

FAIRGROUNDS NEIGHBORHOOD ASSOCIATION

Bridget Schwarz
Executive Board
360.573.5873

February 2018

bridget@bridge-i-t.com
P.O. Box 292
Ridgefield, WA 98642

Greetings neighbors –

At our January FGNA meeting, the lawyer responsible for oversight of amphitheater operations promised to update us monthly. Thanks! This month's update is a .pdf file. And it's longer than this newsletter! So it is included as an attachment in this email. You will find my comments on their update elsewhere in this newsletter. The bottom line is that to meet this month as planned to talk about amphitheater concerns would be a waste of our time. The 2018 concert season is fast approaching but I do not detect any sense of urgency to get the Traffic Management Plan (in particular) updated. Stay tuned.

Regards,
Bridget Schwarz
for the Executive Board

MARK YOUR CALENDARS

WASHINGTON STATE UNIVERSITY MASTER PLAN UPDATE COMMUNITY OPEN HOUSE Monday February 5 from 4:30 to 6:30

The public is invited to a Community Open House to learn about and give input to planned updates to WSU Vancouver's Master Plan. The open house will be held from 4:30 to 6:30 pm Monday, February 5, in the Dengerink Administration Building, Room 129. Parking is available at meters and in the Blue Daily Pay lot for \$3; \$1.50 after 5 p.m.

Proposed updates to WSU Vancouver's Master Plan call for removing the WSU Extension research facility, and including Vancouver Public Schools' iTech Preparatory and undergraduate student housing. As of today, the Master Plan only includes graduate student housing. Anyone who is interested in commenting who cannot attend the open house may visit <https://events.vancouver.wsu.edu/master-plan-public-comment-form> to leave feedback.

Over the years many residents near the campus have complained about growth at the WSU-V campus. That is despite the fact all these projects are part of the current Master Plan. *SO. If you have concerns about the new WSU-V Master Plan, use this opportunity to speak up! Once adopted, it is as described - the Master Plan.*

INTERSTATE 5 & INTERSTATE 205 TOLLS SURVEY

The Clark County Council urges county residents to complete an online survey about the possibility of Oregon applying a toll on Interstate 5 and Interstate 205 to ease congestion in the Portland area. The Oregon Department of Transportation is conducting the Portland Area Value Pricing Feasibility Analysis. Value pricing, also called congestion pricing, is a user fee system in which a higher price is set for driving on a specific road during more congested times of the day. To reach the survey directly, or join the contact list, go to <http://openhouse.oregondot.org/portland-metro-area-value-pricing-feasibility-analysis>.

FAIRGROUNDS NEIGHBORHOOD ASSOCIATION

COUNTY MANAGER CANDIDATES COMMUNITY OPEN HOUSE Monday February 12 from 5:00 to 6:00

The Clark County Council invites residents to meet the two finalists for County Manager during an open house from 5 to 6 p.m. Monday, Feb. 12, in the sixth-floor Hearing Room of the Public Service Center, 1300 Franklin St. The two finalists are Dan Chandler, assistant county administrator for Clackamas County, OR, and Randall Partington, administrator for Finney County, KS. Click here for the full story <http://dailyinsider.info/community-invited-to-meet-two-finalists-for-county-manager-position-feb-12>.

2018 STATE OF THE COUNTY REPORT CLARK COUNTY FAIRGROUNDS EVENT CENTER WEDNESDAY FEBRUARY 21 FROM 3:00 TO 5:00



The Clark County Council invites the community to the 2018 State of the County at the Event Center at the Fairgrounds, 17402 NE Delfel Road, Ridgefield. The program is scheduled for 3 to 5 p.m. Wednesday, Feb. 21. The venue was selected to honor this year's 150th anniversary of the Clark County Fair.

Councilor Marc Boldt, chair of the county council, will present State of the County remarks prior to comments by councilors Jeanne E. Stewart of District 1, Julie Olson of District 2, John Blom of District 3 and Eileen Quiring of District 4. The State of the County event is free and open to the public. Light refreshments will be served.

Council members urge those attending to bring non-perishable food items or a financial donation for the Neighbors Helping Neighbors food bank in Ridgefield. The organization needs: canned meats, vegetables and fruit; peanut and other nut butters; fruit juice; cooking and olive oil; canned and dried beans; canned and boxed meals; pasta, rice cereal and corn meal; shelf-stable milk products; and spices and sauces.

A food drive has been a key part of the State of the County for nearly a decade. Donations at the event have supported the countywide network of 40 agencies that distributed food to more than 112,550 people last year. For those unable to attend, the program can be seen later on CTV, Clark-Vancouver Television, Channels 21 and 23.

FAIRGROUNDS NEIGHBORHOOD ASSOCIATION

AMPHITHEATER OPERATIONS

When a Conditional Use Permit is not followed, the solution is for the Director (in this case the Community Development Director) to use the enforcement of County Code Title 32.04 and impose a citation and/or fine.

That gets complicated when the offender is the county itself! (The county leases the amphitheater to Quincunx.)

A Traffic Management Plan (TMP) and Lease Agreement implement the terms of the Conditional Use Permit for the amphitheater. I documented over 60 violations based on the Sunrise Supply 2017 concert season Annual Report. The county acknowledged only one!

The county's lawyer used a neat trick. If you declare the Traffic Management Plan as outdated, and don't update it, two things happen. First the county owns an amphitheater that operates without *any* traffic management plans. And second, if the implementation rules and regulations of the Conditional Use Permit are off the table, there can be no violations!

In great numbers, FGNA members responded to my HELP! email asking for advice on how to proceed under these circumstances. Among your responses were numerous comments that for a variety of reasons Clark County practices "enforcement nullification". For itself. And its industry friends. But by far, the majority of you said to hold the County Council, particularly our councilor Julie Olson, accountable. Will do!

At our next neighborhood association meeting with the county we need a justification for the enormous discrepancy in violations (60 vs 1). By what authority do they arbitrarily designate conditions of approval outdated? And do so without updating them?

The 2018 concert season is fast approaching. But the county is not prepared to resolve, or propose solutions, to our concerns. That would make a February meeting a waste of our time.

ATTACHMENT. The attached county update basically repeats the county's assertion that no violations of the TMP occurred. That's because they determined (without any evidence or documentation) the TMP was outdated and not applicable. And they describe my personal observations as "allegations". But they claim that remote cameras are reliable evidence. (Even though no one has provided the location, orientation, hours of operation, or a review of this "evidence".)

Finally, the county's lawyer expresses great enthusiasm for a 'social' hosted by Quincunx. Please recall that for the previous amphitheater social event not ONE member of the FGNA Executive Board (9 at the time) met their criteria for receiving an invitation... The Sheriff's office stepped in and made them put us on the guest list!

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P.O. Box 292
Ridgefield, WA 98642

2017 FGNA EXECUTIVE BOARD

Bill Duke	573.5210	dukeville@comcast.net
Vicki Fitzsimmons	573.6604	vicki.fitzsimmons@edwardjones.com
Dennis Johnson	576-8781	<u>kardenj@aol.com</u>
Maureen Jondahl	574.2600	<u>mjondahl@hotmail.com</u>
Winton Jondahl	574.2600	mjondahl@hotmail.com
Bridget Schwarz	573-5873	<u>bridget@bridge-i-t.com</u>

FYI: The Community Development department emails out a development review status report every Friday. If you want to know what's in process or submit comments on a development review proposal, ask to be added to the mailing list. Advise Jodi.creamer@clark.wa.gov. *It's too late when they start unloading the dozers next to your property!* If you have concerns about proposed developments that we need to address call Bridget at 360.573.5873.

MONTHLY MEETINGS:

WE MEET at 7 PM ON SECOND THURSDAYS AT THE COMMUNITY of CHRIST MEETING ROOM
400 NE 179TH STREET, 1/2 MILE WEST OF I-5

OUR BOUNDARIES :

NORTH, 219TH STREET

WEST, LAKE RIVER

EAST, NE 72ND AVENUE

SOUTH – WEST OF I-5, NW 151st STREET TO NW 41st AVENUE TO NW / NE 164TH STREET;

SOUTH - EAST OF I-5, NE KLINELINE RD TO NE 119TH ST TO SALMON CREEK TO NE 50TH AVE
TO NE 149TH ST TO NE 72ND AVE

The fine print:

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proud past, promising future

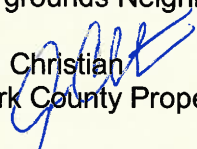
CLARK COUNTY
WASHINGTON

GENERAL SERVICES

Indigent Defense

February 1, 2018

TO: Bridget Schwarz, President
Fairgrounds Neighborhood Association

FROM: Ann Christian 
Clark County Property & Indigent Defense Manager

RE: Update on Sunlight Supply Amphitheater

At the January 11, 2018 meeting of the Fairground Neighborhood Association (FGNA), I agreed to provide monthly updates one week prior to future FGNA meetings. In addition to this update, information I provided at the January 11th meeting also is provided.

Updates Since January 11th Meeting

1. Continued review, organization and cataloguing of available relevant documents. End goal is: determining which documents are current, which documents are superseded and which documents, such as a Traffic Management Plan, need to be updated to incorporate changes or adjustments made over time with county approval.
2. Meeting with Kiet Callies (Quincunx/operator) January 17th and other contacts regarding traffic, early start and other documents, plans and processes.
3. Internal county meetings.
4. Implemented system with redundancy to better ensure timely and effective communication between county and operator.
5. Reached agreement that a Traffic Management Plan and an Early Start document will be drafted by Kittelson & Associates, Inc. ('Kittelson') and submitted to the county and others for review. These plans are expected to be submitted to the county by mid-February.
6. Developed and implemented an interim early start process for review, approval or denial of weekday events planned with pre-8 p.m. event start times.
7. Continued discussions about a spring (pre-2018 event season) amphitheater 'social', hosted by Quincunx.
8. Requests by the operator have been submitted for approval of early start times for two weekday events in 2018: Rod Stewart/Cyndi Lauper on August 31 and Chris Stapleton on July 20, 2018.



Information Presented by Ann Christian at the January 11th FGNA Meeting

1. **Background** regarding who Ann is, her designation on September 11, 2017 as the liaison or administrative contact for the county, and work to-date, including:
 - Meetings with FGNA on September 14th, Kiet Callies on September 26th, and joint county/operator meeting October 23rd – post-2017 season review and pre-2018 season pre-planning.
 - Reviewing almost 20 years of available history and documents. Review is ongoing. Compiling workable lists and spreadsheets toward the eventual end of a 'final product' – a matrix of current requirements by source and interrelationships/responsibilities; for example, Final Orders of the Conditional Use Permits ('Final Order'), lease documents, plans and policies on a number of topics, memoranda, etc. The matrix will provide the county, operator and others a concise, up-to-date and simpler resource. The matrix will be updated as source documents are updated.
 - Determination that the formal, written Traffic Management Plan (2003 narrative in the Neighborhood Guidebook) needs to be updated to incorporate changes or adjustments made over time with county approval (for example, recently became aware of traffic control plans prepared by Kittelson and transmitted to WSDOT and the county apparently in 2015).
 - Amphitheater operator has been exceptionally responsive, helpful, patient and productive.

Ann's immediate goals are to:

- ✓ Ensure necessary updates, changes and improvements are in place before the Amphitheater's 2018 season begins in May with the WSU-Vancouver graduation; and
- ✓ Enjoy with the FGNA and other neighbors a season 'kick-off' this spring, hosted by Quincunx.

2. **Information regarding the violations listed in the FGNA's January 2018 newsletter**

Ann first thanked Bridget for providing detail in her January 8th communication (the January newsletter) versus generic previous communications.

Ann noted the 'supremacy' of the Final Order; meaning the requirements in that order must be met and they take precedence over any policy, plan or memorandum.

The five violation topics, as listed in the newsletter, are set out below with Ann's responses. The wording in bold that follows a Roman numeral is language from the Final Order. Ann's responses are in italics below.

Topic #1

VII.K.9. Require that all weekday Amphitheater events (excluding weekday holidays) that have attendance greater than 15,300 patrons start no earlier than 8:00 PM. Lower attendance events will be allowed to start earlier if the traffic impacts are less and if approved by the County Engineer (or his/her designee) prior to the event.

- *There were no events with attendance greater than 15,300 patrons.*
- *Lower attendance events:*
 - a. *Nine events were on weekdays and have start times before 8 p.m.*
 - b. *Operator sent periodic updates of planned events with start times to county staff. It appears there was no response from county staff.*
 - c. *The final order provision is clear and the remedy that is now in place is: Operator requests for prior approval of pre-8 p.m. start times for events < 15,300 patrons will be submitted to Ann (who will coordinate review with Public Works and any others) and county will approve or deny each request in writing prior to the event.*

Topic #2

VII.K.17.f. [The Traffic Management Plan (TMP) shall include] Provisions for restricting amphitheater traffic to 179th and Delfel Roads and limiting amphitheater traffic on other local streets;

As per the TMP Restricting amp traffic. "Local Resident Access Passes will be issued to each local property owner in the closure areas. Manned barricades with traffic monitors will be positioned at the intersection of NW 11th Avenue and both 164th Street and NW 179th Street allowing access only to those vehicles with a Valid Resident Access pass.

- *By memorandum dated July 14, 2017, the County made it clear such passes are available at the Public Safety Center/West Precinct. In addition, Operator has agreed to provide residents and others information on other, less congested routes.*

Approximately one half hour after the main act has begun, the barricades will be moved to the Amphitheater entrances on NE 179th Street and Delfel Road to control egress. No cars will be allowed to exit the venue headed west on 179th Street or south on Delfel Road."

CONCERN: Barricades were not manned for any of the 12 concerts during the 2017 season. As observed, barricades were not moved to restrict egress routes.

- *No violation of Final Order because the 2003 TMP has such provisions.*
- *Next issues are compliance with the TMP provisions, ability to monitor, need for the TMP provisions and updating TMP provisions.*
- *How would the County know this based on the Annual Reports?*
- *Need to update the TMP*

Topic #3

VII.K.17.h. Provide manual control of the North leg of Delfel Road to allow traffic to exit onto 179th Street in either direction.

As per the TMP "Each event on the Amphitheater site will require two officers at the main amphitheater entrance and one officer at Old (North) Delfel ROAD (TCO.)"

On a sporadic basis a TCO stood at the end of North Delfel Road for some of the 12 concerts during the 2017 season. During those limited times the TCO always faced 179th Street, ignoring the cars stacked behind him/her on North Delfel Road. The TCO never acted to allow traffic to exit onto 179th Street in either direction. Multiple dangerous traffic maneuvers by cars on North Delfel Road were observed on many of these dates.

- *How would the county know this based on the Annual Reports?*
- *The operator has time lapse cameras at most locations – county will review sampling of this and other locations.*
- *Planned new traffic control at 179th & New Delfel will include a camera which will improve monitoring ability.*
- *Need to update 2003 TMP.*

Topic #4

VII.K.19. **"Promote that onsite parking areas for weekday Amphitheater events will open no earlier than 6:00 PM; provided, the applicant [operator] shall open onsite parking areas earlier than 6 p.m. to prevent queued vehicles from extending into 179th Street or Delfel Road." Second portion of Final Order provision added and emphasis added by Ann.**

Onsite parking opened much more than 2 hours before the 12 concert times during the 2017 season.

- *Information on Amphitheater website for each even ('FAQS'), Policies, includes "Parking lots will open two hours prior to start of the event' and an email is sent to those who purchase tickets and for some larger events, there is a News Release 'Know Before You Go.'*
- *Ann provided a hand-out to FGNA members in attendance of examples from the amphitheater website including policy and sample email sent to ticket-holders pre-event with the notice.*
- *The time recorded in 'Parking Opened' is the time the Gate to the Amphitheater is opened (for staff). Ann will revisit this issue at next meeting with the operator.*

Topic #5

VII.K.25. Provide manual traffic control for all events with more than 9,000 patrons.

As per the Traffic Management Plan "For Level Two (9,000-12,000) and greater size events, two officers will be assigned for the local access task and manual

control will be implemented at the signals at the Northbound off-ramp, Northbound On-Ramp, Southbound Off-Ramp, and New Delfel Road.”

“The TCO will manually take the exit ramp intersections when traffic is observed to be collecting on the exit ramp. For crowds of 8,500 or more TCOs are to take command of the 179th Street and northbound I-5 exit ramp intersection to allow rapid and safe entry onto 179th.”

Manual traffic control at 3 intersections was not provided at these 5 events.

DATE	ACT	ATTENDANCE
June 11	Future	9,182 8,841
June 29	Brad Paisley	9,177
August 30	Nickelback	9,555
September 22	Jason Aldean	14,880
October 7	Florida Georgia Line	12,789

- *Four events had attendance over 9,000 and one of these events shows signalized control (Nickelback) on the annual report – manual control required under the Final Order.*
- *Five events had attendance of 8,500 or more.*
- *How would the county know this based on the Annual Reports?*
- *The operator has time lapse cameras at most locations – county will review sampling of this and other locations.*
- *Planned new traffic control at 179th & New Delfel will include a camera which will improve monitoring ability.*
- *Need to update 2003 TMP.*