

APPENDIX M

MASTER COMMENT LOG

Boal, E - Prefers land use alternative Y - best all around use of the jct. Prefers transportation option 4B - other options restrict access to our property

Boal, J - Prefers land use alternative Y - best land use options and prefers transportation option 4 - All others restrict access.

Boal, K - Prefers land use alternative Y and prefers transportation option 4B - best access to property.

Bockmier, J - Dena, I am out of town and was not able to attend the SAP workshop on Wednesday. I was hoping to get a brief report on how the meeting went. If you have some time, could you send me a note and let me know your thoughts. I might give you a call later in the day as well, if that meets with your approval. Thanks very much and have a great day.

Reply from Dena Horton – Hi John! It went very well and there was a diverse representation of the community there. We provided a lot of information and we got good participation in the small group discussions (break out groups). As soon as we complete the meeting summary, we will post it on the city's website so the public can access it along with the exhibit maps and information that was available at the meeting so that anyone who missed the meeting will still be able to access all the materials. We want this to be a very open and transparent process. As a heads up, we will be sending out a project newsletter before the next open house workshop on June 23rd. Thanks so much!

Bockmier, J - Dena, I called your office and they informed me you were out of the office for a few days. Sorry to bother you, but I have tried several times to download the La Center Junction Subarea Plan – Phase 1 Report from the cities web site, and it will not allow me to do so. Would you be able to e-mail me the file? I believe it is 42 pages in length. I was able to download the Staff Report document that provides and overview to the Phase 1 Report. Thanks very much,

Reply from Dena Horton - Hi John, What is the link on the City website you are trying to download from? I wonder if it can't be downloaded because it's in draft form. If you send me the link you are using I should be able to find out more. Thanks!!

Bockmier, J - Dena, I just checked the La Center web site and the original information that was previously provided on the SAP has expanded dramatically. When you go to the main page you will find a link under the Subarea Planning section that reads....Check out our progress....when you click on that it takes you to a new page with many different links to a variety of subjects....when I try to click on any of the subjects on that page, none of them will open. Do you have any of these materials available? Thanks very much.

Reply from Dena Horton - Hi John, The City is working to update the links and website as we speak! I went through the website and didn't see a link for the La Center Junction Subarea Plan – Phase I Report. At this point, I imagine the document is merely in draft form with the background and current status info (skeleton) but awaiting a lot of information from the public involvement process as well as from the planning/transportation work being done as well to add flesh to the frame. Attached is the summary from the Open House public workshop. It should be posted to the website soon. Thanks,

Greear, L - I do not wish to be included in the La Center sub-area plans. Please leave me in the County.

Griffith, J - I'm agricultural oriented. I prefer the least development, let's keep growing our food locally.

Heikkala, R - Prefers land use alternative Y - seems to work best. Prefers transportation option 4B - Best access to local parcels and it keeps the overpass narrower.

Perrott, S - I would agree with staff consultation team and vested parties choice of alternative Y. Revenue is greater to the City and traffic pattern seems to make most sense for future growth. At this point I cannot say I have a preferred (transportation) alternative - Probably "not" option 4 - looks like the added costs would be prohibitive, also I do not like the clover leaf design for this intersection and the commercial industrial goals of the City. Needs of future businesses would dictate ultimate choice.

Ragan, A - Dale, I appreciate you taking the time to speak to me at length regarding what La Center's Re-Zoning / Subarea Initiative. As a home owner whose property directly borders property that is slated to be re-zoned to Light Industrial or Employment Center, the candid answers to my questions, honesty, and willing to discuss options was most refreshing. Based on our conversation, I'd like to formally submit the following concerns and recommendations to be introduced and considered when finalizing the final wording of zoning code. Given the close proximity of my home to the property lines, I am very intent on seeing a high level of protection ensured in the codes to reduce with the preference of eliminating the possibility of a negative impact to my home, quality of life, and home value as a result of the Subarea Initiative. Below are my concerns and recommendations. Please review and include them in the zoning code to protect residents who purchased their homes with the understanding they were surrounded residential land, and do not want to be negatively impacted by the evolution of the surrounding area.

Sight – Require a 150 ft setback / buffer between the property line and any development of the new area. This setback should contain “green space” with trees and vegetation to preserve the forest setting of the existing home owners and block any visible evidence of the new use of the land. A berm may also be employed providing it contains vegetation (trees, grass, plants, etc), and is maintained on a regular basis. A non-transparent wall (block or wood) is to be constructed to further block the visible signs of the new land use and must be high enough to minimize the visible effects of what is to be on the new developed land. Said fence must be maintained and not considered unsightly by the existing adjacent home owners. Plan approval must be obtained by the adjacent home owners prior to start of any such development

Sound – Provisions must be made to ensure noise from what is used / done on the property does is muffled and is not detected by the adjacent home owner. A before noise study must be completed and compared to a post construction study to ensure any noise / sound derived from the new development is minimized / non-existent. The adjacent home owner reserves the right to deny occupancy if these noise / sound provisions are not met to the satisfaction of said home owner.

Water Quality – Provisions must be made to ensure the water quality and quality of the water table, local aquifer, streams, creeks, and related water tributaries are not negatively impacted by new development. Studies are to be completed annually to ensure said negative impacts do not arise later.

Smell – Provisions must be made to ensure there is no evidence smell or stench emanating from the new land use. Before and after studies are to be completed to ensure compliance. The Adjacent home owner reserves the right to deny occupancy if said smell provisions are not met to the satisfaction of said home owner. Any future complaints raised by the adjacent home owner must be dealt with within 30 days of the complaint to the satisfaction of the adjacent home owner to avoid steep financial penalties on the part of the new land owner / developer.

Dale, I look forward to becoming highly involved in this initiative going forward to ensure my interests as an adjacent home owner are addressed to my satisfaction. A significant investment was made in this area, land, and home long before this initiative was announced and we will not be negatively impacted in the above areas for the sake of progress or economic development. I do look forward to a strong partnership with you and the City of La Center to reach a mutually beneficial outcome for the Subarea initiative.

Please ensure, as promised in our phone conversation, that I am made aware of all future meetings or discussions regarding the Subarea initiative as to date I have not.

Thank you Dale and of course please feel free to contact me with any questions or issues to discuss.

Reply from Dale Miller – Alex, Thanks for taking the time to list your concerns and get involved! If only more folks would participate! I've taken steps to ensure you receive all future mailings regarding the subarea plan.

Your letter highlights a chronic conundrum at all levels of government—how to balance public health, safety and welfare with the protection of individual property rights. These are often competing interests with a basis in federal law. Over the years, federal and state courts have generated several tests to determine whether a proposed law is the minimum necessary to ensure public health, safety and welfare. The onus is on governments, as it should be, to demonstrate compliance with these tests.

Unfortunately, adjacency does not grant or imply property rights. If you wish to exert control over an adjacent property, you must either buy the property or buy a limited right to the property (such as a noise easement).

All is not lost, however. New developments are generally required to mitigate impacts to existing uses. Current state and local regulations on your issues are described below:

Sight The current city code (LCMC 18.245) requires landscaping and buffering whenever dissimilarly zoned properties abut. In the case of an industrial development abutting residential land, the developer is required to provide at least a 10-20' buffer with either a 6' high wall or 6' high berm. Fencing, trees, shrubbery and groundcovers are also required. In addition to normal residential setbacks, this results in a minimum landscaping and screening buffer of 18' to 40' between structures (assuming the developer places a structure as close as possible to the property line).

Sound The state regulates noise as a matter of public health under RCW 70.107 and WAC 173-58 through WAC 173-62. In general, noise levels onto residential land may not exceed 55 dBA (45 dBA between 10pm and 7am). There are a few limited exceptions under state law.

In La Center, loud noises (above the levels in WAC 173-60) leaving the generating property are considered public nuisances and must be eliminated.

Water Quality La Center most recently updated its critical areas ordinance (LCMC 18.300) in 2007 as required by state law. This ordinance regulates developments on or near aquifer recharge areas, habitat, floodways, geo-hazards such as landslides, and wetlands. In general, developers must avoid (required if possible) or minimize and mitigate impacts to critical areas. Developments impacting such areas are typically subject to federal, state and local government review and approval.

Smell RCW 70.94 regulates outdoor air pollution and establishes a system of regional air pollution control authorities to implement federal and state air pollution control regulations. Such regulations cover the emission of air contaminants which are injurious to health or which unreasonable interfere with the enjoyment of life and property. Air pollution control authority regulations preempt more lenient local ordinances. In La Center, noxious fumes or smells leaving the generating property are considered public nuisances and must be eliminated.

Again, pursuing stricter standards generally requires: a demonstration of a compelling public interest to protect public health, safety and welfare; that the new regulations are the minimum necessary to satisfy the public's interest(s), and; affected property owners must usually be compensated for any loss of use. It's tough to do--so much so that most revisions to local laws today are usually the result of new federal or state legislation—but it can be done.

That said, most developers will take future neighbors comments to heart.

I look forward to your continued vigilance, and hope to meet you soon.

Reylea, J - What is quality of life? The quality of life is changing all the time. Some people can walk down a city street and think this is a good quality of life. Other people like a garden in their back yard. Some people like to have a house or pet. As the city grows some changes are going to take place, when you concentrate the population and allow the county areas to remain undeveloped. Sewer line can be put in by gravity flow to McCormick Creek and directional bore to bridge (no pump station).

Van Dinter, T - Stated that he just wanted to touch base to find out how the Open House went and how many people attended. Apparently, the chamber also had an event that night and he was worried about attendance levels.

Reply from Dena Horton - Spoke to Troy and let him know the meeting went very well and that both pro and anti casino groups commented that the meeting was a good process and meeting. Dena estimated 15 to 18 people in attendance. Dena later sent an email stating: Hi Troy, It was good to talk to you earlier! I was guesstimating the attendance earlier when I talked to you, but I just went and counted up the names on the sign in sheet from the Open House and we actually had 21 people NOT including project team staff at the meeting. Have a great weekend!