1. LACK OF INFORMATION TO PUBLIC ON ZONING

For the record, my name is Ray Toler and I live on NE 82nd Ave.

We would like to tell you how many parcels received spot zoning exemptions over the last few years, but that data isn’t readily available to the public. The parcel we’re concerned with still reflects a Light Industrial zoning on all publicly accessible maps. How are we supposed to participate in the process if the only way we can be informed of a proposed development is a UPS driver seeing a sign on the property at the end of a cul-de-sac where only truck drivers and people employed there go?

It is unreasonable to expect every citizen to monitor the county website on a daily or weekly basis just to ensure that a change that will negatively impact them, but which doesn’t require public notice has occurred. Current notification practices are clearly not sufficient, in time or visibility, especially for reclassifications of industrial zoning mere feet from residential areas.

2. IS THERE A POINT TO HAVING A PLAN IF IT WILL BE IGNORED?

For the record, my name is Janie Carter and I live in Cedar 49.

The county rejected this zoning change twice. In the relevant Covenant Running with the Land, under recital item D, the Clark County hearing examiner denied the rezone of the property from Light Industrial to Rail Industrial. In item E of the same document, Clark County opposed the rezone because it believed that "some of the uses allowed in the IR zone, as set forth in Table 40.230.085-1 UDC, would cause a significant impact to surrounding properties."

Rather than finding a use for the land suitable for its Light Industrial zoning, which already allows for use of the rail line for freight and distribution purposes, rather than finding a use appropriate for its proximity to the surrounding residential areas zoned RI-1 to RI-6, Pioneer Industrial decided to sue the County. The settlement document states that Pioneer Industrial disagreed with the County's concern that nearby properties would be impacted.

This statement beggars belief, as the lawsuit was clearly an attempt to strong-arm the county into allowing a heavy industrial use in a residential area. Instead of fighting to keep the integrity of the plan for the area and to protect residential neighborhoods established decades ago, the County inexplicably decided to settle and grant the zone exemption.

When home buyers are making their decision on a property, the County's Comprehensive Development plan is the only resource they have to know if they're buying in an area where future development might harm the single largest investment most people make in their lives. For long-time residents of a neighborhood, the ability to participate in the plan's development and evolution is the primary way they can protect their homes and families from inappropriate land uses nearby.

This exemption was made in direct conflict with the will of the council and the county’s then-active comprehensive plan solely to avoid a court battle. This was done without informing or involving any of the residents whose health, finances, and quality of life will be fundamentally harmed by the change.

Personally, had I known about it, I would have wanted the County to go to court to fight on behalf of the people and to send a message that developers need to understand and adhere to the comprehensive plan. It may have been legally permissible to quietly settle this matter, but it flies in the face of representative democracy and transparent government.

3. DECISIONS MADE IN A VACUUM, NO SUFFICIENT PUBLIC NOTICE

For the record, my name is David Feist and I live Curtin Creek Condos

On January 13, 2021, the Council decided to settle out of court and grant a Rail Industrial zoning exemption to Pioneer Industrial, LLC. On the very same day, it also approved a new, 62-home residential development on a parcel directly across the railroad tracks from this newly-exempted zone. This new neighborhood, currently under active construction by DR Horton, is just a couple hundred feet from a parcel zoned to allow, among other things, slaughterhouses, water treatment facilities, petroleum mining, and concrete batch plants.

The settlement agreement was signed by the Councilors on January 13, 2021, and by Kathleen Otto two days later on January 15. This chain of events indicates to us that decisions are being made in a vacuum, and without referring or adhering to the Comprehensive Growth Management Plan for 2015-2035.

Why would anyone approve a major source of vibration, noise, light, hydrocarbon, and particulate matter pollution just a few hundred feet from a residential zone?

Perhaps these zone changes aren’t even being communicated within the County government itself - we’ve certainly received numerous responses of “we had no idea this was happening” to our questions.

At best, these types of non-sensical decisions and lack of communication give citizens far less faith that the people’s business is being conducted in a professional and competent manner.

We urge the council to change the rezoning process to require conspicuous public notice and proposed zoning changes and exemptions within one mile of a residential zone, and an opportunity for the public to comment when the change will allow heavy or rail industrial development, or significant nuisances that can damage our properties, health, and quality of life.

We similarly encourage the Council to revisit notification requirements. 300 feet is a ludicrous limitation for changes of this magnitude. In the specific case we’re concerned with, this limitation required notifying only a single household among the thousands that will be subjected to the light, noise, and air pollution, including cement and silica dust fallout. The high water table in the area will likely lead to vibration transmission whenever the plant is operating. Nearby homes will be at risk for foundation damage; it's hard to sleep when your bed is shaking.

Current notification regulations are insufficient to ensure that the public can be an informed participant in the progress and growth of the County.

4. THE COUNCIL NEEDS TO TAKE CONTROL BACK FROM THE UNELECTED BUREAUCRACY

For the record, my name is Denise Trasatti and I live in the Curtin Creek Condos.

The point of creating the Comprehensive Growth Management Plan is to manage growth appropriately; to balance the need for growth with the rights of residents to the quiet enjoyment of their homes and property, not to mention their health and financial welfare and the health of nearby protected ecosystems.

Here’s a photo of migratory Canadian geese resting in the parcel directly across 99th street from a parcel now zoned to allow major pollution sources. While the concrete industry has made great strides in treating its own on-site process water, it cannot adequately control the impact to the surrounding area. The particulate matter will be falling on local streets and going directly into the stormwater drains. It will be falling directly on the Curtin Creek wetland.

This rezoning should never have happened in the first place, and it is incumbent on this council to regain control of the development of the county.

If unelected employees and contractors can overturn the decisions and plans of an elected body, if spot zoning exemptions can be granted in complete opposition to the ratified plan, if this council can sit here and say that there’s nothing they can do about a direct threat to the health of citizens living less than 300 feet away from a concrete batch plant that shouldn't be built, then the citizens of Clark County have no reason to think that their votes mean anything or that plans and statements from the county can be relied on in the future.

It’s time for the Council to take control back from the unelected, unaccountable bureaucracy and put more comprehensive restrictions in place, keeping incompatible land uses from being built next to each other and keeping dangerous new hazards from being introduced to decades-old neighborhoods.

5. BILL'S SUMMARY STATEMENT AND REQUEST

For the record, my name is Bill Peterson and I live in Mt. View Estates.

The Clark County Council holds legislative authority for Clark County. The Council is responsible for:

• Adopting an annual budget

• Making citizen appointments to advisory committees

• Adopting all county ordinances

But the one responsibility that the voters are most concerned with is Developing and Implementing Planning and Zoning Policies.

As you all know, it is your accepted responsibility to create a vision and a documented plan for the balanced growth of residential, recreational, commercial, and industrial areas inside the county. That is a difficult task because there are many different needs that overlay each other and at times conflict with each other. We the public entrust you to create the best possible compromise.

The process for doing that is, in the simplest terms, you analyze data, review testimony, discuss the opportunities, and make the Master Plan that the application of ordinances will be measured against. My reason for speaking here today is to focus your attention to this last statement. That the Council’s expectation, and the public’s expectation is that your Master Plan is to be the guiding light for county staff in making the hundreds of zoning and permitting actions taken each year. I believe that during the last couple of years there have been some occurrences where both the Council and the staff have not followed the Master Plan. Specifically, I’m talking about Industrial Railroad zoning and permitting.

A few weeks ago, this room was filled with over 120 people advocating this exact point. Comments from the Council itself, both during session and afterwards, showed agreement that things had happened that did not fit with the Council’s Master Plan. I suggest to you that there is the immediate need for the Council to place a temporary moratorium on accepting any permitting request in any parcel zoned Industrial Railroad. I am asking on behalf of the voters that were here a few weeks ago, and the hundreds of others that could not attend, that one of the Councilors make the motion to place a temporary moratorium on the county accepting any new application in any Industrial Railroad zoned area. I am also asking that one of the Councilors second the motion, and finally that the Council as a whole vote to pass the temporary moratorium, effective immediately.

This immediate moratorium is imperative to allow the Council to assess what has gone wrong and to correct the non-compliance to the Master Plan without additional new permitting to complicate the issue. Those I represent are counting on you to put this moratorium in place this morning, in this public meeting.