

# FAIRGROUNDS NEIGHBORHOOD ASSOCIATION

Bridget Schwarz  
Executive Board  
P.O. Box 61731

January 2006

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Dear neighbors

In December 81 FGNA members concerned about the proposed Salmon Creek Wal Mart attended our monthly meeting. Again this month, Wal Mart dominates the discussion of neighborhood issues.

Included in this newsletter you will find FGNA testimony submitted before the original deadline for consideration in the staff report on the development review application:

- 1) Traffic impact study concerns;
- 2) Conditions of approval we request to mitigate the Wal Mart "effect";
- 3) Our objections to the classification of this project as a Type II review;

You will also find an update on the status of the development review application and FGNA plans.

*FGNA OWES A GREAT DEBT TO THESE MEMBERS WHO ENDURED BITTER COLD WEATHER TO DO 2-HOUR TRAFFIC COUNTS, ORGANIZED BY DON GOLDEN, ON NOVEMBER 22 & 23:*

Bob Burger, Lora Caine, Sunny Cuez, Don Golden, Barb Herman, Bridget Schwarz, Renie Shannon, Herb Stokes, Marianne Stokes, Larry Stoner, Timothy Walker

Here's how *you* can help.

*First, make your concerns known.* Get them, in writing, to the county planner by January 20, 2006 for inclusion in the public record. Then revise as necessary and send it to Letters to the Editor.

Michael Uduk  
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*Second, get out your checkbook.* Inevitably we will have to appeal the county's decision. Even if the staff report is a denial, all the developer has to do is remedy the stated reasons. As previous experience shows, we must appeal a denial because it won't include all the reasons for denial that needed to be remedied.

Can you donate \$100 to the effort? We can not promise to stop this development, but the impacts will be far worse if we do not fight it every step of the way!

Sincerely,  
Bridget Schwarz  
For the [Executive Board](#)

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Project Name : Salmon Creek Commercial Center  
Case Number : PSR2005-00065; SER2005-00152; EVR2005-00085; ARC2005-00104  
Staff Contact : Michael Uduk  
CC : Rich Carson, Steve Schulte, Shelley Oylear  
Date : December 16, 2005

Members of the Fairgrounds Neighborhood Association have studied the development review application for the Salmon Creek Commercial Center (SCCC). In our analysis we have discovered data that may be missing or inadequately presented. For this reason we are unable to comment completely on the traffic impacts of this project. We are concerned that Clark County Public Works may also have a difficult time preparing their staff report with inadequate data.

The traffic study section of the SCCC development review application has problems:

- 1) The SCCC application refers to a previous traffic impact study for the Salmon Creek location but the study is not included;
- 2) The previous traffic impact study referred to in the SCCC application was actually done for a very different type of land use;
- 3) There is no traffic data included that pertains to the Salmon Creek location, including the current operating level of the affected transportation corridor (40.350.020(d)(2));
- 4) The only traffic data included in the application is for a Salem WalMart SuperCenter;
- 5) There is only a summary of three other sites' trip generation data. It is deemed "appropriate" by the applicant's traffic engineer to support the claim that the project's impacts will not exceed the vested trips. The data is use specific, but not site specific. Missing is any Salmon Creek site specific traffic impact study data.
- 6) The Mill Plain WalMart SuperCenter is one of the 3 locations in the summary. But the hand drawn site map submitted in the application bears no resemblance to the actual Mill Plain site layout. The tally of driveway volume activity is not included. For these reasons the traffic study numbers can not be considered credible.

With all of this relevant information missing, it would seem this development review application should not have gained technically complete status. The public record contains no evidence that the applicant requested, or was granted, a waiver of the requirement for a transportation impact study or a limit to the scope of the analysis (40.350.020(D)(8)). For this reason it is premature to issue a staff report.

The public record includes many letters from citizens with concerns about safety and traffic congestion impacts from this proposal. Their concern is due to the already heavily congested 134<sup>th</sup> Street area and confusion about the development moratorium now in effect.

- 1) We request that the applicant undertake a formal traffic study of the traffic impacts of a 176,672 square foot discount commercial retail building at the proposed location.
- 2) We request that the applicant be required to supply the complete traffic study data for the Mill Plain WalMart SuperCenter with a map that shows the location of the traffic counters.
- 3) We request that the time clock for the county's review be stopped until the applicant provides this data and makes it available to the public.
- 4) We request that the time period for public comment be extended for 60 days once that material is made available.

Thank you for your prompt response to our concerns.

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Project Name : Salmon Creek Commercial Center  
Case Number : PSR2005-00065; SER2005-00152; EVR2005-00085; ARC2005-00104  
Staff Contact : Michael Uduk  
Date : December 16, 2005

Thank you for providing the Fairgrounds Neighborhood Association (FGNA) with a complete copy of the Salmon Creek Commercial Center (SCCC) development review application. We have reviewed it and recommend approval, with conditions, of this project.

The secretive nature of the tenant for which this project is being developed troubles us. What kind of business comes into a community (and our neighborhood) this way? Since both the Department of Community Development and the community can only speculate on the nature of the business, we believe it is prudent to base conditions of approval on known impacts from similar developments. We believe that a WalMart SuperCenter best fits this application.

One well documented impact of a WalMart store is a decrease in property values for surrounding homes and businesses. While there is no way to prevent that from happening in our neighborhood, we believe the conditions of approval we request will lessen the negative impacts on our quality of life.

## ENVIRONMENT

A variety of negative environmental impacts are caused by many facilities similar to this proposal.

*Air quality.* Require air scrubbers to ensure that neighbors do not smell cooking odors from the facility.

*Buffers.* Typically big box discount retailers are surrounded by commercial land uses. In recognition of the negative impacts from this development on nearby residents, require the applicant to provide a sound wall in addition to the landscape buffer.

*Noise impacts.* The proposal includes an enclosed parking structure. Require a noise study to determine if it will amplify or reduce the noise from vehicles. Require mitigation for nearby residents if there are any increased noise levels.

*Pollutants.* Many big box retailers store chemicals (auto, cleaning, garden and household) outside. In numerous instances the containers tear or leak and spread pollution. To protect Salmon Creek from toxic runoff from the site require inside storage of all chemicals.

*Quality of life.* Typical operating hours for many similar developments are 24 X 7 including holidays. Under those conditions, nearby residents would have no respite from the traffic, noise, and other negative impacts generated by this facility. As in the case of the Salmon Creek Fred Meyer, limit the operating hours to 7:00 am to 11:00 pm. Limit the hours trucks can be scheduled for deliveries to between 7:00 am and 7:00 pm.

*Storm water runoff.* The Hillsboro type of soil at this site is not suitable for infiltration. To protect the owners of the Water's Edge condominiums from problems and possible system failure, do not allow upstream storm water runoff from the SCCC site to discharge into their system.

## SAFETY & SECURITY

A history of serious crime in the parking lot plagues many facilities similar to this proposal. These potential negative impacts must be addressed.

*External security.* Security is not addressed by the applicant. Require a mobile parking lot security person to patrol the outside lot and parking structure during all store operating hours. A less desirable alternative would be to require an adequate number of video cameras in the parking lot and parking structure for a surveillance system that is monitored by on site security staff during all store operating hours.

*Outdoor Lighting* From the Outdoor Lighting Plan it appears that only 4 luminars will be installed in the front parking lot. There are no indicators of lighting anywhere else on the property. To deter crime and insure customer safety the east, south, and west sides of the structure must be lit and the parking lot (north side) must be brightly illuminated.

*Overnight campers* Many facilities similar to this proposal encourage overnight parking on their property. Prohibit overnight parking for vehicles of any kind, including recreational vehicles.

*Parking garage.* A lighting plan for the parking garage is not provided. Require such a plan and make sure it provides adequate illumination into every nook and cranny to deter crime.

*Sheriff's patrol.* An increase in calls for service at developments like the one proposed is well documented. Require the applicant to enter into an MOU (like the one in place for the amphitheater) so that the tenant, and not the citizens, pay for the cost of law enforcement at their site.

## TRAFFIC SAFETY

The existing congestion on the Salmon Creek transportation corridor (134<sup>th</sup> Street) has resulted in a formal development moratorium. Increased traffic from this project will exacerbate traffic safety problems if a driveway access to the site from 134<sup>th</sup> Street is allowed.

The Sheriff's office states that left turns are the most accident prone traffic movements. Traffic lights at NE 27<sup>th</sup> Avenue and NE 29<sup>th</sup> Avenue limit the options for traffic safety at the SCCC's driveway. To remedy the situation require the applicant to install a raised median (not painted double yellow lines) along their site frontage to allow only right in and right out turn movements at their driveway.

## TRAFFIC IMPACTS

The proposed project that vested trips at this site in 2003 was a Type III permit for a hospital. The current proposal is for a discount retail commercial building with a Type II permit. Due to the dramatic difference in the proposed land use we believe that the current Mt Vista (2005) sub-area traffic impact fee (\$306, not \$294) is the correct TIF to charge for this development.

Many neighbors have expressed concern about the impact of increased traffic on a transportation corridor (Salmon Creek) now in failure. We understand that 655 trips for this site were reserved before the current moratorium was imposed.. We understand that because the last BoCC reduced the travel speed standard on the corridor to lift the last moratorium, the applicant will not be required to mitigate their traffic impacts.

Based on past experience (i.e. the amphitheater, the 99<sup>th</sup> Street realignment, 134<sup>th</sup> Street turn restrictions) traffic impact mitigation has failed to improve (relief is unrealistic) traffic congestion in the area as promised. For that reason, we believe that continued monitoring of the trip generation from this development and the resulting traffic impacts must be measure and monitored at the applicant's expense. Require an MOU that

obligates the applicant to mitigate their traffic impacts and provide additional transportation improvements in the future if necessary.

The requested road modification will impact emergency access to the Water's Edge condominiums and should be denied.

#### CONCLUSION

Our testimony on traffic impacts is incomplete. Analysis of the results of an FGNA traffic count at the Salmon Creek site and the Mill Plain WalMart require the data found in a traffic impact study not found in the fully complete application for the Salmon Creek Commercial Center. Withhold the staff report until that is possible.

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### WAL MART DECISION ON HOLD

The Department of Community Development staff report on the development review application for the Salmon Creek Commercial Center (spelled Wal Mart) has been delayed. If the developer had not requested this delay, the application would have been denied.

Instead, at the applicant's request Clark County put the process on hold while their storm water runoff and erosion experts prepare a treatment plan that is acceptable to the county.

This is a reason for denial that will be easily remedied by the applicant. We anticipate that in early February Clark County will issue a staff report that approves the project, with conditions.

### WAL MART DECISION

From the increased attendance at our recent meetings on this issue (yielding about 30 new members!) it is clear that members of the Fairgrounds Neighborhood Association (FGNA) expect us to fight this proposal. A unanimous vote at the December meeting made it official.

So, the next step for FGNA is an appeal of the conditions of approval imposed on the developer. The only legal basis for an appeal is the public record. That makes it *vital* that you submit testimony that outlines your concerns (including suggested remedies is highly recommended) by January 20, 2006. Read page one of this newsletters for the contact information.

We will have 2 weeks from the date the staff report is issued to file an appeal. It will cost money to file the appeal. It will cost more money for legal research to define the basis for the appeal. It will cost money to pay for the expertise to handle the testimony during the appeal.

We need your financial support to proceed! Will you send us \$100.00? Any amount is appreciated, and George will keep track of all the donations so in the unlikely event that we can't (or don't need to) proceed you will get a refund.

# FAIRGROUNDS NEIGHBORHOOD ASSOCIATION

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RE: Salmon Creek Commercial Center

Michael Uduk,

The Fairgrounds Neighborhood Association is concerned about the decision made by Community Development's responsible official who deemed the application process for the Salmon Creek Commercial Center (SCCC) a Type II process.

The applicant has proposed a 176,672 square foot store which can have multiple impacts such as added traffic, noise, glaring parking lot lights, 24 hour deliveries, added impervious surfaces, etc. Many of these issues have already stirred up concerns of those living nearby and who drive in the area. Even though the actual tenant to the commercial building is not identified in the application, the traffic report uses three Wal-Mart stores as examples of similar traffic patterns. Therefore it is reasonable to assume that Wal-Mart is the focus for this application.

40.500.010 (D)(3)(c)(3): "A Type III process involves an application for relatively few parcels and ownerships. It is subject to standards that require the exercise of **substantial discretion** and about which there may be **a broad public interest**. The hearing examiner is the review authority for Type III decisions." (italics added)

Historically, Wal-Mart has met opposition throughout the United States and is a current target of a national movement to improve many conditions including improving the toxic run-off from poorly stored garden supplies (an impact that could hurt nearby Salmon Creek).

At the December 8, 2005 Fairgrounds Neighborhood Association meeting, the focus was on the Salmon Creek Commercial Center. Eighty-one people showed up; most were there to discuss the "Wal-Mart application". The Columbian has written an editorial on December 4, 2005 about the "Mystery Store" application. There is enough public interest for the application to be reviewed with a Type III process allowing public testimony before a hearing examiner.

40.500.010 (D)(3)(b): "Questions about what procedure is appropriate shall be resolved in favor of the type **providing the greatest notice and opportunity to participate**." (italics added)

The County, in support of the decision to use a Type II process for the SCCC application has stated that the proposal is an outright allowable use for the zoning in place and therefore does not need a Type III procedure, with a public hearing. However in Table 40.500.010-1 it states that a Site Plan Review can be a Type I, II or III. Therefore the responsible official could have chosen a Type III process for reviewing the SCCC application. Given that a Type II process is for applications of limited public interest, it stands to reason that the SCCC application should have been deemed a Type III.

40.500.010 (D)(3)(c)(2): "A Type II process involves an application that is subject to objective and subjective standards that require the exercise of limited discretion about non-technical issues and about which there may be **a limited public interest**. The responsible official is the review authority for Type II decisions." (italics added)

The Fairgrounds Neighborhood requests that the review of the application for the Salmon Creek Commercial Center be changed to a Type III process. If that is not legally possible, then the FGNA requests a waiver of appeals fees so that we may appeal the original designation of a Type II process selected by the County.

A Type III process would allow more public involvement in the currently highly controversial application.

We look forward to your reply.

Thank you,

Lora Caine  
(In behalf of the Fairgrounds Neighborhood Association Executive Board)

cc: County Commissioners  
Rich Carson  
Michael Butts

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