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# The Reflector



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March 2, 2016

## La Center, Cowlitz Tribe enter into historic agreement

The tribe will move forward with its \$32 million I-5 interchange improvement project and will pay for the city of La Center to extend sewer lines



Photo by Kelly Moyer

**APPLAUSE BROKE OUT** at a La Center City Council meeting this week, after city leaders approved a long-awaited, historic agreement between La Center and the city's newest neighbors, the Cowlitz Indian Tribe.

**KELLY MOYER**  
staff reporter

LA CENTER – Applause broke out at a La Center City Council meeting this week, after city leaders approved a long-awaited, historic agreement between La Center and the city's newest neighbors, the Cowlitz Indian Tribe.

At the heart of the agreement is the Cowlitz tribe's \$32 million renovation of the Interstate 5 (I-5) junction in between La Center's western-most boundary and the new Cowlitz Indian Reservation, where construction on a Las Vegas-style casino resort is

See **COWLITZ** on Page A2



Photo by Alan Weiner/Courtesy of Cowlitz Indian Tribe

**COWLITZ TRIBAL CHAIRMAN** Bill Iyall (center with shovel) participates in the Feb. 14 Groundbreaking ceremony on the tribe's reservation land near the La Center I-5 junction. Iyall is flanked by Cowlitz Vice Chairman Phil Harjo (left) and Cowlitz member David Barnett (on right).

## County issues stop work order to Cowlitz Tribe



Photo by Mike Schultz

**CLARK COUNTY OFFICIALS** issued a demand Friday that the Cowlitz Indian Tribe halt all construction at the site of their casino near the La Center I-5 junction. A Stop Work Order was posted at the construction site of the Cowlitz casino project Friday.

*At issue is the construction of an injection well system at the tribe's casino site near La Center*

**KEN VANCE**  
Editor

LA CENTER – Clark County officials issued a demand Friday that the Cowlitz Indian

Tribe halt all construction at the site of their casino near the La Center I-5 junction.

In a Feb. 26 letter signed by County Chair Marc Boldt and addressed to Cowlitz Tribal Chairman Bill Iyall, the county demanded that the tribe cease and desist all construction on the 152-acre site. The letter also asked for the tribe to provide a response to Acting County Manager Mark

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## County Council changes Comp Plan alternative

*New preferred alternative leaves out Alternative 4 proposals*

**JC CORTEZ**  
Staff Reporter

The Clark County Council approved sweeping changes to the preferred alternative for the 2016 comprehensive growth management plan last week removing all provisions of the controversial Alternative 4 proposal from the plan.

The council met for a continued hearing to reconsider the county's preferred alternative during its regular meeting Feb. 24 after the previous week's hearing was dominated by more than five hours of public comment.

Alternative 4 has been the subject of intense countywide debate after it was first introduced last year as a way to deregulate rural lands and open them to future development. The plan would have eliminated several large-lot zoning designations and broken

See **COMP PLAN** on Page A3

**COUNCIL CHAIR MARC BOLDT** listens to deliberations during the Clark County Council hearing to reconsider the preferred alternative to the county's comprehensive growth management plan update last week.

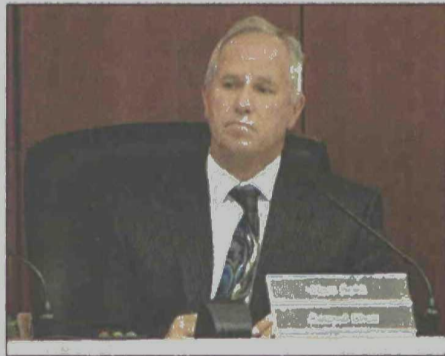


Photo by JC Cortez

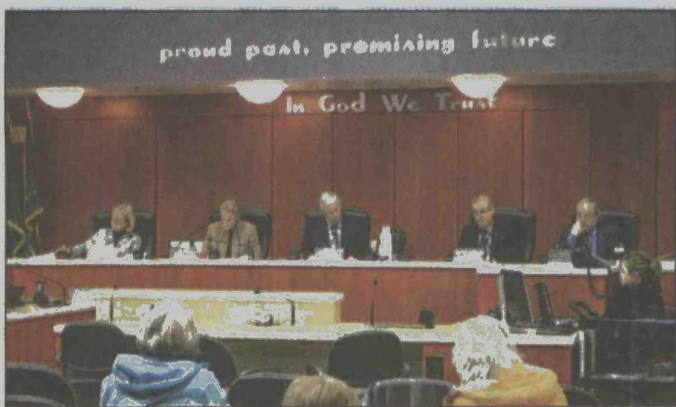


Photo by JC Cortez

**THE CLARK COUNTY COUNCIL** voted 3-2 to omit every piece of the controversial Alternative 4 proposal for the county's comprehensive growth management plan update during a regular meeting last Tuesday.

## Ridgefield students provide input on bond proposal



Photo by JC Cortez

**RIDGEFIELD SCHOOL DISTRICT SUPERINTENDENT'S** Student Advisory Council met recently to discuss a bond proposal for the February 2017 ballot, which would collect funds to build new schools, upgrade existing facilities and expand capacity for thousands of students expected to move into Ridgefield over the next several years.

*Measure planned for 2017 ballot would build new schools, update existing facilities ahead of massive student influx*

**JC CORTEZ**  
staff reporter

RIDGEFIELD – As Ridgefield's growth rate soars, the small city's schools have felt a mighty pinch.

Ridgefield has been cited as the fastest growing city in the state of Washington, bringing fresh eyes, investors, and unexpected problems along with booming expansion. As a result, enrollment in every public school in town has

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### Comp Plan

Continued from page A1

rural lands into small chunks which many residents, experts and officials feared would lead to overdevelopment, an overwhelming load on county infrastructure, environmental impacts, and legal challenges

Proponents argued Alternative 4 would expand rural landowners' property rights after decades of limitations imposed by unfair regulations

Councilors David Madore and Tom Mielke voted to add Alternative 4 to the county's preferred alternative late last year despite two separate Clark County Planning Commission recommendations that it be omitted. A joint letter to the planning commission signed by representatives of the cities of Battle Ground, Camas, La Center, Ridgefield, Washougal, Vancouver, and Woodland expressed "grave concerns" over Alternative 4's viability under Washington's Growth Management Act (GMA)

Madore has criticized fears of

litigation under the GMA, saying he expects the plan to be challenged in court no matter what avenue the council eventually chose.

Before it passed, numerous Clark County residents, including Councilor Jeanne Stewart, requested the vote be postponed until after the new year to allow newly-elected Councilor Julie Olson and Council Chair Marc Boldt a chance to weigh in on the decision. Stewart warned that a refusal to allow the new five-person council to make the decision could cast a shadow over the proceedings and prompt the new body to take up the issue again once the new councilors took office.

After the new council overturned several Madore-Mielke decisions early this year, it became clear they intended to do just that.

In a series of votes last Tuesday, councilors decided to start over with a clean preferred alternative template. Like the Planning Commission before them, Councilors then went through a list of provisions from each of the four proposed alternatives

and voted on each one to decide whether or not to include it in the new preferred alternative. The result was a mishmash compromise comprised of Alternatives 1-3 which did not completely match either the original preferred alternative or the planning commission's recommendations.

When it came time to vote on Alternative 4, Councilors Jeanne Stewart and Julie Olson voted with Council Chair Marc Boldt not to include its provisions. Madore and Mielke dissented.

Unlike the Planning Commission, councilors voted to include core provisions of Alternative 2, which also reduces the lot sizes of several rural zoning designations, although not to the degree Alternative 4 would have.

By estimates included in the Draft Supplemental Environment Impact Statement which analyzed the impacts of each proposed alternative, Alternative 4 would have created upwards of 12,000 new developable lots in rural areas; Alternative 2 would create just over 8,000. Alternative 1, also known as the "do nothing" alternative, would have created

about 5,000 new lots.

According to the DSEIS, Alternative 2 could cause "individually small but cumulatively moderate" environmental impacts on soils, forested areas, fish and wildlife habitats, water quality, endangered species, and land and shoreline usage. The plan will increase housing availability in rural areas, causing transportation systems added stress from higher travel demand over a larger area.

The DSEIS notes, "Infrastructure costs could be prohibitive."

The results are similar to what residents could expect from Alternative 4, except Alternative 4 would produce "cumulatively greater impacts."

To address another concern of rural landowners, county staff are currently working with the prosecuting attorney's office on a way to allow accessory dwelling units on rural properties to eliminate the need for parceling which jeopardizes long-term large-scale agriculture. As regulations stand, many landowners have been prohibited from building new housing on existing properties, making it difficult for local farmers

to pass the family business on to their children.

The council was expected to pass a resolution including the new preferred alternative during its regular meeting Tuesday morning. For the next steps, analysis work will be complete over several weeks. Development will begin on a Final Environmental Impact Statement (FEIS), updates to the variable buildable lands model for the urban area, a Capital Facilities Plan, a Capital Facilities Financial Plan, and the actual Comprehensive Plan text.

After that, the process requires a 60-day commercial review period, Planning Commission work sessions on the FEIS, plan text, and facilities plans, joint Planning Commission and Clark County Council hearings, a new Planning Commission recommendation; and the Council's final deliberations and decision.

During a public comment period following last week's decisions, several passionate Alternative 4 backers expressed extreme disappointment with the council's decisions.

### La Center

Continued from page A1

McCaughey by March 4 to discuss issues contained in the letter.

The Cowlitz Tribe started ground preparation and then construction last fall at the site of the proposed casino, which tribe officials say will open in the summer of 2017. The tribe also held an official groundbreaking at the site on Feb. 14.

The county's letter to the tribe was accompanied by a Stop Work Order, which was also posted at the site of the casino project Friday. At issue is the tribe's intention to construct an injection well system at the casino site.

"The County understands that the Tribe is currently in discussions with the US Environmental Protection Agency (EPA) for approval to inject hundreds of thousands of gallons of wastewater

into the ground at the proposed Cowlitz gaming facility site," the county's letter stated. "Whatever the outcome of these discussions, Ordinance 07-02 does not authorize that proposed discharge unless and until it complies with applicable County code provisions. The County has a responsibility to protect the environment and public health of all its citizens and the County insists that the Tribe abide by its own Ordinance on this important issue."

"The County is troubled that the Tribe has not discussed this proposed discharge with the County," the letter read.

When contacted by *The Reflector* Sunday, Iyall said the tribe has no intention to stop work at the casino site.

"No we don't," said Iyall, when asked if the tribe has a plan to halt construction of the project as a result of the county's Stop Work Order.

Iyall said the county will have a "tall order" in its attempt to enforce the Stop Work Order.

"I don't believe they have jurisdiction," said Iyall, referring to the fact that the tribe was allowed by the federal government to take the 152-acre site into trust as reservation land. "Without jurisdiction, I think they are stretching it."

In order to enforce the Stop Work Order, the county will have to seek an injunction in court. Two sources confirmed that county officials were likely to make a decision this week on whether or not to seek the injunction.

Iyall also said the tribe is working with the EPA on its wastewater issues.

"They're trying to usurp the EPA's jurisdiction, if that's what they're talking about," said Iyall, referring to any issues surrounding the injection well system under construction at the site. "It's the EPA's jurisdiction, something they (county officials) have no authority over. Again, it's on our reservation."

In December 2011, the Cowlitz Tribe entered into a \$14 million sewer agreement with the city of La Center. That agreement was later repealed because the state's Growth Management Hearings Board ruled that La Center could not extend its sewer lines past the city's urban growth boundary because it would violate Clark County's planning policies.

The Growth Management Hearings Board decision (in May 2015) was upheld on Aug. 28, 2015 by a Thurston County Superior Court judge.

On Feb. 24, members of the La Center City Council approved a historic agreement with the Cowlitz Tribe paving way for the tribe's \$32 million renovation of the I-5 junction. In an effort to sweeten the deal for La Center, the tribe offered to pay for the city's multi-million-dollar sewer extension, which will run from

the city's wastewater treatment facility to the western edge of La Center's municipal boundary near the I-5 junction.

The tribe's expansion of the La Center I-5 junction includes the construction of dry sewer lines to property near the Cowlitz casino project, apparently leaving open the possibility of the city and the tribe resurrecting the sewer agreement in the future.

Iyall cited years of acrimony in the tribe's relationship with Clark County, which is still a party to the federal lawsuit challenging the Cowlitz project. That lawsuit is scheduled to begin later this year.

"I'm hoping things can be turned around with the new councilors," said Iyall, referring to the addition of Boldt and Julie Olson to the Board of County Councilors on Jan. 1. "We're hoping for better relations with the county and I think that's highly possible. I think there is a new political climate."

### Cowlitz

Continued from page A2

to get the interchange and to get the sewer out there. We've been saying for years that it's all about the sewer line."

Luiz added that, if the city has sewer service to its westernmost lands near I-5, that area will be developable and ready for commercial and industrial customers, who could help the city weather revenue losses if the privately owned card rooms close.

"The city needs to offset some

of the losses (if) the card room revenues go down," Luiz said. "If we delay this, we'll have a casino and no sewer line and no way of dictating what goes on out there. I think it's time to move forward on this. It's what's best for the city."

Luiz made a motion to approve the intergovernmental agreement with the last-minute amendments and Councilor Randy Williams seconded the motion. The final vote was 5-0 in favor of the intergovernmental agreement with the Cowlitz Indian Tribe. The audience met the vote with a round of whoops

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