

Pleasant Highlands Neighborhood Association

Newsletter

<http://www.neighborhoodlink.com/clarkco/phna>



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2002 Officers

Pleasant Highlands Neighborhood Association officers welcome your questions, comments and concerns.

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Amphitheater hearings. Bill's efforts along with those of the Fairgrounds Neighborhood Association and others may not have produced the desired impact to the agreement, but it did give the citizens an opportunity to voice their concerns and let the County know we will be watching.

I am happy to be a part of the Pleasant Highlands Neighborhood Association and as such, if you have of any issues or concerns that will impact our area, please contact any board member.

Pat Price

An Invitation From The Board

You can make a difference by getting involved in your neighborhood. Let us know what you would like to see in the newsletter. What changes are needed? Are you interested in service projects or social events? Contact any board member to share your ideas and concerns.

Comprehensive Growth Management Plans for Land Immediately East of PHNA

This concerns this area of NE 50th Avenue on the east side of the road north and south of NE 139th Street across from the PHNA area, including The Highlands, Highland Park, and associated area. Under most of the proposed plans, the probability of a loss in property value within the PHNA boundaries along with a serious impact to the peace and quiet in this area from significant increases in traffic, noise, pollution, etc. is high without intervention. Read on:

Some of you are aware of the Clark County Comprehensive Growth Management Plan Review, which is in progress, and of the Land Use Alternatives under study, which were the subject of a recent sequence of public meetings on this subject. However, it's likely that few of you are aware of what it can mean to this Neighborhood and our property values. Its goals may be laudable: to provide more jobs, to reduce traffic

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Letter from the President

The year to date has been somewhat busy keeping up with the Amphitheater hearings, the In-fill ordinance, the potential Growth Management changes within Clark County, and the potential for an adult bookstore going in on NE 72nd Avenue - most of which are still on-going.

I would like to take this opportunity to thank Bill Moyer for his hard work and his presentation at the

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congestion, be supported by community input, and to protect the natural environment. But its execution is flawed and, as it is presently being implemented, will likely produce results that you won't like. There are things that belong in no one's back yard.

Conspicuously absent from the foregoing list of growth management planning goals is preservation of residential



Neighborhood character or avoidance of incompatible land use next to existing/established residential Neighborhoods. That is because the Environmental Impact Study (EIS) and Capital Finances Planning kick-off meetings in April, where those goals were defined with public input, were evidently overwhelmingly attended by proponents of growth and development, with predictably unbalanced results.

For those who thought the bureaucratic extension of the Vancouver Urban Growth Boundary, to encompass lands previously designated as Urban Reserve east of 50th Avenue, might at worst mean a loss of some local berry patches to more homes are in for a shock. That doesn't begin to encompass the vision for this stretch of NE 50th Avenue and the Land Use designations proposed across the street from the Highlands, Highlands Park, Pleasant Valley Elementary and Middle Schools, and the smaller housing developments south of us.

There are 5 Alternative growth plans presently under consideration by the Clark County Department of Community Development's Long Range Planning Division and our Board of County Commissioners, only one of



which, Alternative 3, does not have serious development plans for the area East of NE 50th Ave, from Salmon Creek Road, South to NE 119th Street, as follows:

Alternative 1 - The 1994 Plan: Urban Low Density Housing (1.4-8.7 units/acre) from NE 119th St. to NE 139th St., Mixed Use (Mix of mutually-supporting retail, service, office, and residential) from NE 139th St. to Salmon Creek Road, and High Density Housing (20-43 units/acre) from Salmon Creek Road to NE 159th St..

Alternative 2 - The Commissioner's 2001 Approach: Office/Business Park from NE 129th St. to NE 139th St.

Alternative 3 - No Expansion of Existing Urban Areas: NE 50th Ave. from NE 119th St. to NE 159th St. is the local Urban Boundary Line.

Alternative 4 - The Cities Perspective: Commercial from NE 119th St. to NE 129th St., Light Industrial from NE 129th St. to NE 139th St., Commercial from

NE 139th St. to Salmon Creek Road, Commercial from Salmon Creek Road to NE 159th St. with a patch of Light Industrial East of NE 57th Avenue from Salmon Creek Road to NE 154th St..

Alternative 5 - The "Discovery Corridor" Strategy: Urban Low Density Housing from NE 119th St. to NE 132nd St., Commercial from NE 132nd St. to NE 139th St. with a patch of Mixed Use East of NE 58th Avenue, and Urban Low Density Housing from NE 139th St. to NE 144th St. (South of Salmon Creek).

Maps and summary documentation showing the details of these plans are available for viewing in the local Public Library and additional information is online at:

<http://www.clark.wa.gov/ComDev/LongRange/CompReview/GMA2000.asp>.

Unless something changes, it seems rather unlikely that the residential character of NE 50th will remain unchanged for more than a few years (And 50th Avenue will likely become a 4-lane divided highway through this section of the road. That logical consequence of the growth plan is not something you will not see anywhere in writing. This issue has been fought in the past and was successfully stopped then, and it may have to be fought again).

NE 72nd Avenue is largely being left alone to preserve a gap, allegedly a state-mandated gap, between the Vancouver and Battle Ground Urban Growth



Boundaries. The sole rationale advanced at the Growth Management Plan Review meetings for putting major commercial and industrial development across the street on NE 50th Avenue is the dearth of relatively large, 10-20 acre parcels available for commercial development in the County. Providing large parcels for development is a convenience to the developers, but that is insufficient justification for extending urban commercial or industrial blight up to our homes.

Growth planning is being done following an area-fill philosophy, with land use boundaries being the local parcel and property boundaries, resulting in resident-unfriendly land use designations across the street from existing residential neighborhoods, like ours. This is in contrast to a web or network growth planning strategy focusing on existing and projected primary transportation corridors, with commercial and light industrial development along both sides of those corridors, then mixed use, then high density housing, then medium and low-density housing. A layered buffer zone growth plan would preserve the nice places to live, by not putting major commercial developments and industry across the street from existing residential neighborhoods.

The next steps in the Review process call for a Draft EIS of the 5 Alternatives plus a 6th presumably-hybrid

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Recommended Alternative to be presented for public comment in January, with the Board of Commissioners voting to approve one of the alternatives within 30-60 days. With 4 of 5 alternatives resulting in some combination of commercial or industrial development across the street from the entrances to our Neighborhood and Schools, it is hard to believe we will not be seriously adversely impacted by what is likely to come out in January. LET YOUR VOICES BE HEARD!

Let your Neighborhood and Homeowners' Association Officers and your County Commissioners know how you feel. Write Letters to the Editor of the local newspapers. Forge alliances with other impacted Neighborhoods. We're by no means the only Neighborhood that will find themselves with inappropriate land use across the street if one of the expansion alternatives is adopted. Legal action will probably be necessary to fight this. If a more moderate approach can be undertaken, then we should take it, but we have very little time. Once the new Land Use designations have been formally adopted by the Commissioners in February/March of next year, the consequent rezoning hearings to implement the Comprehensive Plan will be largely a formality. We need to be vigilant on this issue.

Propane Tank Recycling

NEWS RELEASE, July 12, 2002

Contact: Jim Mansfield, Solid Waste Program
(360) 397-6118 ext. 4016

Propane tanks without new overfill protection devices can be collected and recycled at Clark County's household hazardous waste collection facilities

Vancouver, WA - A new, federal regulation requires portable propane tanks from four to 40 pounds to be equipped with Overfilling Prevention Devices (OPDs), a safety feature that helps prevent small propane cylinders from being overfilled. When the propane liquid fills approximately 80 percent of a cylinder's volume, the OPD mechanism shuts off the liquid flow into the container, allowing room for the gas to expand during warmer weather.

Propane filling stations are no longer permitted to fill tanks that are not properly fitted with the device. This will affect many users of older travel trailers, fifth wheels, tent campers, park trailers, and gas barbecue grills.

Consumers who are not sure if their cylinder has the OPD can check by looking at the valve on the tank. Old valves have a round hand wheel, but the newer OPD valves are triangular in shape and marked "OPD" on the valve body. Consumers who do not have an OPD equipped cylinder

should contact their local gas supplier for information on replacing the valve or cylinder.

Propane tanks without an OPD can be taken, free of charge, to any of the County's household hazardous waste collection facilities at the following times and locations:

- **Central Transfer and Recycling Center**
(360) 256-8482
11034 NE 117th Ave., Vancouver, Saturday and Sunday from 8:00 a.m. to 4:00 p.m.
- **Burlington Environmental Services**
(360) 835-8594
625 S.32nd, Washougal. First Tuesday each month from 10:30 a.m. to 3:30 p.m.
- **West Van Materials Recovery Center**
(360) 737-1727
6601 NW Old Lower River Rd., Vancouver. Friday and Saturday, 8:00 a.m. to 4:00 p.m.

The Clark County Public Works Department and the Washington State Department of Ecology sponsor the programs to collect propane tanks, as well as other household hazardous wastes. For more information, please contact Clark County Environmental Services at (360) 397-6118 ext. 4352.

Clean Up After Your Pets - It's the Law!

A number of neighborhood residents have complained about increasing frequency of dog owners walking their dogs and not cleaning up after them when they leave excrement in



neighbors' yards. Besides being just plain tacky, it is also in violation of Clark County Animal Protection and Control laws. Violations can result in fines. More information on the animal control regulations is located on the web: http://www.co.clark.wa.us/ComDev/AnimalPCAPC_Title8.asp See Section 8.11.060, No. 17.

Be a considerate neighbor and clean up after your dogs!

Adult Bookstore Update

On May 14th, we were given information that there may be an adult book and video store opening at 11407 N.E. 72nd Avenue (72nd Avenue just south of 119th Street). The Neighborhood Association has been in contact with Kevin Pridemore of Public Works, who has told us that so far the person who put up the "open soon" sign had not yet applied for a site review, which must occur prior to anything going in at that site. We have also called the Planning Information Line and left a message asking for information on the "C3" zoning classification of that lot, to see if legally someone could actually open an adult store at that location, and asking for direction as to how our

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neighborhood could protest the store if it was actually legal there. We also left a message with two of the other neighborhood presidents who might be able to give advice on how to protest.

The planning department called back and informed me that a "pre-application" was requested in January for a rezoning for the property in question, but there has been no further action by the owner(s) of the property. The other neighborhood presidents informed me that there is really nothing to do at this point until a change is actually requested, so we will be watching Clark County for any further action.

If the store is actually granted the permits needed to open the business, we would like to organize picketing and other actions that might dissuade the business from actually opening up, but we will first contact our local police to see how far a group can go in protesting without being arrested. We will be keeping everyone advised as this issue progresses.

NOTE: The owners of this property have recently posted a FOR SALE sign. We will still continue keeping an eye on this until we're comfortable with the outcome.

Newsletter Distribution

The Pleasant Highlands Neighborhood Association has been researching cost effective ways to distribute our newsletters. The county will print and publish two newsletters each year. We would like to distribute two additional newsletters via e-mail.

If you are interested in receiving a newsletter via your e-mail, please ensure the following individuals have your current e-mail address.

Highlands –.....Carol Collura
ccollura2@attbi.com

Highland Park –Karl Lederer
karll@pk-computerhelp.com

135th & 46th – Bill Romine
investor11@aol.com

NOTE: The PHNA newsletter (text) will also be posted to our web page starting with this issue:
<http://www.neighborhoodlink.com/clarkco/phna>

Mailbox Cluster Maintenance

Mailbox clusters owned by the Post Office (look for the eagle on the side of the box) are maintained by the Post Office. If your cluster is in need of repair due to rust or vandalism, call 360-992-5052.

Cell Phone Recycling

Do you have an old cell phone you're no longer using that is still in good working order? Don't know what to do with it? Here's a suggestion:



Clark County Sheriff, West Precinct will take your old cell phones and donate them to the YMCA for use by victims of domestic violence. The phones are reprogrammed for free 911 access, which can be a vital lifeline for abuse victims.

You can drop off the cell phones (please include the chargers, extra batteries, etc.) at the Clark County Sheriff West Precinct offices at (NEW LOCATION): Public Safety Offices, 505 NW 179th St. in Ridgefield (new building just west of the Fairgrounds, south side of 179th St.)

Save a Life Today - Slow Down

Clark County has one of the highest rates of pedestrian deaths among Washington counties. Help make Washington safe for pedestrians by following these simple rules, published by the Washington Traffic Safety Commission.



- Too many distractions inside the car compete for your attention. Pull over and stop when using a cell phone.
- Train yourself to look for pedestrians, as well as other cars.
- Slow down and follow the posted speed limits.
- Yield to pedestrians at all intersections, marked or unmarked.
- Be alert especially in areas of high foot traffic, especially where there are more children and seniors.
- Remember bad weather affects our vision and ability to react on the road—the drivers as well as pedestrians.

At car speeds under 25 m.p.h., a pedestrian has an 85-90% survival chance. The higher the speed, the greater the chance that a pedestrian will die.

Amphitheater Update

Earlier this year, as vice-president of our neighborhood association and a representative of the Neighborhood Association's Council of Clark County (NACCC), I became involved in the review and public comment process on the new Fairgrounds Amphitheater Lease and Operating Agreement. The agreement is the contract between Clark County and Quincunx, the Washington limited liability corporate subsidiary of Q-Prime, which will build, operate, and profit from the new Amphitheater. It was educational, and it may have done some good.

At the April meeting of the NACCC, all those present were provided with copies of the draft Lease and Operating Agreement, the Conditional Use Permit (CUP), and the Event Management & Coordination Plan for the proposed Amphitheater. This material had been provided for public review and comment before the Fairgrounds Facilities Committee and the Clark County Commissioners. In reading the draft lease language, I was struck by the fact that the liability insurance provided was inadequate and decided I needed to make sure that at least that issue was brought to the commissioner's attention and corrected before the lease was signed.

In consultation and coordination with other NACCC members, primarily from the Hazel Dell and Fairgrounds Neighborhoods, I decided to focus my public comments and concerns on financial issues, those potentially having a significant direct affect on Clark County taxpayer's pocketbooks. Other residents testifying before the Commissioners addressed lease and operating agreement deficiencies and concerns related to safety, crowd control, traffic, noise, etc. In addition, a number of us wrote and had published our letters to the editor of our local newspapers (the Columbian, Oregonian, and Reflector).

The liability insurance limits initially specified in the draft lease were \$1 million per incident and per year with a \$4 million umbrella liability limit. In my estimation and others, those amounts were wholly inadequate to indemnify the County for 32-40 events per year as specified in the CUP, and needed to be substantially increased. Such amounts were and are appropriate to an individual homeowner with minimal incidental numbers of people coming on their property, not to a county entertainment facility playing host to up to a half million concert-goers per year. A number of us in this Neighborhood have \$1 million umbrella policies on our homes.

As I stated in my testimony before the Fairgrounds Facility Committee and the Commissioners, in the event the operator became insolvent or his liability insurance limits were exceeded, the County taxpayers would have to pick up the tab. I then recommended that a more-appropriate limit of \$10-30 million should be specified in the lease agreement for the first year and increased with inflation in each succeeding year.

In this, we had some success, and the lease now specifies an umbrella limit of \$9 million, each occurrence, and an annual aggregate limit of liability of \$9 million. This is in addition to the basic \$1 million liability limit defined in the Lease agreement. This is certainly a lot better than what we started with and pretty close to what I had recommended.

However, it is probably not enough and we must rely upon the provisions in the lease for bi-annual increases in insurance coverage. Subsequent to my testimony, the County Attorney stated that the Kingdome carried a \$100 million dollar umbrella policy in its final year of operation, as does the smaller (21,000 seat) Rose Garden Arena in Portland. Comparing relative size and annual attendance of the Kingdome (66,000 seats, 2.4 million people Jan. 1999 to Jan. 2000) to the Fairgrounds Amphitheater (18,000 seats, 500,000 annual attendance), a proportional liability insurance limit range may be calculated: \$21-27 million ($\$100 \text{ M} \times 0.5 / 2.4 = \21 M and $\$100 \text{ M} \times 18 / 66 = \27 M). If the Rose Garden is used as a basis of comparison,

the amount of coverage needed is substantially greater than what the lease provides for the first two years of operation.

My secondary financial concern related to terms of the lease itself, which unfortunately had been agreed to by the County and Q-Prime in memoranda of understanding years ago, before the Amphitheater Lease public review process commenced (and before I moved to Vancouver). Thus the draft and now final lease agreement still defines a rather long term for the lease with an increasing bargain rate of annual rent. We now have an illustration of some of the limitations in the public review process.

The Initial Term of the Amphitheater Lease is for 25 years, with 10-year extensions to 45 years. I believed and testified that provisions should be made in the lease for re-negotiation of the lease terms at 10 (or perhaps 25) years, giving the operator the right-of-first-refusal, but not giving the operator automatic extensions, particularly without tying the annual rental rate to increases in the cost of living.

The draft lease defines a rent increase schedule amounting to an annual rate of increase that is substantially lower than even the average inflation rate over the last 18 years. That seemed overly generous to the amphitheater operator to the financial disadvantage of the County. I testified that we would want the rate of rent increases to keep up with inflation, so the County is not losing ground, and that it did not appear that the rent schedule in the draft lease did even that. My recommendation was that the rent schedule should either be explicitly tied to the local consumer price index or redrawn to meet a more realistic anticipated, historical average, inflation rate of 3.45%.

I also had and expressed a concern over some discrepancies between the CUP and the draft lease itself, specifically in the number of amphitheater events allowed each year (42 in the CUP and 45 in the draft lease) and in the length of the amphitheater concert season (May 1 through Sept. 30 per the CUP, May 1 through Oct. 31 per the draft lease, with amphitheater use by Quincunx, the amphitheater operator, allowed anytime during the year when the amphitheater is not in use for County-sponsored events). This was after all, to be a legal contractually binding document.

I believed and stated that the draft lease should be modified to bring it into conformance with the CUP. That may have happened as a matter of principle in clearing up a number of other noise monitoring measurement and control discrepancies between the CUP and the Lease and Operating Agreement, as directed by the Commissioners. But if so, it was done after the public review and comment period was closed.

With testimony from NACCC members and other residents of Clark County, through our efforts and the willingness of our County Commissioners to solicit and heed advice from the public, our County finances may survive intact after the Amphitheater goes into operation, even in the event that things go very badly there one night in the years to come (as is all too likely, there's a reason one needs adequate liability insurance). However, even if the Amphitheater is a commercial success for Quincunx, our County is still not going to be paid as much as we should for the amphitheater.

Bill Moyer, Vice President PHNA.

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