coming before this body.

And then the last point, in ten years if they do decide at that time that they want to extract, there will be another CUP process and another very likely an environmental impact at that point and we'll go through all of those issues again at that time. So those are -- there has been a lot of noise and a lot of testimony and much of it very heartfelt, but as looking at this decision on whether or not to expand the overlay, in my mind those are kind of the key, key facts, the most important relevant pieces of information.

BOLDT: Okay. I think as for me this is a tough discussion for the Council at any time especially in a growing community. And as I said before, you know, it's just the fact of life that there's rock either by the river or in the mountains. So it is really a I'll say a necessity that you have to do if we are going to supply what we need within our county and not go outside of our county.

As I think a couple of us have been, I've taken a trip through the new property, but Sunday I also drove the surrounding roads around it quite a bit as much as I could to and I've been on them roads

actually delivering gravel and concrete but, so it is interesting just the fact that where the overburden goes is quite a ways away from the edge of the property which, you know, could be affected, but there's a lot of ground in there, and until you really get a tour of that ground, it is hard to say.

And also the overburden that comes to that is really, I would think as in all pits are almost a necessary evil because you have to put that overburden somewhere if you're going to reclaim that land and you could, some pits haul it out and then they haul it back in which require a lot more trips, so that doesn't really make any sense, if you can keep that on the property.

Also I think, like Councilwoman Quiring was on the Fish Recovery Board, I sit on the Fish Recovery Board now and there's actually some really good studies about the East Fork on there which I think gives us great hope that we could put a third party credible source about sediment and things like that. So we've done a lot of work on this and I'm ready to move forward. But any other final comment?

OLSON: Do you want to -- just one more, and maybe someone can give a motion and then we can just --

BOLDT: Yeah. The question I would have for the motion is the motion CPZ2018-00001 with the covenant?

ORJIAKO: That's correct, Councilors.

BOLDT: Okay. So could I have a motion please since I just said that motion.

BLOM: Mr. Chair, I move to approve CPZ2018-00001 along with the covenant as presented in the staff report.

BOLDT: Is there a second?

QUIRING: Second it.

BOLDT: Discussion?

OLSON: Yeah. I'm only just going to say that we hear you, we do, and Mitch hears you and we're going to continue to do or at least do a better job than maybe we've done in the past and build a better relationship we hope with the operator, we hope with the neighbors and with the County and that we're committed to doing that, and so we've listened, we hear you. Nothing that we're doing today is going to change anything, the concerns that you have, and we're going to address those immediately, so...

QUIRING: And I'll just reiterate what has been said, what we're

doing today will not make operations any worse, it won't make operations any better. What we will do in the very near future is this forum where we have more communication and we have people involved so that, so that there's more communication between us, more enforcement, more understanding both from the respect of the mine operator and the neighbors and the County, so that's my hope is that things will improve for that reason.

BOLDT: Okay.

STEWART: So my final comment is that in the sales field there's an expression, spotty past, spotless future, our attempts at enforcement for safety on the roads for trucks has been spotty, I believe it's been spotty. We need to have it be more spotless going forward. We need to do it. Not just talk about it, not have a committee where people think they're getting results and no results happen, we need to actually have the results and that's what I'll be looking for.

BOLDT: Okay. With that, all in favor say aye?

EVERYBODY: AYE

BOLDT: All opposed? Motion carried. That's unanimous, all of us. You got our names so, yes. And maybe just for clarification,

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there was a remark, Councilor Blom, that you left early, but you left early last week because of a previous engagement, just want to kind of make that clear.

BLOM: Yep. And that was, we have not -- we've had two hearings now that have gone after 1:00 and I had a conference for work that I had agreed to attend and I had a 2:30 flight. So I thought I had made that plan several months ago with plenty of time to be here for the entire hearing and of course that day was the one day when our hearing went over three hours so, but I went back and reviewed the testimony and feel like I was very well prepared for our decision today.

BOLDT: Okay. Thank you. Moving on now to the public hearing for the Proebstel Rural Center.

ORJIAKO: Yeah. Continuation of your hearing, Councilors, Matt Hermen will be going over the proposal on Proebstel Rural Center request.

HERMEN: Good afternoon, Councilors. My name is Matt Hermen, I'm a Planner with Community Planning, and no offense to our County Manager, but I'm going to sit over here for the mouse.

Today, you will be considering the establishment of Proebstel as

a rural center. This rural center establishment occurs with the zoning designation of Rural Center Residential 1, Rural Center Residential 2.5, and Rural Center Commercial. The proposed boundaries of the rural center is approximately 112 acres.

The proposal was initiated by a petition of the landowners in 2014. Between 2014 and 2016, the County was not processing annual reviews because we were in the midst of the 2016 comprehensive plan update. In 2017, last year, the Council changed rural center establishments from annual reviews to dockets; therefore, 2018 is the first year that this petition can be processed as a docket.

Rural centers in the Growth Management Act are known as limited areas of more intense rural development or the acronym LAMIRD. The Growth Management Act recognizes that there are historic areas around the state that were rural but serve community as community gathering places where grange halls, post offices, schools, churches were concentrated in. The Growth Management Act has specific requirements for establishing these rural centers.

The Planning Commission heard this matter on July 19th, 2018. They reviewed the proposal with the Growth Management Act, the Comprehensive Plan, the Community Framework Plan as well as the Countywide Planning Policies and forwarded a recommendation to deny the proposal.

Alternatively, there was the option in front of the Planning Commission to zone some of the properties as commercial outside of the residential, outside of the rural center proposal, the Planning Commission did not make a motion on this alternative proposal.

There are some properties in the proposed rural center, most notably the airport, the Green Mountain Airport, which resides where my mouse is is here and Northwest Underground, Underwater Construction, excuse me, which is zoned heavy industrial. These properties would not change zoning as part of this proposal, they would stay airport and heavy industrial.

The property is a little bit difficult to see on the proposal, but the two properties here are proposed in the rural center as Rural Center Residential 1 as well as these properties. The rest of the yellow properties are proposed as Rural Center Residential 2.5. If you have any questions, I'd be happy to answer them.

BOLDT: The proposal about the alternative zoning.

HERMEN: This is the proposal. The proposal with this is the commercial zoning which would be Commercial Rural 1 which is outside the rural center, the property shown in red.

The only difference between this and the other map that you just saw is the zoning of this as commercial property. This property is Thompson Trucking, they currently have a home occupation permit.

BOLDT: Okay. Any other questions?

QUIRING: I guess I have a question about the existing uses that these properties are currently under.

HERMEN: Yeah. So when we looked at the proposal and the potential zoning that would be applied to these properties, we looked at what uses they currently have. A lot of them are current operations that were in existence before the Growth Management Act came into existence, specifically the market that occurs right here, this is known as Proebstel Marketplace, and then this property here is Langley's, they provide auto wrecking and auto service. The property in the red is some of the operations for Andersen Dairy, excuse me.

OLSON: And you said -- I'm sorry. Go ahead.

BLOM: So if I'm reading this map correctly, there is no land now that's going to R-1 or R-2.5; is that correct?

HERMEN: In this proposal here, the R-5 properties would remain the same, but the commercial uses would be changed to commercial zoning with a CR-1 zoning designation.

BLOM: I think one of the concerns that I have that's come up consistently is traffic, and that intersection there right at the edge is very problematic. So under this proposal there's not adding additional residential density?

HERMEN: Correct.

ORJIAKO: That's correct.

BLOM: Thank you.

ORJIAKO: And then, and, Councilors, we've done this in the past and that is recognizing existing commercials outside of a rural center with this type of designation. The Duluth area is a good example and some other areas across the county where the Council and the group that looked at designation of rural centers or LAMIRD made a determination that those areas did not qualify to be a rural center, so the decision was made to recognize existing commercials and this will be the case.

So we're anticipating that there will be no increase in density

in terms of the existing use, that they will continue because some of them are now currently operating as a home business.

BOLDT: My question would probably be for our great Community Development Director. Do you like that? So the question is this spans my term in office. We have existing uses that are nonconforming. So I bet I have 50 Code Enforcement cases that I have dealt one-on-ones with your Code Enforcement saying you're not, we realize you've been here for 60 years; however, under the code, you're not compliant.

So in the case of the feed store or the other ones, he's probably had, I don't know, 20 clients come and go and fire marshal, you know, I mean everything is just tied up and I think the whole intent, sorry I'm going on maybe a little too much, the whole intent is to help the owner and to get out of your code, to get out of our Code Enforcement process.

So I kind of bring it up because your, I mean your office fights this and we're trying to kind of make it so the homeowners don't have to fight all the time. That's probably a leading -- I don't know. I don't know if there's a question in there or not.

NICKOLDS: No, you did a good job. So typically for legal conformities there's a trigger, there has to be a trigger that

generates a response by the County from an enforcement perspective and a trigger can be partial destruction of the property to the extent a certain amount of the value of the property is destroyed and an attempt to rebuild it would be prohibited and they'd have to build it in compliance with the current zoning at the time or there might be issues associated with the maintenance of the property or the use of the property that are inconsistent even with the nonconforming.

That said, when we have an opportunity to work with the property owner to allow them to maintain an existing legal nonconformity we can do that through our permitting processes. A lot of the challenges we see involve unpermitted work on these properties where we have to go out and intervene with a stop work order and then the enforcement process. You know, in the scope of priorities from an enforcement perspective, that's not an amazingly high priority but we do have a responsibility to be responsive to the public.

So nonconformities generally do pose an initial problem for us because there's a likelihood the property has changed hands a number of times, the status of the nonconformity may not have been communicated from one owner to the next, so there's a lot of things that we have to untangle as a result of the lack of communication about that, about that status.

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BOLDT: Okay. Thanks.

OLSON: I have a question.

BOLDT: Question, yes.

OLSON: On this alternative zoning, did the Planning Commission see it?

HERMEN: The Planning Commission saw it but no recommendation was made, therefore, no action was taken by the Planning Commission.

OLSON: So they just let it sit.

HERMEN: Yeah.

OLSON: And is this -- did this alternative come as a compromise?

ORJIAKO: Yeah. We looked at the whole area, and as Matt indicated, says, one, it did not meet the GMA criteria for designating it as a rural center, and we considered the conversation that the Chair and Mitch just had. We have areas that have been in use or pre-GMA and felt that we could make this alternative recommendation for the Planning Commission and the

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Council to consider. If the Council were to go with this alternative, which I think is a good alternative, it will make the use there now conforming.

BOLDT: Okay. Thank you very much. Erin Allee, and maybe also since you're in the same neighborhood association, Kirk VanGelder. Very good. How's that? Good morning.

ALLEE: Afternoon.

BOLDT: Or afternoon.

ALLEE: For the record, my name is Erin Allee, and I'm co-president of the Proebstel Neighborhood Association representing the 3,076 households within our boundaries. Our board --

HOLLEY: Spell your name.

ALLEE: A-l-l-e-e. Our board serves to promote the welfare of all of our neighbors by encouraging development that ensures the neighborhood's livability while maintaining its rural sensibility. We support the County Staff's and Planning Commission's unanimous recommendation for denial of the Proebstel Rural Center for the following reasons.

It does not meet the intent of the Growth Management Act, the Community Framework Plan or Countywide Rural Center Policies that state the following: Commercial activities located across roads are to provide rural residents with an opportunity to meet many of their daily needs without going into one of the cities. The uses to be encouraged include post offices, veterinary clinics, day cares, schools, small medical practices, shopping services, housing opportunities compatible with surrounding roads and utilities, these in turn reinforce the rural centers character and distinct sense of community.

This proposal is located adjacent to the urban growth boundary and existing high-density commercial services such as Walmart, Safeway, banks, restaurants, existing schools and gas services. A rural center would allow for unfettered urban sprawl and be overshadowed by adjacent existing commercial services failing in its attempt to provide job growth, tax base to support schools and rural and resource needs for the surrounding community.

In regard to the rezone question, the Proebstel Rural Center also includes a rezone. And I'd like to point out that the properties owned in the middle, the red middle part, are currently zoned R-5 and don't have commercial activity or minimal commercial activity on them, they would turn into a commercial activity. The CR-1 and CR-2 districts are intended to provide for the location of

businesses and services that are sized to serve the rural community.

Again, this area is located adjacent to the urban growth boundary and to existing high-density commercial services. It would fail in its attempt to provide businesses and services that are sized to serve the rural community. The code also states that the CR district should be designated to compliment and support the rural environment without creating land use conflicts.

This rezone is the first step in allowing commercial activity that offers no transportation improvement fees and would seriously exacerbate road safety along this corridor.

In our May neighborhood association meeting, in which several Council members were there, we hosted numerous County and State officials to address the failing road conditions within the Proebstel Rural Center boundaries and throughout the neighborhoods all along the urban growth boundary in the Proebstel neighborhood.

Local and State officials briefed our neighbors about the need to address long overdue road improvements but stated funding was decades away. Rather than encourage poorly designed urban sprawl through a misguided rural center and commercial rezone, we ask instead for approval from the Council to partner with County Staff

in the development of a Proebstel traffic advisory board that would identify current and future infrastructure requirements along the Proebstel urban growth boundary, consider transportation and service overlays, identify funding sources and provide input during the next comprehensive plan update. Thank you.

VANGELDER: Kirk VanGelder, V-a-n-G-e-l-d-e-r. I reside at 22320 N.E. 68th Street, and I'm co-president of the Proebstel Neighborhood Association as well, and I'm going to go a little off script because we're here for the Proebstel Rural Center discussion and as we've just heard from Oliver that that doesn't meet the criteria, Erin has just outlined some of that.

So I feel there's a little bit of a bait and switch that's taken place here, you know, we're here to talk about Proebstel Rural Center, but, oops, nope, no, we're going to talk about this commercial rezone and all. So that is really unfortunate and I've got some thoughts on that. So I'm going to skip some of my comments that relate to the rural center.

So traffic issues have been a very hot topic for our association, especially SR-500 from 182nd Avenue past 65th Street and on to 199th Avenue. All of these are dangerous intersections at today's traffic levels and they're right where the rural center is being proposed or where these commercial lots are being looked at.

Slowly exacerbate the existing traffic issue, expanding commercial activities should only happen after road and traffic improvements have been made to handle the traffic.

We are also going to request that Chair Boldt recuse himself from voting on this for several reasons. First, per Sally Runyan's letter submitted into the record she states in part, in 2014 Marc Boldt came to the airport on at least two occasions, the first time taking --

HOLLEY: Slow down.

VANGELDER: I can give you my result, my comments later.

BOLDT: Slow down, please.

VANGELDER: Okay. All right. She's going to -- he then showed up on a weekend morning, I was in my bathrobe and I stepped outside to talk. He had in his hand a petition that all of my neighbors were in favor of committing their properties into a rural center, end quote. She then later went on and withdrew her name from the petition. Because Marc Boldt was an initiator of the original petition, we hereby request that he recuse himself from voting on this issue.

The second reason for recusal, in 2017 Chair Boldt requested that the PRC be changed from a docket to annual review which was approved. This removed the \$10,000 petitioner fee benefitting petitioners. Since clearly this zoning change is being driven by Chair Boldt and in alignment with the Appearance of Fairness Doctrine, RCW 42.36.010, it's very clear that Chair Boldt must recuse himself from voting on this issue.

Also, we just found out or observed that prior to this meeting, that Chair Boldt was coaching some of the people who are going to be giving testimony today on what they should say to get this passed, that again is grounds for recusal.

Lastly, since we do represent all neighbors in the association including petitioners, we do agree that the existing business activities have been good neighbors for the most part. So we request that they be continued to be allowed to continue their existing business activities at their existing levels, at their existing lot size. We cannot support reduced parcel sizes or open-ended commercial uses which this would open up until nearby roads and intersections are significantly upgraded. Please deny both of these issues today.

BOLDT: Okay. Thank you. Bob Rodgers and Ryan Seekins. Good afternoon.

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RODGERS: Good afternoon.

SEEKINS: Good afternoon.

RODGERS: Bob Rodgers, 16019 N.E. 145th Avenue, Brush Prairie.

SEEKINS: Ryan Seekins at 12417 N.E. 107th Avenue.

BOLDT: And spell your last name.

SEEKINS: S-e-e-k-i-n-s.

RODGERS: We support the newest proposal, the alternative, because of the existing uses that are out there already that are being performed that would cover these and allow these businesses to run unaccosted by Code Enforcement and so on. But these businesses are already there and they're operating.

If they were to expand, they're going to have to, you know, if they were going to add another building, they're going to have to get a permit, they're going to have to mitigate, they're going to have to do transportation, drainage, all the things, so we're talking about the existing things that are out there, so the traffic's not going to change too much. It could change in the future, but then

you'd go through a normal County review process to get the permit and the mitigation.

So we'll start kind of on the history. This has been a place that has been the center of Clark County where it has provided rural services, been the rural community. We've had Orchards over here, we've had Proebstel here, we've had Camas way down there, now we have the City of Vancouver up, coming up on us, we have Green Mountain moving in, we've got two cities moving in here and we have no buffering, it's just continuing to go.

This -- if this alternative went through, it would provide us some buffering, some protection. This boundary that's shown right now in the newest proposal has mostly SR-500 as the north boundary, so that would divide us from the residential area that the neighborhood association is interested in, we're going to stay out of there and maybe they should be looking for some other protections because I think their thing they need to be looking at is more on the cities moving in. We would have a buffer then here.

And the lots to the south of us are going to be bigger than us, they're all going to be ag and very large areas are some R-5 and so on, and we're going to have Lacamas Creek to the west of us. So we got a correct boundary anyway now and it excludes the area of the residential to the north of us.

There's been a history of all kinds of things in this area, churches, schools, dairies, mills, post offices, general store, this is prior to 1999, but I think the history has some legal bearing on this too. The two cities are coming in. Doing this would help eliminate or slow down urban sprawl.

This would give us a buffer so we can kind of hold because we have, I'm with Andersen Dairy and we have a dairy that's out there, it's 1200 acres of farm land, open space, sensitive areas, all the things that GMA is interested in and we're trying to protect it and this gives us some more flexibility on dealing with problems and having some, being able to go in the future, we have a hard row to hoe here so to speak and dairies are under a lot of stress and money constraints and things like this. So we're looking for different opportunities to see if our dairy can go into the future.

SEEKINS: Do you want me to talk a little bit?

RODGERS: Oh, yes.

SEEKINS: As far as the dairy goes, essentially the way I see it, we were created by the reduction of small dairy farms over the years in Clark County. What we have today in the Andersen Dairy is something that was made because of supply and demand.

You know, we well over three and a half million gallons of milk, over 300,000 pounds of beef, we have over 1800 head of animals. Initially, when the dairy was started, I don't think that was the vision, but as time has gone on it's grown to that because of growth in Clark County or the lack of farming and lack of available farming land for development and so forth and we are one of the last strongholds in the area.

And what the commercial zoning would do for us would give us options to the future. Where we're going to go we don't exactly know. I know Ron Andersen had a vision, what exactly it was, I don't know, but he was always working towards that, that's why you see that large building in the middle there.

As it stands right now that's a large agricultural building, it holds equipment, feed, et cetera. We also, from a commercial standpoint, we have no less than eight to ten semi-trucks coming in a day to feed the animals that we have and take out food for people. So I just think that's an important factor that needs to be looked at.

OLSON: Are you talking about that middle parcel? Which parcel are you -- the one in the middle?

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SEEKINS: Yeah.

OLSON: And what's the current use on that?

SEEKINS: It's an agricultural building.

RODGERS: R-5.

SEEKINS: Oh, R-5 zoning. Sorry.

OLSON: R-5 zone but the actual use is an ag building?

RODGERS: Well, it's used for a number of different things --

SEEKINS: Multiple things to support the farm.

RODGERS: -- to support the farm, commercial and --

HOLLEY: One at a time.

SEEKINS: Sorry. It's used for multiple different things, yes, it's got all kinds of stuff in it that's farm related.

OLSON: Okay. Thank you.

BOLDT: Anything else?

RODGERS: The substantial changes they talk about that would elicit a rural center, I would say the substantial changes are the major moves by the two cities coming in on the area, so that's a little different take on that. There's a correction, we're helping the county with getting some of these errors, mapping errors that are, we have uses that aren't zoned right, so that would help that. We're not required to have any urban services because we're outside the urban growth boundary.

We seem to meet with this newer proposal, we meet all the growth management and county policies. We'll be providing some economic growth. We'll be minimizing sprawl. We're going to, this would help maintain and enhance natural resources, part of the GMA, and so we meet the boundary requirements and we don't need any public services, more public facilities and services is going to bring more development out in this area and that would be sprawl.

We recommend that the Councilors approve this so we can clean up a lot of the things and give our farm an opportunity to move into the future.

BOLDT: Okay. Thank you.

SEEKINS: One other thing too, the roads, yeah, it's been bad for a long time, something needs to be done with that, I know it's a State route. I don't know what avenues or direction could be taken to get that corrected. I did hear at one of the public meetings that the State didn't have any plan to do anything for 20 some years to that effect and that's ridiculous, especially with the City of Camas and all the houses they're building just around the corner and the more growth that's coming from the City of Vancouver side.

I do think that something certainly needs to be addressed regardless of we are commercial or not commercial because it is bad, that area out there is very bad for congestion and safety issues.

BOLDT: Okay. Thank you very much.

RODGERS: Thank you.

BOLDT: Is it Rick? Is it Denise? Good afternoon.

DENISE: Good afternoon, Councilor. My name is Rick Denise, D-e-n-i-s-e, and I am the president of the Greater Brush Prairie Neighborhood Association. I'm representing some odd 7200 homes within our association boundaries.

Our board stands to provide support on key issues that pertain to urban growth and livability in order to better the lives of our community members. We support the County Staff and the Planning Commission's unanimous recommendation of denial of the Proebstel Rural Center, as well due to the clear lack of intent to meet the Growth Management Act and the Community Framework Plan.

Our board believes that this proposal sets a new dangerous precedent for rural centers by allowing for urban sprawl under the guise of a rural designation. As urban services continue to creep closer to our rural centers, it presents a clear threat to the established theory set forth by the County to protect rural lands and historical charm that these rural centers provide within our community.

In addition, urban services by nature create more strain on an already failing transportation infrastructure within our region and would do little to provide additional benefits to the Proebstel neighborhood in the form of traffic impact fees to support additional residential and commercial traffic flows that will come along with the growth of urban services in this area.

As a resident that takes that road quite a bit, I feel like we're kind of putting the cart before the horse here in terms of the infrastructure not being sustainable throughout that area and I

personally have seen no less than three accidents, you know, during my time in two and a half years within the area.

The Greater Brush Prairie Neighborhood Association encompasses wonderful rural centers in Hockinson and Brush Prairie, which house a number of businesses including a bar and grill, a couple of markets and commercial businesses both medium and small which support our local residents. The businesses in these areas only provide a small amount of local jobs, but do provide necessary goods and services to our residents in close proximity of those centers.

A Proebstel urban center designation would serve no purpose as major services currently exist within a mile of the proposed area including restaurants, gas stations, banks and grocery stores whereas both the Hockinson and Brush Prairie Rural Centers exist no less than 2.5 miles to major services that is at a minimum and are not within a walkable distance for residents.

Should the County have interest in supporting urban services within the Proebstel neighborhood, there should be a significant push to support the areas with key input from the county, local residents and other interested parties to determine the direction forward for the betterment of local residents and both private and public entity interests alike.

The GBPNA officially issues a recommendation of denial for the Proebstel Rural Center proposal. Thanks for the opportunity to speak today.

BOLDT: Thank you.

QUIRING: Rick, you forgot the post office in Brush Prairie.

BOLDT: LaLena Stewart. Okay. Please slow down. Okay. We're wearing her out.

OLSON: Fast fingers.

STEWART: Hi. My name is LaLena Stewart, S-t-e-w-a-r-t. I live at 26814 N.E. Bradford Road.

I just -- I'm opposed to the expansion of the rural center and I was unaware of an alternate plan. I think that that has not been proposed to the community at large and I think that the community needs to be able to weigh in on that.

As far as Andersen Dairy being affected by an alternate plan, once it's zoned commercial and then they can do whatever they want with it, they could sell it and we're going to have more business traffic there. Right now there are semi-trucks that go up and down the

road, but he didn't mention that across the street is another commercial place that has semi-truck parking as well.

We don't need more stores. Right across the street from Andersen Dairy is a little Minit-Mart that would be drastically affected by other stores coming in and that Minit-Mart has been there since my mother was a child, my grandmother, they used to walk from Livingston Mountain down to that store to get soda pops.

My grandfather owned 300 acres on Livingston Mountain, and as property taxes increased, my family had to sell off more and more of the property in order to be able to pay for it. It would seem to me that a dairy would actually not want it zoned commercial because their taxes would go up.

And the proposal of the rural center changing is allowing primarily three owners to affect thousands of residents because the traffic is going to increase drastically and there are no, there's no allocation for traffic measures to be changed.

This was voted against in July and it was noted in July that none of the property owners that would be affected showed up to speak at that time. So it seems to me that it would imply that this is being pushed forward by developers and not by the community that is seeking it.

And we don't yet know the full impact of the new neighborhoods that were just developed. One is at the end of 199th where it becomes Ingle Road, those are duplexes and they're super small lots, and the other is on 28th Street just around the corner from that and that is also ultra small lots, they are not in accordance with the R-5 zoning of the entire area. So I think that first the County needs to see how it's going to, how those two new neighborhoods are going to impact the traffic because at that intersection you already can't pull out. Thank you.

BOLDT: Thank you. Jack Dunn. Good afternoon.

DUNN: Hi. I'm Jack Dunn, D-u-n-n. I'm the president of the Andersen Dairy. You know, Andersen Dairy employs just shy of 200 people. We have a couple of locations in Battle Ground, a couple in Brush Prairie and then we have the Proebstel property.

The farm side of the business struggles and it has for, for many years on the low milk prices, but Ron, that was his choice to keep it going. Now we look at it a little differently, you know, there's only probably two large farms left in Clark County and, you know, if it was commercial, it might give us opportunity to figure out how to, you know, keep that, that farm property going.

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I mean, there's not a lot of choices out there anymore. I mean, beef prices are high. You got the milk price has been low for a long time. You know, it's sooner or later you got to stop the losses and make a change, so we can't afford it.

BOLDT: Okay. Thank you.

DUNN: Thank you.

BOLDT: Jeanne Kojis. Good afternoon.

KOJIS: Afternoon. My name is Jeanne Kojis, K-o-j-i-s, and we have lived in the Proebstel area at 9910 N.E. 219th Avenue for about 30 years. And when we moved out there, declaring Proebstel a rural center would have made some sense because, you know, it was sort of a trip into town to get groceries and that, and right now it's, although I would say it's spitting distance to get to a Safeway and, you know, everything else that you would need, which as I understand the criteria for a rural center is to help people in rural areas with their every day needs, well, those are clearly met.

The rezoning of the properties to commercial, I think there's, well, there's a couple of things that I really don't understand and there's a couple of things that I think are problematic. I

think it is problematic because there are not traffic improvement fees that allow for the, to speed along the projected timeline of at least ten years which is what local and state traffic officials projected would take to actually start planning and making changes in the infrastructure.

And I think that there is, while I support the kind of grandfathered in commercial uses to be able to adapt their properties to their existing uses, my concern is about the potential future uses as commercial properties and so that, you know, if something that now is a small business that has a relatively low footprint or something that the community has adapted to and has been there a long time, that's different than if somebody puts in, you know, a little strip area with drive-through coffee shops and a number of other things that are going to actually really change the traffic flow on Route 500 out there.

I also think that the point about waiting until you see how all of this new development, I mean the person mentioned a couple of developments, there's also a significant development in the Velvet Acres area that's going to spill out onto that, albeit with a traffic roundabout, but there is.

You don't really know what all of that is going, how that's going to impact the traffic, and to then to allow more development to

happen in the meantime does not seem to actually be in the best interest of the public that I believe you are obligated to serve. And I respect your listening to and being mindful of individual property owners and their wishes, but as, call me old fashioned, but I see you as public servants that are accountable for the public safety and of the greater number of residents who travel those roads and who rely on you to be looking ahead to what the future of the county is going to be.

So I urge you to make some accommodation that does not allow, that helps those people with their current situations, but does not promote future commercial use beyond what is currently being done.

BOLDT: Okay. Thank you.

KOJIS: Thank you.

BOLDT: The next one I can't read. Gabe Y. Anyone else wishing to testify? Yes. Good afternoon.

BENDER: Richard Bender, 8207 N.E. 181st Circle, Van., WA 98682, resident of the area in question.

You take a look at the intersection of N.E. 182nd and SR-500, it's a failed intersection right now and projected to get a lot worse

once Velvet Acres is built out. The Fifth Creek Plain build-out which is almost complete now has significantly impacted both that intersection and also 88th and Ward Road.

If the zoning is changed, the Creekside Market has a feed mill right next to it and currently they're operating under a illegal nonconforming statute as a parking lot for semi-trucks, not very many, they're mindful of their condition and don't want to aggravate the situation, but in talking to them their particular desire is to turn that area into a commercial semi-service center. That would significantly impact SR-500 especially for trucks that are either turning going east and turning into that facility or trying to go east coming out of that facility.

I'm going to flip gears now and talk on my feelings as a Planning Commissioner. It was brought out that SR-500 and the intersection of 182nd could not expect to see any relief from WSDOT or the County for several years, there just isn't the funding.

It was then discussed that the areas in question that want to be rezoned, there was no overseeing on what could be put in there, it could be a strip mall, which would again compound the traffic problem in the area.

So I know from my standpoint, and I think the other Commissioners

also, but I can't speak for them, is that it was a nonstarter after we denied the rural designation that we not even discuss the zoning because of the problems it would bring up with the traffic on SR-500 and the lack of funds to basically service that road to bring it up to standards.

So I strongly recommend that if you want to talk about rezoning, because we didn't talk about it on the Planning Commission, it be sent back to the Planning Commission for a thorough vetting so you guys can then have our notes, minutes and make a decision, it will be more beneficial to the County. Thank you.

BOLDT: Okay. Thank you. Yeah, do you have something to say?

COOK: Yeah. Mr. Bender did say this at one point, but I need to make it very clear that he is not speaking for the Planning Commission nor should he be here speaking in his capacity as a Planning Commissioner, he is speaking as an individual citizen and resident of Clark County and the Council has and has had access to the report of the Planning Commission, the recommendation of the Planning Commission, the Planning Commission minutes and the televised hearing and therefore you have the ability to have seen those things yourselves and to decide upon what occurred there.

BOLDT: Okay. Thank you. Anyone else? Yes. Oh, I guess I do

have Val Alexander. Good afternoon.

ALEXANDER: My name is Heather Tischbein, T-i-s-c-h-b-e-i-n, and I'm here to give Val Alexander's testimony for Friends of Clark County.

As a board member of Friends of Clark County, I wish to express our opposition to your approving the amendment regarding establishing a rural center in the Proebstel area. This request at the behest of a few property owners who have special interests in the project, but approval of it will affect all Clark County citizens who are already paying for the Council's actions in challenging the Growth Management Act.

As Clark County is missing out on several State grants that could have been assisting a budget that is already deeply troubled due to not being in compliance with GMA, it would seem to be irresponsible to approve this request. The Planning Commission has already unanimously recommended denial after extensive study and we hope you will take their advice seriously. Thank you.

BOLDT: Thank you. Anyone else? Okay. Thank you everyone. I'm returning it to the Board.

QUIRING: I have a question, Mr. Chair, and that is, what are the

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uses that would be allowed in these?

HERMEN: I'm going to pull up the use list.

QUIRING: Thank you.

OLSON: And the make up of this amended zoning option, was that from Planning, where did that generate from?

COOK: That was before the Planning Commission, they did have the --

OLSON: It came from staff though?

COOK: I'm sorry?

OLSON: It came from us?

COOK: Yes, it came from staff.

ORJIAKO: Yes.

COOK: The Planning Commission did not recommend it, they didn't vote on it, but that has been, that was before the Planning Commission, it has been public for quite some time as an

alternative, so it is not something new.

STEWART: Mr. Chair, I would like to go to the issue of your requested recusal. So someone indicated, and I made notes, I have no idea, these are not verbatim, that someone felt you should recuse yourself because you were both the initiator and/or participated in getting signatures for the original, on the original petition. How long ago was that? I mean, is that --

BOLDT: Five years. I don't know.

STEWART: I just need a legal opinion.

BOLDT: Yeah.

COOK: In general, a proposal to change a comprehensive plan designation or rezoning that's not just, you know, like one property, those sorts of issues are not governed by the what's called the Appearance of Fairness Doctrine.

So the fact that any one of the Councilor's may have ideas about the propriety of a particular policy decision that they're going to make or a large scale planning decision that they're going to make, it is expected that you would have such ideas because you are active community members and community leaders, you don't have

to, it's not like a jury where you have to know nothing in order to make a decision on it.

So the advice from me is that that doctrine does not apply here and no one has suggested any pecuniary benefit to Chair Boldt from this, so I don't see a direct conflict of interest either.

PUBLIC: Don't you need testimony?

STEWART: Thank you. I just, I like to clear that up as we go along so that as we proceed later in any review it's not a complication.

COOK: That is prudent.

STEWART: Thank you.

HERMEN: So I can go through this use list as you requested before. Right now you're seeing the table of uses that are allowed and not allowed under the CR-1 zoning.

CR-1 is going to be this column here, if you can see where my mouse is at, it's the first column. As far as retail food, retail sales in general, you can see that it is not permitted between 25,000-square feet and above.

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Once you get to single purpose retailers less than 10,000-square feet gross area it is permitted and yard and garden supplies. Restaurants, conditional use permits and automotive related retail sales, largely it's not permitted except for conditional use permits for filling stations. Need I go further or --

QUIRING: Well, I guess I would question, I think I know the answer to it but I'll ask you anyway, would a semi-truck area be allowed, you know, where they, where they have a restaurant, where they park their trucks?

HERMEN: I believe that is the, fall under the retail of automotive related. Here you can see commercial. The conditional uses are vehicle rentals, filling stations. Looking for vehicle towing and storage services are not permitted. Transportation terminals which would be truck stops, not permitted. This, people terminals would be a place where like a collection of buses congregated.

ORJIAKO: Matt, can you go back to automotive schools, that could be just for student learning how to drive. Go back it says automobile, probably further down.

HERMEN: Retail service permitted in general.

ORJIAKO: Okay. Thank you.

OLSON: Councilor Quiring, was and I guess this was part of the question, maybe it's part of your question about what, well, maybe, the traffic that would be associated with a particular use, that seems to be the biggest issue that I'm hearing.

HERMEN: Yeah. It looks like from here I'm not seeing anything where it says truck, truck terminals that automotive retail is the most appropriate. I'm sorry, I'm just scrolling through this.

ORJIAKO: And there was a comment about potential having a store as large as Safeway or Fred Meyer, that will not be permitted in the CR-1.

HERMEN: I will say also that because we don't have the ability to extend water and sewer, they are naturally restricted based on their size.

BOLDT: So I guess cutting to the chase, Oliver, I'll ask you, I mean this started in pre-'94 when essentially there was rural commercial everywhere, went to R-5s and then rural centers come and Proebstel was taken off.

So essentially you have some uses, the store, the feed mill, places like that that were rural commercial now are R-5s and the entire

intent has been for 15 years to try and get Code Enforcement off their back, and we have a different community director, but let me tell you, it was extremely hard ten years ago, it was, can't tell you.

So the questions I have is really is people are right, it's like three or four property owners trying to rezone their land in some way that they can and one of the ways that was told to them is, oh, go to a rural center.

So I'm, so I'm giving you a question, a lot of this stuff come to the Planning Commission I'm sure late, okay, fine, but we still have a few people that just can't figure how to fit themselves into the crack of, you know, rezoning. In a way can this go back to the Planning Commission or just to talk about them few things? I don't know. If not, that's fine.

ORJIAKO: Councilor, you are correct, property owners can make a request to zone or rezone their property or change the comp plan designation on their property through the annual review or the docket process. This area has been looked at, if not once, but twice by groups that the former Board appointed to look at rural centers, they did, and also concluded that Proebstel didn't meet the criteria at the time. Now, that does not mean that we will not continue to take a look at it if there is a request made.

As was testified before, the County code and policy provided that new rural centers should be processed through an annual review process thereby requiring the property owners or the petitioners, if you will, to pay the cost to go through the annual review process. A discussion was had with Planning Staff and property owners.

I mean, when we designated other rural centers, there were no costs, and given that consideration, this Board made a decision to switch review of new rural centers through the docket process. And as the Council knows, putting something on the docket process doesn't mean approval. We have to review it, see whether the criterias have been met, so that's really the process that we went through.

In doing so, you're correct, Councilor Chair, that there are existing home businesses and commercial out there that have been under Code Enforcement because they are legal nonconforming, so we considered that in review of this, of this application, if you will, and made an alternative recommendation to the Planning Commission, as testified they did not consider that. Now, that same recommendation and alternative is before you.

You can consider the recommendation of the PC, you can include this alternative because when we published the staff report, if anyone looked at that, that is on Page 16 of 24, that alternatively the

Planning Commission did not consider that, but the Council can. You can deny this request as the Planning Commission recommended, you can modify it if you wish, you can do whatever is your wish.

But this alternative consideration is included in the staff report and we posted the site. I did not post the site to say the Council will be considering alternative, just posted the site, so you are correct in your observation.

BOLDT: So --

OLSON: So if one of these, let's just say they were rezoned and somebody wanted to sell their piece of property and do something different with it, that would go through our typical process?

ORJIAKO: If the Council grant this request, yes, and the property owner sells this and the new user wants to do something totally different, it will only be, that's why I asked Matt to look for the uses that are allowed in the CR-1, it will be any of those uses that are permitted or conditional, that have to go through the conditional use, that's the use that they can.

OLSON: Would traffic studies and those types of things be a part of that as well?

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ORJIAKO: Yes. Site plan review, and, yes.

COOK: You know, obviously it would depend on the use.

OLSON: Right. Of course, that's my point. Yeah.

HERMEN: And we do collect TIFs in the rural area and we would apply those for projects that are on our capital facilities plan in the rural area.

QUIRING: If they were changing it. I mean, as it stands --

HERMEN: If they were changing it, yes. Correct. Upon development.

QUIRING: -- there will be no --

ORJIAKO: A new development.

QUIRING: Right.

OLSON: And it would go potentially in front of a hearing, I'm just trying to get the process straight so that there's, I mean there's obvious concerns about traffic and current development, potentially future development, I just want it to be clear on what

the process looks like.

ORJIAKO: Yes. On a use that is permitted outright, it will be staff decision, it doesn't have to go to the Hearing Examiner. If it's a use that is, can only go or be permitted through the conditional use permit process, that has to go through the Hearing Examiner and then the property owners will have opportunity to weigh in before the Hearing Examiner makes the decision.

QUIRING: Okay. I was at some of these public meetings about the rural center and this isn't the rural center, this is something different than a rural center. But clearly I understand the concerns of the property owners there, and I was also there when WSDOT was talking about this intersection of 182nd and 500 and basically they said there aren't enough accidents there, so we're not going to fix it. So, you know, I mean it's really sad that we have to have a bunch of accidents before something is fixed.

And I, you know, this whole issue of the rural center, there weren't enough people that were supporting it. So now we're down to rezoning several of these commercial parcels and I think one of the things, one of the terms that I've heard during this time is that it is legal nonconforming. So they're legally operating in a nonconforming state; is that correct?

COOK: That would have to be a decision made by looking at each use and the --

QUIRING: Right. Right. Currently.

COOK: -- items that are -- yeah. I couldn't tell you because I don't think we've done that study for this.

QUIRING: So I'm, you know, we've had two neighborhood groups here sort of very, very definitely saying that they are not in favor of it. I did hear something from the Proebstel neighborhood group that I am very intrigued by and think that we should do and that is a transportation advisory group as we go forward with planning and doing any expansion or changing, you know, of our comprehensive plan, that should be part of it.

Planning is very important, and if we're going to get any transportation changes out here, it has to be part of the plan and, and I think that that's a very good idea for them to be involved in that.

Having said all that and this, I'm not going to be able to support this because I don't think that the, that the community supports it.

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BOLDT: Any others or a motion?

BLOM: Are we still on questions or are we in deliberation?

BOLDT: We're in deliberation.

QUIRING: Well, I'm just saying what I was going to do, I mean.

OLSON: Just moved.

QUIRING: No motion yet, just giving a warning.

BOLDT: Well, if there's a motion.

STEWART: Mr. Chair, just I want to preview what I'm saying by indicating that I have a concern, I do have a concern for these property owners. I am concerned any time there's a pre-existing nonconforming is that also a legitimate designation.

If you need to make even minor changes to your property, it can create difficulty, there's like a certain degree that you can do and then past that, it's a whole new ball game. So I do understand that these properties are awkward for the owners at the locations they are now even though over time it's all fit together nicely.

I am not in favor of this today because I'm afraid it's too piecemeal and really premature to developing a more comprehensive plan around this looking at the other zoning and figuring out the bigger picture for this area.

And I do think that there should be an opportunity for us to come back and look at this, not next year, but in a bigger picture so that we have a more comprehensive review and make decisions that are better for the long-term. So I also will not be supporting the proposal.

BOLDT: Is there a motion?

OLSON: Yeah, I'll make a motion, but I have a question for Mr. Nickolds. I'm going to move, Mr. Chair, that we deny CPZ2018-00014, Proebstel Rural Center.

BOLDT: Second?

BLOM: Second.

OLSON: May I ask you a question? So we've talked about the legal nonconforming uses but it looks like it's not something that we've addressed directly with these property owners, could you elaborate a little bit on that, what we may or may not be able to do going

forward.

NICKOLDS: Sure. As Council so aptly observed, we haven't done a study of those areas to determine what is a nonconformity and what isn't. I know from experience that when you rezone an area, and people do want to expand it, have become nonconforming as a result of that rezone it does create impediments.

I think that there is a good argument for proportionality when it comes to looking at smaller communities and giving them the ability to do some improvements without enforcing the entirety of the zoning code, but that's a discussion for another day.

In this particular case, we have not looked at these, all of the properties there, we've not done a comprehensive study of the impacts of a rezone as it relates to what would or wouldn't be nonconforming.

OLSON: I mean, and part of the reason we're here is because there's a problem and it's impacting not just those property owners but potentially impacting everybody else. So I just want to make sure that we have a path forward that we may be able to get to some positive resolution after today.

NICKOLDS: We can. We'll be happy to work with the community to

help answer a lot of those questions.

OLSON: Thank you.

BOLDT: Very good. Okay.

BLOM: I would just add, in as far as I second everything that Councilor Quiring said that traffic safety on 500 and that intersection at 182nd Avenue, until anything is done to fix it there, I just, I can't bring myself to say, yes, let's look at some increased uses there, that intersection needs to be fixed first.

And then from a GMA perspective, I appreciate that we look at trying to find a way to provide some flexibility for these property owners, I think it's a good thing to try and do, but in this case it's too much of trying to shove a round peg in a square hole.

This is, it is, it's less than a mile from a Safeway and there's quite a bit of other development on Fourth Plain kind of within that mile, mile and a half range, so because of that I will be joining in not moving forward this proposal.

BOLDT: Okay. Clerk, call the roll.

STEWART: NO

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OLSON: Wait a minute. Let's clarify. The motion is to deny so yea.

STEWART: Oh, I'm sorry.

BOLDT: I was on a roll there.

STEWART: The motion is to deny and I say YES

OLSON: AYE

BOLDT: NO

BLOM: AYE

QUIRING: AYE

BOLDT: Motion approved. Thank you very much. Next we have 99th Street on the docket we have to do since we're slammed next week, there's just no where to go. Let's take a ten --

OLSON: Do we need a break?

BOLDT: You're going to have people with parking.

OLSON: Oh, that's true. Okay. Okay.

BOLDT: So a ten-minute break.

(Pause in proceedings.)

BOLDT: Thank you. We are back in session and we are ready to go with the docket item on 99th Street. Take it away, sir.

ORJIAKO: Yeah. Good afternoon, Councilors. I know it's almost 25 minutes to 2:00, I will ask Gary to provide a background on this arterial atlas amendment and the recommendation of the Planning Commission and then the Council will make a decision either to support or make amendment to the recommendation of the Planning Commission. Gary.

ALBRECHT: Thank you, Oliver. For the record, Gary Albrecht, Clark County Community Planning. I'm here to discuss CPZ2018-00007, N.E. 99th Street Extension.

So what you're looking at right now is what the Planning Commission recommended on August 16th, 2018, so that's moving the arterial atlas line. Right now you're looking at a picture of the arterial atlas. So the current alignment of N.E. 99th Street goes through, you see the cursor, the arrow, that's it right there, goes across the railroad line and connects to N.E. 72nd Street, and N.E. 117th/503 runs parallel with N.E. 72nd, and Padden Parkway is down below and N.E. 119th is up above. There's a --

BOLDT: Gary, when the current alignment, did that get there when we had this five or six options and we had to pick one or how did the current lot line get where it is?

ALBRECHT: Here's an aerial and then real quick this is how it got started.

BOLDT: Oh, okay.

ALBRECHT: So the subdivision that was created in 1992, they dedicated the right-of-way, so that was part of it.

BLOM: That tract B up on the top there.

ALBRECHT: The tract D, so right here.

BOLDT: Oh, okay.

OLSON: So it's turned. Sorry. Gary, could you, I'm sorry, it's getting late, could you just define the arterial atlas for folks that may not know what we're talking about just to give a little bit of additional background so they have an understanding of what decision we're going to be making today.

ALBRECHT: Sure. So the arterial atlas is a component of our 20-year comprehensive growth management plan. So the arterial atlas is adopted as a supporting document so it lays out the transportation network in Clark County, so it calls out the collectors and the arterials, so it designates those roads. So that's what we're looking at today is a minor arterial designation on N.E. 99th Street, so we're talking about changing the alignment of that road.

OLSON: For future planning purposes.

ALBRECHT: For future planning purposes, yes.

ORJIAKO: For planning purposes, yes. And as Gary indicated, this has been on the arterial atlas since '93 I believe and it's just a line on the map which shows where the future road will go.

OLSON: And when this original development was built, that right-of-way was determined and that line was then put on a map for a potential --

ORJIAKO: Future road, right. And it also enables us for planning purposes to identify future circulation plan, an opportunity for that. In this case, the County recognized not knowing when this east/west is going to be built, but that the east/west in this case

99 running from east to west to connect to 72nd Avenue is there to provide good circulation as the area develop.

OLSON: Thank you.

ALBRECHT: So the current arterial atlas extends, as I said, from 99th, so right here, goes across, connects over to N.E. 72nd Avenue. So there's a railroad right here. We've been in communications with the railroad on Washington State and they don't want to see an at-grade crossing.

So we looked at going above or below, and the other one was, well, we can avoid it, the railroad all together, and go down and around or we can go across. So going above would cost, it would be about 24-feet high with an eight percent grade, that would start right about here to get over to that, or going under would be about 17-feet deep.

So we've worked with a consultant, HDR, and they came up with these alternatives. And Alternative F is the one that they recommended and that's the one the Planning Commission approved 3 to 2, is avoiding the railroad crossing and going down through and connecting to N.E. 72nd Avenue.

QUIRING: The blue line is what?

ALBRECHT: The blue line is what could be a straight across through Curtin Creek.

QUIRING: Okay. So that's another alternative?

ALBRECHT: Yes.

QUIRING: But it looks like it goes through a neighborhood?

ALBRECHT: It does.

OLSON: And so -- I'll let you finish and then I'll ask.

ALBRECHT: That's basically it.

OLSON: So I guess for, just for clarification, the red portion was the, is what's currently on the atlas?

ALBRECHT: Yes.

OLSON: And the yellow portion is actually what's potentially being proposed to put on the atlas and then take off that section of the red but leave this section of the red on; correct?

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ALBRECHT: Correct.

OLSON: So I just want to make it clear to everybody that that section to the right there has been on the atlas since 1993 and that part's not going to change.

ALBRECHT: Correct.

OLSON: Just that extension of the yellow, that's different.

BOLDT: And does it hit 72nd about probably where that grange is or --

ORJIAKO: Yes, very close to where that grange is, that's correct.

BOLDT: Okay. Any other questions? Okay. We'll have questions soon. Starting off with Lauren Drew.

PUBLIC: She had to leave.

BOLDT: Okay. Very good. Pamela -- what? Oh, she had to leave. Sorry. Pamela Ragan. Good afternoon.

RAGAN: Good afternoon, Councilors. My name is Pamela Ragan, R-a-g-a-n, 9801 N.E. 83rd Court in Cedar 49.

It's my understanding that we are in an area that is on the one to five-year annexation plan, this would possibly bring bus service to our community and to our area which would alleviate a lot of the potential problems with traffic. I don't think -- you know, and I'd rather see bus service than roads.

I'm a 32-year resident of Cedar 49 and the sign posted in the developed wetlands admonishes the surrounding residents to do their part to protect the wetlands.

These Curtin Creek wetlands feed directly into the Salmon Creek watershed, this is the source of our drinking water. A road across Curtin Creek would add pollutants to the surrounding air and water. It does not make sense to me to develop a wetland habitat and then run a road right through it.

As stated in our neighborhood objection letter signed by almost 300 of our, our small neighborhood, almost 300 residents, this land set aside for a road would be better used as a neighborhood park, a playground which we don't have, and almost any other use other than a major thoroughfare through a neighborhood which would have negative impact.

Councilors, do your part, protect our wetlands and our neighborhood.

BOLDT: Thank you very much.

RAGAN: You're welcome.

BOLDT: Russell Cramer. Okay. Adam Turigliatto. What? Oh, wow. Cool last name. Better spell that though.

TURIGLIATTO: Yeah, I will. Yes, I'm Adam Turigliatto, That's T as in Tom, u-r-i-g-l-i-a-t-t-o. I didn't really come prepared to speak on anything today.

My wife and I just recently moved into the neighborhood off of 102nd Circle about two months ago and just found out about this. And I understand it's just a line on a piece of paper right now and it's a map and an atlas, but, you know, the world where I come from is lines can be removed from paper because it hasn't been put on the pavement yet.

We came into this neighborhood because it met every criteria that we wanted. It provided a safe quiet environment for our children and now we're proposing right where this road's going to be going is a 40 mile an hour road right behind my backyard.

You know, I just don't think that if you have a developed

neighborhood that's already there, like this road should have been put there before the houses came in.

BOLDT: Okay. Thank you. Daniel Williamson.

WILLIAMSON: He had to leave.

BOLDT: He had to leave. Okay. Karen, Kallie. Okay. Kallie. Afternoon.

WILLIAMSON: Good afternoon. My name is Kallie Williamson, K-a-l-l-i-e, W-i-l-l-i-a-m-s-o-n. I live at 10015 N.E. 82nd Avenue. Our backyard butts up to the current easement road where the gate is that goes into the green space right now. I wanted to state my opposition to this expansion of 99th Street.

Currently our neighborhood is a very quiet neighborhood. There are two ways in and out, you have to have a purpose for being there. You're either up to no good, you're lost or you are there because you're supposed to be. The crime rate in our neighborhood is very low because of that, and opening up this expansion will just invite trouble into a neighborhood that experiences virtually none.

We are a tight-knit community. We can let our children out to play, ride bikes, we don't have a place for them to go and play such as

a neighborhood park. The area that we moved from, we had parks we could drive to, we lived in King County previously, and if we wanted to take our kids to a park, we drove somewhere, and in Clark County the bulk of the parks are neighborhood parks, so it's not really even a drivable option, and so a neighborhood park would be a wonderful use of space or just to leave it as-is.

Disrupting a neighborhood such as ours and with the route that as planned, the proposed route currently, I'm not sure if it's going to be utilized to the level of its expenditure. It would seem to me that if I wanted to get somewhere, I'm coming down Padden, I'm not going to hang a left onto Andresen to then cut over willy-nilly, I'm just going to keep going the most direct route. I'm going to go straight and then take a left on 117th to get where I need to go, or I'm going to hit 119th by going down Andresen, not cutting into a six-block area.

I would like to see this removed off the atlas completely. With the expansion of 119th that isn't even complete to know how it will mediate or mitigate traffic, it would seem that at this point this road is not necessary for our area. And disrupting the wildlife that live back there, we have eagles, a pair of eagles that we've seen very recently, we have hawks, we have deer, we have coyotes, all sorts of wildlife, birds of all kinds, pheasants. Where will those go?

St. Johns, the end of St. Johns is currently being cleared which has left an even smaller space for our wildlife, and so I would question where they will go if we also then added a road through their protected space currently.

BOLDT: Okay. Thank you.

WILLIAMSON: You bet.

BOLDT: Kari Kjersti. Afternoon.

KJERSTI: Good afternoon. Kari Kjersti, K-j-e-r-s-t-i. Thank you very much for allowing me to speak. I too am against the, well, I would like the road taken off the map and Alternate F.

I am a resident of the area and I want to bring up something that I did send a large .pdf to you all with a crime map and different attachments showing the crime map and also wildlife, runoff problems, impact on to home values, but I do want to talk about, you know, we're planning for a road that is, that we may never need, you know. We're planning for a road that has no value at this point, that these houses or traffic isn't there yet. So we'd be spending money or planning for a road that isn't necessary.

And I want to, I want to make a point on something that just happened very recently and I pointed this out in my document. So recently SR-500 changed and there is a two-mile stretch now on SR-500 between the Falk Road and Stapleton Road has been, those two intersections have been, you can't cross, so between St. Johns and Andresen is a two-mile stretch, and the population of that zip code is 42,000 people.

So that population now on either side of SR-500 now doesn't have access to that side. So part of the reason for this Alternative F that was approved was while people need access to the other side and vice-a-versa.

Well, if we look at that, you, you know, we just cut off 42,000 people in a two-mile stretch on that section.

Well, if we look at our neighborhood, we have a one-mile stretch between N.E. 88th Street and 119th Street, so that's only one mile and the population is approximately 32,000 in our zip code. So and it's, like I said, we don't have the population right now to, necessary to need this road especially when you guys just cutoff access to a much larger population, I don't see why we need to build something in a neighborhood that doesn't need it. Thank you. I appreciate it.

BOLDT: Thank you. Elaine Dexheimer; is that right?

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DEXHEIMER: Good afternoon.

BOLDT: Good afternoon.

DEXHEIMER: I'm Elaine Dexheimer, E-l-a-i-n-e,
D-e-x-h-e-i-m-e-r. I currently reside at 10109 N.E. 82nd Avenue
which is right alongside the proposed road.

I don't have anything planned to say except that I don't understand
what the importance is of connecting 99th on one side of the Curtin
Creek to the other side. I don't see the importance. I see a
disruption of the Curtin Creek pond area which is in our backyard,
it's beautiful. And yesterday I got to see a white egret go flying
across, we've heard the coyotes, we've seen deer in the area. So
I, we both feel, my boyfriend and I both feel that this is going
to be disrupting all that.

Plus our concern is what is going to happen to our property, how
are you going to protect us from fast-moving traffic and, you know,
protect our property, protect our animals that we have, our dogs,
our cats and we just don't see the importance of it. So we are
against it. Thank you.

BOLDT: Okay. Thank you. Next one I think it's Henry something

on 86th Avenue. Anyone else wishing to testify? Yes. Good afternoon.

HARWOOD: Hello. Sarah Harwood, S-a-r-a-h, H-a-r-w-o-o-d. I live at 10002 N.E. 82nd Avenue. We have all -- so that we don't want this road, our community doesn't want this road, and I know that you all see a road here.

What I wanted to let you know briefly is in that space we have our community 4th of July, kids running around, excuse me, kids running around, we have parties there, we have a dog park there, not because anybody says we can but that's what we use that space for. We are -- it is just our neighborhood and right now it's very livable, our kids can ride their bikes down the street, we can enjoy what we have bought into.

I know personally when I bought my house 20 years ago, I didn't know that you all were thinking about putting a major road through there, I would never have bought there if I had known that. So we enjoy that space as a park and it's not costing anything. We maintain it. We have somebody in the neighborhood that mows it and I know that it's very enjoyable and we all lose, both everybody that comes there will lose if at some point in time this road goes through.

BOLDT: Okay. Thank you very much. Anyone else? Afternoon.

WALZ: Good afternoon. My name is David Walz, W-a-l-z like zebra. I live at 8003 N.E. 101st Circle. On the other diagram that shows, is it Alternative F that we're talking about or D, the yellow line, is that F?

ORJIAKO: Yes.

WALZ: I believe that's F, but anyway, the yellow line. We bought our house in 1995. We were told that where that yellow line comes down off of the red line that that was all designated wetlands in addition to the Curtin Creek area. Like our other neighbors, I can testify to the wildlife that we enjoy.

I think my main question is why we would not utilize existing roadways and widen them or improve them with bike lanes, better sidewalks than tearing through a quiet dead-end neighborhood with a 72-foot wide, 40 mile an hour roadway. I don't know if there's answers now or if that's just you want to hear my questions.

OLSON: I'm going ask for you when you're done.

WALZ: Thank you.

BOLDT: Okay. Thank you.

WALZ: Thank you.

BOLDT: Anyone else? Okay. I'm returning it to the Board.

OLSON: Could I just ask a couple of clarifying questions. So can we ask that one -- can we answer that one first of all, we had the existing 99th Street, there are reasons why that the suggestion is that we don't maintain that particular route or consider that route, can you just reiterate those again, if it's the at-grade crossing or what the issues are with those other alternatives.

ALBRECHT: Well, so the blue line to go across this, nine homes would need to be removed and the environmental constraints along Curtin Creek would need to be mitigated.

So in 2012, Environmental Services Department back then, now it's Public Works, went through this area and made preparations for the road to go through here. So it's ready to get built here, they wouldn't have to do very much more for environmental impacts.

Had we go south and go across and cutting through and using the existing infrastructure, then they would have to have more environmental mitigation that would have to occur in this area.

And then coming across, so two homes would need to be removed up this way, and then if you come back down around, one home and a business would have to be removed to come in around. So this one would cause the least amount of impacts.

OLSON: You have to have some at-grade crossing issues there that you mentioned as well too on the railroad.

ALBRECHT: Yes. Correct. Up here.

OLSON: And then I guess the other one sort of feeds into this, I'm sort of reiterating some questions that I just heard. So the importance of connecting this road to other roads, could you just address that.

I mean, we have this long-term transportation plan, there's a process that we go through and why it's important that we connect these roads or that this is the road that we're talking about connecting and the way it's being suggested.

ALBRECHT: Yes. Thank you. And I apologize, I didn't mention this during my portion of the presentation. So it's what you're looking at is a 2035 PM peak period. So this is our transportation model.

So it shows a percentage change with the extension of N.E. 99th Street. So the improvements that were made on 119th, it takes away some of the, it reduces some of the traffic up here and on 88th Street it reduces traffic, it utilizes this stretch, this it makes the link in here. So we have, we typically have arterial spaced every half mile throughout the corridors, so this, the Padden Parkway and 119th, this would serve that purpose.

OLSON: To help reduce traffic.

ALBRECHT: To help reduce traffic and improve circulation in the area.

OLSON: Okay. And then you mentioned, but there's already mitigation for the wetlands in the current?

ALBRECHT: Yes. In the current Curtin Creek area, yes. Back over in here. And this so the consultant doesn't know the cost of what it would take, but just, you know, the type of environment, well, they'd need environmental permits for down here, so that's all of it is unknown, so this way is known.

OLSON: And one last thing. It's on the arterial atlas but it's not on the capital, 20-year capital facilities plan and it's not on the 6-year transportation improvement plan, it's not obviously

then on the annual construction plan.

What's the outlook? Do we have any idea what would trigger this road potentially being at least on the 20-year capital facilities plan?

ALBRECHT: Development. So as the area starts to develop, there will eventually become a need for this improvement to be put into the 20-year capital facility plan. And so typically the way it works is with the projects from the 20-year capital facility plan end up in the 6-year transportation improvement program, that's where they get funding to get built.

OLSON: When they get to the point that they qualify for that.

ALBRECHT: Yes.

ORJIAKO: That's correct.

BLOM: I just want to add onto that because we talk about the capital facilities plan and understand what that means, and I'm not sure that most people don't have to spend all day talking about that and they're pretty thankful for that, but the capital facilities plan, that's our 20-year plan of what we intend to build and what we have anticipated or even something that's not

anticipated funding for. So we have a list of projects of where we tend to build or where we plan to build roads for the next 20 years, and this is not on that plan.

This is a line on the map saying at some point 25, 30, 35 years, if development, and possibly sooner if development were to occur and trigger it, but unless something changes that impacts all of the things that we just heard and makes it so it no longer works as it works now, that's when it could potentially come on the 20-year plan. And then from there it still has to go onto the 6-year plan of what we plan to build and have full funding for the next six years, and then from there it still needs to go to the one-year plan.

So I think, I guess what I'm trying to say in all of this, and I feel like I'm rambling, is that there's a lot of steps that need to happen before this turns from anything but just a line on the map to pavement on the ground.

ORJIAKO: That's correct. And as was discussed earlier, this, the original or the existing, this 99 being on the arterial atlas have been there since 1993, but it is development, actual development that triggers how soon this gets on our list and then getting on, as you said, Councilor, getting on the six year and eventually being built.

But as any traffic engineer will tell you, I'm not one, but in terms of planning for circulation, you have to look at the network, identify circulation plan and then put some of this line on the map to preserve the right-of-way and then that's how roads are built.

BLOM: And I think many of the challenges that we face in transportation I think is because this process wasn't done previously and we didn't reserve right-of-way where we needed it. So we're talking about in 2040 if this becomes necessary, where is the best place for it too, that's the decision that we're making today, is if this ever does become necessary, where does it go, and over or under the railroad track is probably not the most cost-efficient way for the taxpayers way to go.

ORJIAKO: Correct.

QUIRING: Mr. Chair, and I would just reiterate, that's my thought too is that we need to plan for things. We put a line on the map so it doesn't get developed and houses don't build on that area.

Not only that, I think in an RTC meeting, the Regional Transportation Commission meeting or Committee, whatever it is C, I remember Chair Boldt talking about how long 205 was actually on

the map before it was ever built, and you have to have roads on the map before they're built and planning. It just that's a part of our responsibility to plan; otherwise, it's going to be a mishmash of congestion and not knowing where to go.

Having said that, it is a line on the map, that's what it is. It's not in the 20-year plan and it's not on the 6-year plan, but when development happens, and we are growing, that's another point, we're growing tremendously and it actually bothers some people that we're growing, but that is (inaudible) I mean, it's going to happen, we're going to grow, we need to do it responsibly, and when we do it, we also have to plan where our traffic is going to go.

OLSON: 1959 is when the 205 line was on the map.

QUIRING: Yeah. Right.

BOLDT: Okay. Is there a motion?

QUIRING: Yes. Mr. Chair, I move CPZ2018-00007, 99th Street Extension be approved to go on the arterial atlas.

BOLDT: Okay. Second?

BLOM: Second.

BOLDT: Discussion?

QUIRING: I'm not sure that that was the correct motion. Did I need to --

ORJIAKO: I think it's an amendment.

QUIRING: It's an amendment, yes.

ORJIAKO: Yes. As recommended by the Planning Commission.

QUIRING: Delete and amend that the proposed roads to improve neighborhood circulation.

BLOM: Second.

OLSON: So we got here in kind of a roundabout way that I got contacted by some neighbors a year and a half or two, a year and a half or two ago about this parcel and how you were using it and could it be repurposed into a neighborhood park or something like that, and the question is -- the answer at the time was we don't know, so let's take a look at it and see if that, the line's been on a map for 25 years, does it still need to be there, could it be changed and that got us here.

So maybe I shouldn't answer my phone next time, I don't know, but it's difficult because we do have to try to plan for the future and we understand the concerns that you have. We're trying to do the best we can to mitigate those concerns while planning for circulation and future growth and we're going to do the best we can trying to do that.

I think the upside of this is that it's not going to impact you in any major way at any time in the near future because it's still just a line on a map, it's not on the capital facilities plan, and even in the future it could be changed depending on how growth develops and how other things develop, this still has the opportunity to be changed in the future.

So I just want to say I understand and appreciate the work that the communities done and the neighbors have done and I'm always open to hearing from you, and things don't always go the way we want them to and sometimes it's just really not easy to make these decisions, but I do want you to know that, but I appreciate the invitation to come out and visit and I hope we get to do that again, so thank you.

BOLDT: Anyone else? Clerk, will you call the roll.

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STEWART: AYE

OLSON: AYE

BOLDT: AYE

BLOM: AYE

QUIRING: AYE

BOLDT: Motion approved. Thank you. Return it to the Council for any communications. Pretty wore out. Okay. With that, we are adjourned.

CLARK COUNTY COUNCIL

Marc Boldt, Chair

Jeanne E. Stewart, Councilor

Julie Olson, Councilor

John Blom, Councilor

Eileen Quiring, Councilor

CLARK COUNTY COUNCILORS
MINUTES OF DECEMBER 11, 2018

ATTEST:

Rebecca Messinger, Clerk to the Council

Minutes Transcribed by:
Cindy Holley, Court Reporter/Rider & Associates, Inc.

DRAFT