



**Clark County Planning Commission**

Steve Morasch, Chair  
Ron Barca, Vice Chair  
Bill Wright  
Karl Johnson  
Richard Bender  
Matt Swindell  
Robin Grimwade

---

**PLANNING COMMISSION MINUTES  
THURSDAY, AUGUST 2, 2018**

Public Services Center  
BOCC Hearing Room, 6<sup>th</sup> Floor  
1300 Franklin Street  
Vancouver, Washington

6:30 p.m.

**CALL TO ORDER & ROLL CALL**

MORASCH: All right. Good evening and welcome to the August 2nd, 2018, Planning Commission public hearing. Sonja, can we get a roll call, please.

WRIGHT: HERE  
BARCA: HERE  
SWINDELL: HERE  
JOHNSON: HERE  
GRIMWADE: HERE  
BENDER: HERE  
MORASCH: HERE

**GENERAL & NEW BUSINESS**

**A. Approval of Agenda for August 2, 2018**

MORASCH: All right. With that, I'll move on to approval of the agenda. Can I get a motion to approve the agenda.

BENDER: Make a **MOTION** to approve the agenda.

SWINDELL: I'll **second** it.

MORASCH: It's been moved and seconded. All in favor aye.

EVERYBODY: AYE

MORASCH: Opposed? All right. The agenda is approved. It doesn't look like we have any minutes on our agenda to approve tonight.

## **B. Communications from the Public**

MORASCH: So we'll move on to communications from the public. This is the time for anyone in the audience that wants to speak to the Planning Commission on something that's not on our printed agenda, now is the time to come forward. All right.

Seeing no one coming forward, we will move on to our public hearing item for the evening. Before I ask the staff to give the staff report, I'll ask, does anyone on the Planning Commission have any conflicts of interest they need to disclose? All right. Hearing none, I will turn it over to Gary for the staff report.

### **PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION**

#### **CPZ2018-00001 Yacolt Mountain Surface Mining Overlay Expansion.**

A Proposal to amend the Comprehensive Plan to expand the surface mining overlay adjacent to Yacolt Mountain Quarry on parcel number 230031000 and a portion of parcel number 230061000.

**Staff Contact: Gary Albrecht, [gary.albrecht@clark.wa.gov](mailto:gary.albrecht@clark.wa.gov) or (564) 397-4318**

ALBRECHT: Thank you, Commissioner. Gary Albrecht, Clark County Community Planning. I'm here tonight to speak to CPZ2018-0001, Yacolt Mountain Surface Mining Overlay Expansion.

The Planning Commission held a work session on July 19th to discuss the Yacolt Mountain surface mining overlay expansion for the comprehensive growth management plan. The applicant is requesting to amend the comprehensive plan designation and zoning map to expand the surface mining overlay on Parcel No. 230301000 and a portion of Parcel No. 230061000, it's adjacent to the Yacolt Mountain Quarry, and on the screen you can see the proposal.

So during the work session, additional project information was requested, the current pre-application for stockpiling dirt and a thorough background on the original permit and conditions of approval. They met the Hearing's Examiner decision resolution from the Board and the judgment on the hearing case.

So I want to read the background of this because it's really important of how we got here. So in 2002, J.L. Storedahl & Sons applied for a rezone change, a conditional use permit, site plan review and environmental review for mining and rock crushing operation. Clark County

Hearing's Examiner received testimony about this application at public hearings on June 20th and August 22nd, 2002, and concluded that the rezone, conditional use permit and site plan should be denied.

The Hearing's Examiner decisions errs included the following 17 particulars: Burden of proof; change of circumstances; furthers public health, safety, morals or welfare; matrix; traffic impacts; water usage; groundwater; noise; habitat ordinance; stormwater ordinance; unconstitutional gift; failure to withdraw MDNS; groundwater study; neighborhood advisory group; cost recovery; and, pre-blast survey.

This decision was appealed to the Board of County Commissioners in Resolution No. 2003-03-22, the Board of County Commissioners overturned the Hearing's Examiner denial decision and approved the application in the alternative conditions of approval as proposed by the Examiner that concluded modifications to conditions.

In August 2004, the Board of County Commissioners decision was appealed to the Superior Court of Appeals of Washington for the County of Clark by No Yacolt Mountain Prairie Committee. The court affirmed the County Commissioners' decision reversing the Hearing's Examiner denial of land use permit and approval applications.

And then lastly, additional information was a map identifying the surrounding homes, and I'll show that. I apologize, I don't have it readily available.

So the pre-application is a request for temporary storage of topsoil and pad for staging aggregate products. The application indicated assuming a successful comp plan change to add the surface mining overlay has been completed previous to a submittal and assumes that the site will be used for stockpiling and the intent or further reuse for reclamation of the mining site and for the site plan for Yacolt Mountain Quarry is revised.

The next steps of the application process, for the pre-application process includes submitting a conditional use permit, it's likely a revision of existing conditional use permit, site plan, SEPA and a geohazard permit. A future permit process will likely involve a public hearing to address these requirements.

So far to date, a summary of public involvement process, we've submitted a 60-day notice notification to Washington State Department of Commerce on May 31st, 2018; notification of determination of nonsignificance and SEPA environmental checklist was published in the Columbian newspaper on July 13th, 2018; a legal notice was published for the Planning Commission hearing on August 2nd; notice of application of hearing was posted on the property July 24th; public hearing notice was published in the Reflector and the Columbian newspapers on Wednesday, July 18, 2018; a postcard was mailed to about 300 property owners on July 13th.

The staff has received over 35 comments about this annual review request. They have been

distributed to the Planning Commission and posted on the Planning Commission web page. The majority of the comments were about current operations ranging from accidents, health and safety concerns, road destruction, truck traffic, blasting sounds, property values decreasing to environmental concerns.

Staff has also received one SEPA comment from Washington State Department of Ecology about water quality relating to construction activities. These construction activities will be addressed at the time of development, not during the current annual review process. So it's important to note that the current conditions for the current permit, that will be addressed through the current permit process.

So most of these complaints that I've received, I forward them on to the Community Development, and depending on the conditions of the permit, I haven't seen them, and it's likely they'll have a code enforcement go out there and monitor all of these, all of these concerns and talk with the current operator to see if they're following and meeting these.

So that's where it's at for the pre-application and the noise and everything else of all of the complaints that we've received as they've been forwarded over to Community Development to have them investigated.

So I just want to give some more background on about the whole process. So parcel numbers that I have already read off were acquired by the applicant in 2016. The parcels are zoned Forest 80 with a Forest Tier I comprehensive plan designation. Parcel No. 230061000 was logged by a previous owner. These properties are contiguous to Parcel No. 230067000 zoned Forest 80 and a surface mining overlay with a Forest Tier I comprehensive plan designation and mining overlay.

The counties planning under Growth Management Act are required to identify, designate and protect mineral resource lands that are not already characterized by urban growth and have long-term significance of the extraction of minerals. Clark County adopted a surface mining overlay map in 1994.

In 2005, the Washington State Department of Natural Ecology -- or Department of Natural Resources Division of Geology and Earth Resources produced an aggregate resource inventory map. That is this map here. So that update identified parcel numbers that I've already read as a potential bedrock resource for which distribution, grade and quality can be confidentially estimated from the specific geological evidence, limited sampling and laboratory analysis. Identified resources include economic, marginally economic and sub-economic components that reflect various degrees of geologic certainty.

In 2009 the Washington Legislature amended RCW 36.70A.170 and provided additional guidelines for classifying and designating mineral resource lands. In 2011, the Board appointed a mineral lands task force to make recommendations to the surface mining overlay map, that's the map that I just showed you, comprehensive plan policies and development

standards based on the new inventory map and GMA regulations. The task force forwarded a recommendation to expand the surface mining overlay to these two subject parcels.

So this is what the mineral lands task force recommended, so the hand is over the parcel here and here, the rest of it was included. So in 2014 the then Board of County Commissioners voted unanimously to deny the expansion of the surface mining overlay to the subject parcels due to concerns about topography, road access and impacts on endangered species.

According to the applicant's written narrative, previous consideration for the expansion of the mineral overlay in the Yacolt area in 2014 found mineral extraction and forestry to be incompatible uses; however, this is contrary to the stance in 2002 where during a rezone hearing for Yacolt Mountain Mine, the Hearing's Examiner took the stance that mineral extraction and forestry are not incompatible uses because of post mining reclamation that would return the site to forestry use.

Furthermore, under the county definitions of Forest 80 and Forest, FR-1, mineral industries are called out as compatible uses for designation and is protected under the zoning and the comprehensive plan designations. So since 2014, the applicant has purchased the two adjacent parcels, that's the ones that we're discussing this evening, to the mine and have improved the previous narrow gravel road.

So for this application, there are five criteria that staff reviewed, so I'm just going to painfully read through these. So the five criteria, so, A. is the proponent shall demonstrate that the proposed amendment is consistent with the Growth Management Act and requirements of the countywide planning policies, the community framework plan, comprehensive plan, city comprehensive plans, applicable capital facilities plans and official population growth forecasts.

And, B, the proponent shall demonstrate that the designation is in conformance with the appropriate location of criteria identified in the plan and the purpose statement of the zoning district. The map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity.

So according to the 2005 DNR map, they have indicated there are similar rock in the area, that's Yacolt Mountain; Chelatchie Prairie there's about 225 acres on the map. So partial inclusion of the surface mining overlay is the hash mark, that's about 113 acres. Dunegun Mountain is about 510 acres, and on the DNR's map it hypothetically contains rock, so they're not quite sure. And then Buncombe Hollow up north is 613 acres, and again hypothetically contains rock, it's not included in the SMO.

So Criteria D, the plan map amendment either responds to a substantial change in conditions applicable to the area within which the subject property lies, better implements applicable comprehensive plan policies and the current map designation.

So this -- they've responded to a change of conditions, that's the current, current mines in the

area, and the applicant has submitted a study of permitted aggregate reserves of Clark County and concluded that there is a lack of rock in the future at this mine which is why they're coming to, for an application to expand the surface mining overlay.

And the final criteria is E, where applicable, the proponent shall demonstrate that the full range of urban facilities and services can be provided in an efficient and timely manner to serve the proposed designation. Such services may include water, sewage, storm drainage, transportation, fire protection and schools.

So during this, the study that I've just mentioned, the permitted aggregate reserves of Clark County, Dave Norman, Washington State DNR Geologist, has reviewed the applicant's study and concluded that the study contains sound science and engineering satisfying the request.

And then as far as the transportation component goes, we had a traffic analysis done on it and Jeff Barsness from Washington Department of Transportation, Development Services Engineer, has reviewed this study and he says that if mining activities -- let's see.

It says we've reviewed the traffic study for the surface mining overlay for Yacolt Mountain Quarry. Based on the information in the study, we understood the applicant is not proposing an expansion of surface mining activities under this request. If mining activities were expanded to these parcels, the traffic study shows no significant impact to the two intersections on SR-503 identified in this study. At this time and based on the information in the submitted traffic study, WSDOT is not requesting mitigation at either intersection on SR-503. That gets me to the end.

So the recommendations and conclusions. Based on the information and the findings presented in this report, staff recommends that the Planning Commission forward a recommendation of approval to Clark County Council. And that's it for my presentation. I'm happy to answer any questions.

MORASCH: All right. Thank you, Gary. I just had one question. So if this does get approved, ultimately they'll still need to go back and apply for a development permit of some kind, probably a conditional use permit; is that correct?

ALBRECHT: That is correct.

MORASCH: And that will be a public notice, whatever kind of permit it is, it will be public notice to people that live within so many feet of the site and an opportunity for the public to get involved at that point?

ALBRECHT: That is correct.

MORASCH: Thank you. Any other questions for staff at this time?

BARCA: Yeah.

WRIGHT: Yeah, I did, Gary. Now, the proposal is to use this expansion area to store overburden from the existing operation, is that --

ALBRECHT: Yes, that's correct.

WRIGHT: -- my understanding? But the zone change would allow future gravel mining under a permit, under appropriate permits; is that correct?

ALBRECHT: That is correct. They would just have to come in for the appropriate permit.

WRIGHT: Thank you.

MORASCH: Any other questions?

BARCA: Yeah. So as we're stating it then, are we saying that there's no time that they would be taking aggregate out of the existing mine and a newly permitted mine, is it always going to be one or the other?

ALBRECHT: There's the mine right there, the overburden is back up in here, I think it's about 20-feet deep, they can't get to it. So their plan is to take this dirt, put it over here, get the rest of the rock out and then once that rock is gone, they'll put the dirt back and start the reclamation process, that then at that time they would come in for a conditional use permit to mine this down here which would address the concerns that have been voiced about this process.

BARCA: Okay. So as I'm hearing you describe it, you're saying until the existing mine is close to being emptied out of viable aggregate, they won't be doing any mining in the newly designated land?

ALBRECHT: Correct. Unless they come in for a permit.

BARCA: Unless they come in for a permit. So they could utilize their existing permit and then get another permit and then start operating on both the existing mining which is currently permitted and a new mining application down in the other ones because there's plenty of room to move the overburden.

ALBRECHT: Yes. So they would still need a conditional use permit. So I've talked to the current planning staff and they've talked with one of our attorneys, so likely they'll have to amend the existing conditional use permit, so it gets really complicated trying to implement two conditional use permits.

So that site plan, the existing site plan, would need to be modified and that conditional use

permit will likely have to be modified as well. So the timing of that could happen with this surface mining overlay expansion. I'm not sure, but that's not what I've been told by the applicant.

ORJIAKO: And, Planning Commission Members, Oliver Orjiako, Community Planning Director. Your question I believe will be best answered by the applicant because that we don't know.

MORASCH: Is the applicant here tonight?

ORJIAKO: Yes.

MORASCH: And are they planning to testify?

ORJIAKO: I'm sure they heard your question and I'm sure they will be testifying and answer and responding to that.

MORASCH: Any other questions before we start the public hearing?

BENDER: Yeah. The current permit, does that designate a max volume that can be removed and transported per day?

ALBRECHT: I'm not sure. I don't know what's in that current permit.

BARCA: Can you re-summarize please what has changed other than the parcels being purchased by the applicant that says that we needed to go back from our 2014 decision.

ALBRECHT: So they've purchased the property; they've fixed the road; they've widened; they've asphalted the road, so I believe it was, it was not asphalted during the 2014 discussion, and the supply is dwindling, it's getting lower, so they've provided an aggregate study which wasn't available back then in the 2014 discussion, I believe.

BARCA: And the aggregate study we're referring to was prepared by GeoDesign?

ALBRECHT: Correct.

BARCA: Thank you.

MORASCH: Any other questions? Counselor Cook, you moved to the table, did you have something you wanted to say before we open the public hearing?

COOK: Yeah. Thank you. Christine Cook, Senior Deputy Prosecuting Attorney, and what I wanted to say is that the question here is whether to put this surface mining overlay on these two additional properties. There's nothing in this application that would either prohibit or require the mining operator and owner to then apply for a mine on the two new parcels if

they're added.

So this isn't something that would allow the County to say this is a surface mining overlay but you can't mine it, that's not possible. And it's also not possible to in this context tell the applicant when they could submit an application, that is up to the applicant. So I think that the best answer to your question previously Councilor, or I'm sorry, Commissioner Barca, is that we have no way of knowing.

BARCA: That's correct, we don't. Right. I agree.

MORASCH: All right. Does that answer the question? I think before we move to the public hearing, I'd like to ask Gary if you could go through the five criteria just real briefly and kind of bullet point them off just so we all understand what the criteria is for the map amendment that we're looking at today.

ALBRECHT: Yes. There are the five criteria but they're paragraphs basically.

MORASCH: Yeah. Can you just kind of summarize. I got them, I got four of them written down, I missed the third one. I've got consistency with GMA, comp plan and all the other local plans.

ALBRECHT: Proponent shall demonstrate that the designation criteria is in conformance with the locational criteria.

MORASCH: And I've got locational criteria for No. 2, and No. 3 is.

ALBRECHT: Map amendment is suitable for the proposed designation and there is a lack of appropriately designated alternatives.

MORASCH: Lack of alternatives. Okay.

ALBRECHT: And then D is the plan amendment either responds to; (a) substantial change in conditions applicable to the area; (b) better implements applicable comprehensive plan policies than the current map designation; or (c) corrects obvious mapping errors.

And then the last one is E, where applicable, the proponent shall demonstrate that the full range of urban public facilities and services can be adequately provided in an efficient and timely manner to serve the proposed designation.

MORASCH: All right. Thank you.

ALBRECHT: You're welcome.

MORASCH: Okay. Well, with that, I will open up the public hearing for the public testimony.

Members of the audience who wish to testify on this item need to sign a sign-in sheet in the back, and I've got two pretty full sheets here I'm going to be calling names from in just a minute.

When your name is called, if you wish to give public testimony, please come to the front of the room and sit at the table and give your name and spell your last name for the court reporter.

Testimony on this matter will be limited to three minutes a person because we've got a full house and a lot of people that want to talk, so we've got the timer that we'll be running. And we're going to ask that you, you know, your testimony should relate to the five approval standards that Gary has just gone through.

The issues pertaining to the development application is not something that we can decide because we're here just to decide the map amendment, and before mining can actually happen on the new area if the map is amended, they would need to submit a development permit for that map amendment and that would not come to us, that would go to the County planning staff and then to a Hearing's Examiner.

And the relevant standards that Gary went through are also listed in the staff report and there should be copies available in the back of the room. If you have any exhibits or anything in writing that you would like us to consider, hopefully you've already submitted it and I know we've been getting e-mails all week and we've read them, but if you have anything else you'd like to submit, hand it to Sonja up in the front and she can pass it out to us.

And anything that you've previously submitted or that you hand in tonight will be considered part of the record for this matter and we'll consider it as part of our deliberations. And be relevant and concise in your testimony, try not to repeat yourself or others and it's okay to refer to someone else's testimony and say I agree with, you know, the person who just spoke or something like that.

Once everyone has had their chance to speak, I will then close the public testimony portion of the hearing at which point the Planning Commission will deliberate and may ask staff to answer questions and then we will take a vote.

Our vote is just a recommendation, we don't actually decide anything, we just make recommendations to the Board of County Councilors and the Board of County Councilors will hold their own public hearing on this matter and they're the ones that get to actually make the decision. So with that, I will open the public hearing, and the first person who signed up is Gary Ogier.

### **PUBLIC TESTIMONY**

OGIER: Who me?

MORASCH: Yes. Do you wish to talk?

OGIER: I can wait a little bit to see how this goes. I didn't realize I was signing up to speak, I thought I was signing up just to be at the meeting and be on the e-mail list to get some communications since we haven't gotten them previous to this meeting very directly and my comments are --

MORASCH: Well, if you want to make comments, you have to come up to the microphone. If you just want to be on the list, that's fine, I can move on to the next person.

OGIER: So I don't know --

MORASCH: And I'd ask you to say your first name and spell your last name for the record.

OGIER: Gary Ogier, O-g-i-e-r. Oh, sorry. And I did submit some comments once I found out about this proposal. And we live one-mile south and as this development comes over the hilltop toward us, the impact on us is going to be extremely amplified.

What we're experiencing now are explosions from the dynamiting that, that the shockwave rocks our whole house from a mile away. We've also experienced detrimental impacts to our well water both in quality and quantity.

I'm wondering if there's any studies that can correlate with the mining activity explosions. I personally believe the explosions are probably beyond permitted levels, although I don't know what the permitted levels are, I don't know how they're being monitored. I would definitely like more information about the permitted levels and how that's being monitored. Those are our main concerns.

MORASCH: All right. Thank you. I would suggest you talk to Gary to get the name and the contact info of people in enforcement because those would be the people that would look at things like the explosions and whether they're complying with current code and their current permits and whatnot.

ALBRECHT: I have forwarded his e-mail to the Community Development Director.

MORASCH: Okay. And have you given Gary the name of the person he should be communicating with?

ALBRECHT: Yes, I have. And Nicole Snider, yes.

OGIER: Yep. All right. Thank you.

MORASCH: All right. Thank you.

ALBRECHT: So follow up with Nicole, please.

OGIER: Yep. Will do.

MORASCH: All right. Thank you. Oh, before you go, are there any questions for Mr. Ogier? No. All right. Thank you. And Marie Ogier, did you want to talk also?

OGIER: What I'd like to add to what he said - Marie Ogier, O-g-i-e-r - is the dust off of this. I take pictures every time the explosion happens, it rattles our house so badly and I sent it to neighbors and four and a half miles away they're thinking it's a sonic boom, their feeling this.

And the dust in the air that we're breathing is all over the house, all over my garden and we have wildlife everywhere around us, we have deer, bear, everything, and they're all impacted by this. It's right above the Lewis River. This is the watershed for the Lewis River and so I'm hoping you'll keep that in mind.

MORASCH: All right. Thank you. Was that your YouTube video I heard or I heard someone had a YouTube video with an explosion that you could hear over their telephone call, they were like talking and then you hear this boom?

OGIER: Darn it, no, but I'll try. I'll work on my technology skills.

MORASCH: All right. Well, I would encourage you to follow-up with Nicole.

ALBRECHT: Yes.

OGIER: Thank you.

MORASCH: All right. Thank you.

OGIER: Thank you.

SWINDELL: May I ask you real quick, ma'am?

OGIER: Yes.

SWINDELL: How long have you lived there?

OGIER: You know, we moved there about five years ago and I've only been hearing this the last year or two. And my guess is as I look, the mountain is getting flatter and lower and I'm imagining that the south wall as it's breaking down is the concussion is coming more and more at us and people are hearing it five miles away.

And I had a friend sitting next to me that lived in a war-torn country and you should have seen

the look on her face when the blast went off, she was horrified. I've had roofers on the roof that are going, what just happened? And I said look north, and they're like this is wrong, this just can't be right, so...

SWINDELL: Okay. Thank you.

OGIER: Thank you.

MORASCH: All right. Thank you. The next person on the sheet is Erick Staley.

STALEY: My name is Erick Staley, S-t-a-l-e-y. I work at GeoDesign and I'm a geologist with over 18 years of experience. GeoDesign reviewed the permitted aggregate resources in Clark County to estimate the quantity of the resource available within the county and project an estimated lifespan for that resource.

The study relied significantly on publicly available documents, aerial photographs and interviews with DNR staff which is the agency that oversees mine permitting in the state.

Our study first built a list of the sites with active permits in the county coming up with 25 sites; however, it is important to understand that a permitted site is not necessarily producing construction aggregate. Some of the sites are mined out or, and they're being reclaimed, some are accepting fill or other activities that DNR would have oversight for but would not produce construction aggregate.

Of the 25 permitted sites, only nine are producing, are mining construction aggregate, of those nine, three are nearly completely mined out, that leaves six sites that have significant aggregate resources for use in the county. Our study estimated the permitted reserves and used per capita rates for aggregate use to estimate the projected lifespan of that reserve using Clark County population estimates from 2015. Based on our calculations, the permitted reserves in Clark County could last between 7 to 21 years.

Gary mentioned in his staff report that the State geologist reviewed our report and is satisfied that it was based on sound science. The needs of the county to maintain adequate aggregate resource with economic stability should be apparent. Our findings demonstrate that the county needs to act soon to maintain an adequate supply of aggregate resource.

Given the choice between building new mines and expanding existing mines, it should be evident that relying on existing sites minimizes the impacts to communities and environments and provides a stable mine location for community planning and projects.

As an aside, I'm a geologist. I think it's worth pointing out that Yacolt Mountain is actually an unusual rock type for this area. Now so much of the Cascades is made of lava which is somewhat heterogenous meaning it's complex, interbedded sedimentary rocks and other things that aren't good for construction aggregate. Yacolt Mountain is a diorite that you'll

read in the staff report that makes it unusually strong and consistent which is desirable for an aggregate source.

The DNR geologists in 2005 recognized that and they identified the diorites in Clark County as potential aggregate resource. Yeah, that will do it.

MORASCH: Is that it? Okay. Is there any questions?

SWINDELL: Yes, actually. I'm not sure if you know the answer to this or not, but at that particular site with what they're asking to do, do you know how much longer that site would continue, is it that 7 to 21 years, is that based on the economy and --

STALEY: Sure. That's using just the permitted reserves that basically someone has a right to mine by having gone through this process and other public process and then getting the DNR permit.

As far as how much could be on the parcel proposed for the SMO, we haven't gone to that kind of detail yet because first you need the land approved for a mining purpose and then we would have to get the DNR permit and the CUP and everything else.

So it's, it takes some time and money, honestly some drilling and other things to help figure out that resource. Unfortunately mother nature doesn't leave everything uncovered for us to figure out right at the surface, so...

SWINDELL: Okay. Thank you.

MORASCH: So are you here on behalf of the applicant then?

STALEY: I am.

MORASCH: Is there anyone else that is here on behalf of the applicant tonight?

STALEY: Yes.

MORASCH: And would they like to come up after you so we can get all the applicant in one instead of having it broken up and I think that might be helpful for the audience and then they could respond to things that the applicant might say, is that --

STALEY: I think that would be helpful.

MORASCH: So do the other people for the applicant want to come down at this point or -- thank you.

GARRISON: Hello. My name is Roy Garrison. I'm with GeoDesign, I'm the principle over

the mining consulting department, if you will. Been in the mining business my entire career as a consultant or worked in planning, developing mine plans and reclamation for the 41 years that I've been at this, so... I would like to just clarify just a few things on some of the questions that come up so far.

One, as Erick mentioned, the mining plan hasn't been developed for the two parcels that we're proposing the overlay on. The existing mine is inherently in nature what we would call a topdown mining plan which you create incised floor or incised mining, so the longer you mine, you're mining downward creating walls around you, so which helps with noise attenuation down the road as well.

The one concern to the south with the noise and any visual that they may have to the south, the proposal with the stockpiling taking place first on the, on these parcels, will act as an additional barrier or sound attenuation as well as a visual. I just wanted to clarify that a little bit.

As, also as Erick said, you know, mining if permits are approved in the future would be consistent with the existing mine and that goes along with the requirements of the criteria for not only GMA but it's what the intent is behind DNR and the Surface Mining Act was originally proposed that we maximize the resources that we do have instead of having more mines strung out across the state, that we would concentrate on where we have quality rock, in this case, as Erick said, it's very high quality rock.

So it makes sense to put that, you know, expansion down the road next to an existing mine, infrastructure is in place, the other permits that will fall in place with the DNR and DOE, it makes a lot more sense to have those consolidated within one, would be all one mine plan, if you will, if that were to be expanded. Any questions?

MORASCH: Does anyone have any questions?

WRIGHT: Yes, I'd like to ask you a question. You may or may not have an opinion on this, but over the years and I'm sure later tonight we're going to hear a lot of concerns about the present operation and some of the impacts, we've already heard a little bit about noise and water levels, in your opinion is there any validity to these complaints or are they frivolous or malicious or is this operation actually impacting well water in the area, and if so, are there mitigations for that?

GARRISON: Well, the mitigations, well, one, I can't answer the question without having more detail with the hydrogeology which would be the next step. If we're attaining a CUP, there's the science part of it comes at that level, this particular process is the overlay and we typically aren't, you know, dealing with even traffic and some of the more specific hard science issues because the mine plan hasn't been completely developed yet for these two parcels.

So I can tell you that we hear these concerns and we always welcome them. I think it's good

to hear what people are experiencing around mining operations. There are regulations in place that the next steps that would take place if this were to expand that already exist on the current mine. So vibration, noise, those type things are what we call a blast or a shot inside of a hard rock mine are monitored very specifically. Each shot is monitored, vibration limits, there's criteria under mine, safety and health that are required to be met, every shot is monitored, neighbors are notified prior to the shot, there's a long list of criteria that goes into that operation if you're going to have a shot on-site.

Every site is different, to answer your question, you can't say carte blanche, you know, everybody is safe outside that boundary or you can't say that, yeah, we're going to, you know, the blasting going to see degradation of groundwater, that's part of our process in the next step will be to prove that.

The DNR and DOE, I can guarantee you are equally concerned about those things. We have very specific criteria that we have to meet to develop that for those agencies as well.

WRIGHT: Thank you.

GARRISON: Did that help?

MORASCH: I have two questions. One, I want to make sure I got your name, are you Roy Garrison?

GARRISON: Yes, sir.

MORASCH: Okay. Great. I just wanted to make sure. And, you know, you said it at first, I didn't write it down, I'm trying to keep track of my lists.

The next question I have is in relation to the criteria for the map amendment. I think the third criteria includes lack of alternatives and I saw a map that Gary put up that showed some other areas further to the north that also had potentially some similar rock, can you give us your take on why there's a lack of alternatives in light of that map that we saw.

GARRISON: Well, I'm intimately, you know, familiar with most of the sites in Clark County as well as throughout the state that we've worked on and a lot of it is access to those sites and critical areas.

In this case, you know, we've done our due diligence and homework up front so that we wouldn't be to even this process if we had, you know, those issues before us, so... New sites are the due diligence part of looking at a new site is not only the mineral evaluation and availability, it's those critical areas, access and those other sites are further to the north are getting further from the market as well, that puts more impact on arterials.

There's sites on the list here, one is actually a State site, spotted deer that lies to the east up in

the foothills and it's been looked at over the years as well, it just does not have a good access and that's a good example of there might be good rock there, it was a forest quarry that supplied rock for forest roads, but in getting it to the market is usually one of the greatest challenges, not only economically, but just physically.

MORASCH: All right. Thank you. Any other questions?

SWINDELL: Yes. Do you know when that mine was originally, the permit was originally approved, the first permit?

GARRISON: Oh, boy, I don't remember off the top of my head.

SWINDELL: Does anybody know that?

ALBRECHT: It was 2005.

SWINDELL: 2005 was when it started to be mined?

ALBRECHT: Well, 2004 so that it got approved from -- well, so it went to the State Superior Court, so they authorized it then, so it was shortly after that.

SWINDELL: All right. 2004, 2005 is when it was permitted?

ALBRECHT: 2004, 2005.

GARRISON: That sounds about right.

ALBRECHT: The State Superior Court, I apologize.

SWINDELL: Thanks.

MORASCH: All right. Any other questions? All right. Thank you. Is there anyone else from the applicant that wants to talk at this time?

LYNN: Good evening. My name is William Lynn, L-y-n-n. I'm also here on behalf of the applicant, I'm a land use lawyer.

If I could just start with your question first about alternative sites. The criteria says that the sites, is there a lack of appropriately designated alternative sites. So the fact that there are other sites that may have rock under them doesn't make them appropriately designated unless somebody goes through this process, so that's the test in the code.

You know, I know the Planning Commission is aware of this, but we're not seeking permission tonight to expand the mine, we're seeking permission to file an application. This would just

get us in the door with an application.

We would then have to meet all the County's criteria and the State standards. A lot of those are objective and they are tests that we have to meet with the Department of Ecology and the DNR. A lot of the codes about wetlands and critical areas and stormwater regulations are adopted codes, but some of what happens in the conditional use permit is the imposition of specific conditions.

Somebody asked about how much material can come out of there, there are trip limits on the road under the current approval. Because you're painting with this broad brush of the overlay tonight, we're not in the position to make promises to you and you're not in the position to impose conditions on us, that's frustrating for us too because we'd like nothing better than to tell you in a binding way that the mining in this property would happen in sequence and that the applicant would only use the processing facilities that are there and would abide by the current restrictions, we can't really do that, so all you can do is look at us and look at the property and that's what we're really asking you to do.

The GMA mandates the protection of sufficient mineral resource lands. We've demonstrated that you don't currently have enough, everybody who's looked at this who's an expert says you don't have enough for more than 7 to 21 years which is given the permitting processes is a significant concern. Really the question is is there a better place to do this.

You're expanding an existing mine which is always a preference. You've got the codes in place to protect it and most importantly this county has a very rigid process for applying this overlay, much more so than in other counties. Most counties would not require a traffic study at this point or the evaluations that you've got, that creates a tough road for the applicant but it also should create a comfort level that doesn't exist in other places.

This is a screening level, we think we've passed that screening level, the DNR, the DOT, the County have all agreed that we've passed that test and what we're asking for is a chance to meet the next test, series of tests which involve not only meeting these objective standards but also a public hearing like this where somebody really does have the authority to look at the specific issues, the specific studies and impose specific requirements. That's all I have. I'm happy to try to answer any questions.

MORASCH: All right. Thank you. Any questions for Mr. Lynn?

BARCA: Mr. Lynn, I think I need to clarify something. We did not have a shortage of aggregate before you purchased this property. In 2014 we did a process that we had a very wide and large public comprehensive plan review of the mineral overlays and the County Commissioners at the time agreed that what we put in place was going to be adequate for the 20-year comprehensive plan.

You're asking for additional. Now, you're coming in with testimony that says there is

additional requirements because between 8 and 21 years of inventory is not adequate, but this isn't a process that says we're doing this because we have some type of emergency.

So I just want to be clear, the way that you've framed it to me made it sound like this was a necessary process to keep the county viable and the aggregate supply adequate and I don't see it that way based on what we have in the record.

LYNN: Well, what I, one of the things I said was that the County has a rigid process. One of the things I've never seen in any other county I've worked on is a requirement that we demonstrate that there are not adequately designated lands in the alternative sites appropriately designated which we did, we did the study in a way that was found appropriate by the State agency that regulates surface mine and we looked at each mine, we looked at the available resources, we looked at limits on the ability to withdraw it and we came to a conclusion that was accepted by the DNR and by the County. So I think I have to differ.

I think we have demonstrated that there is a shortfall, and if you can't accept the approval of the DNR on the method of study, then I don't know what other test we would have to meet.

BARCA: Well, if you hadn't purchased the land, if Storedahl had not purchased the land and come forward with the request for the overlay change, we would just be moving forward; is that correct?

LYNN: You wouldn't have this information. I mean, who else is going to provide the information but people in the business who know about the rates of use. I mean, the DNR says that people, each of us uses 12 yards or 12 tons of material a year and that's based on significant research. So it's not just us saying this, this is ratified by the DNR and it's been reviewed and approved by the staff, so...

And I would urge you, here's the real test, I would urge you to have your own Public Works Department or maybe suggest that the Board do this, have your Public Works Department tell you if they find a shortage of material when they're out there doing public works project, this affects every citizen in the county that drives on county roads, and so this is a public issue and I would urge you to go to a neutral source like your own Public Works Department.

MORASCH: Thank you. Any other questions for Mr. Lynn? Yes.

BENDER: What is the current trip limits and are they being utilized a hundred percent and is there a potential for an increase in trip limits?

LYNN: Well, I think the applicant would probably love an increase in the trip limits, but I don't think that that's in the cards. I think I talked to Mr. Storedahl tonight, I think the trip limit comes out to about 10,000 tons a day and I think they were at that limit now just because it's a busy time of the season, so... There are times when they're at the current limit and would like to be able to haul more, but that's not applicable, of course that would be reviewed during the

conditional use permit.

MORASCH: Any other questions? All right. I do have a question before you go, I have a question for staff and I'll give you a brief chance to respond.

Gary, Mr. Lynn testified that the applicant submitted a study that showed 8 to 21 years of rock supply in the county that was reviewed by DNR and I think he said the County staff has reviewed that study and basically agrees with it, can you confirm that or --

ALBRECHT: That's correct. That's the study that was submitted by the applicant, aggregate study of reserves, I'll find the exact name, it's in the hearing packet.

MORASCH: And your staff basically agrees with the findings of that study?

ALBRECHT: Well, I'm not a geologist so that's why I asked DNR about its validity because I can't tell from what it is, I'm not a geologist, I don't know. So that's when DNR said it was okay and it passed the test of sound science and it met the requirement that was asked.

MORASCH: All right. That's what I wanted to know. Thank you. Oliver, you're coming up, did you want to add to that?

ORJIAKO: Yes. And the question more is is this aggregate resource that we have to protect or we have to designate, that's the question. Not whether it is a 20-year supply or not, we don't do the same for forest or ag. The provision is that if there is indeed aggregate resource, in this case mining, can we designate it as such.

MORASCH: Okay. Well, I think the discussion on the 8 to 21 years came up in response partially to my original question about lack of alternatives which as I understood from Gary in the beginning was one of the five criteria for the map amendment, so I think that's how we're getting around to that issue.

ORJIAKO: Yes, I agree.

MORASCH: All right. Thank you. All right. Mr. Lynn, is there anyone else from the applicant that wants to talk at this time?

LYNN: I think not at this point.

MORASCH: Okay. Great. Thank you.

STALEY: Can I add something?

MORASCH: Okay, but be brief.

STALEY: I've heard 8 to 21 said recently, it's 7 to 21.

MORASCH: 7 to 21, okay. I was looking at Ron's notes.

BARCA: Well, I'm looking at --

STALEY: I get like this sometimes.

BARCA: Mr. Staley, stay there.

MORASCH: Before you leave, Mr. Barca has a question for you.

BARCA: All right. So we're looking at the GeoDesign project January 4th, 2018, and on the first bullet of the second page it says county has only 8 years permitted aggregate reserves and an industrial demand rate, county reserves would only last 21 years. So that --

STALEY: Correct. The first installment of that study had a typo, it says 8 in the text, 7 on the chart, so if you look at the chart that follows that page.

BARCA: So the text is wrong; the chart is right.

STALEY: Correct. And following that, the second installment of that which you have in front of you says 7 consistently.

BARCA: Thank you.

STALEY: You're welcome.

MORASCH: All right. Thank you. So the next person on my list is Bill Kelley.

KELLEY: Good evening.

MORASCH: Good evening.

KELLEY: My name is Bill Kelley, K-e-l-l-e-y. I live on Yacolt Mountain. And am I to understand from Mr. Barca there that in 2014 it was determined that this rock was adequate and now it's not, is that what the County determined?

BARCA: The comprehensive plan amendment that we made did not include this property as mining overlay at that time.

KELLEY: Oh, so you don't know?

BARCA: Pardon?

KELLEY: So you don't know?

BARCA: I do know that it was not included as a mining overlay in our 2014 comprehensive plan amendment, it was not.

KELLEY: Okay. Well, I was reading from your paper here, the determination of nonsignificance, it says the lead agency for this proposal has determined that it does not have probable significant adverse impact on the environment, the lead agency being Clark County.

Now, I don't quite understand how you come to that conclusion that an open pit mine doesn't have an adverse effect on the environment.

ALBRECHT: Well, it's a WAC criteria, so it's a non-project action which relates to comprehensive plan policies and map changes, so that's why it is a determination of nonsignificance, so it's a non-project action, that's what's going on right now, that's why it was written like that.

It's not for construction, it's just, it's just for a map change, that's all we're doing, so that's why it's determined not significant and that's why, so we were using the WAC language to get to that, it's the Washington Administrative Code.

KELLEY: I see. Well, for some who have already testified, the affect of the environment on our environment on the mountain is explosives at times and I think it will have a great impact on us residents up there, so I don't agree with approving this.

MORASCH: Understood. And, again, I would encourage you to contact Nicole who is in charge of the enforcement edge because what we're doing here is we're just looking at the map and approving a map change, which is not going to by itself allow any additional mining, they would need to come in and get a permit and I think it's that permit process that you want to get involved in because that's where they're going to analyze things like explosions and whatnot on the site itself.

Right now we're just looking at the map only which is I think what Gary said, there's no environmental impact, they're just changing the color on the map. There will be another stage before any actual mining occurs and that will be an actual permit process and you'd get a public hearing in front of a Hearing's Examiner, so I'd encourage you to come back at that time, stay involved and also talk to Nicole about any enforcement issues.

KELLEY: Okay. Thank you.

MORASCH: Okay. Any questions? All right. Thank you. Wayne and Joyce Carroll. Are you still here? Did you want to talk? All right. Larry and Judy -- or excuse me -- Larry and Julie Gibson. No? Okay. Jim Danzenbaker. You can sit in any chair.

DANZENBAKER: My name is Jim Danzenbaker, I live in Battle Ground. The last name D-a-n-z-e-n-b-a-k-e-r. I've lived in Battle Ground for about 13 years and it's been a wonderful experience except for the last couple of years when all the trucks have been piling through Battle Ground pretty much nonstop, and I do a lot of walking through town and it's amazing the number of trucks that I see on our roads right down Main Street each and every single day of the week.

I find it to be something that's concerning for me as well as probably a lot of other people in Battle Ground just the amount of traffic, the fumes, the noise, the amount of space that these trucks take up. Sometimes, you know, at a traffic light I'll see one drive through a traffic light. When they're speeding out of town on Main Street going west, I see that they actually are speeding along and, you know, a truck laden with rocks speeding along a freeway is not exactly safe when you've got the roads going through neighborhoods, so that's a concern of mine.

Also, there are notations on the trucks that state we are not responsible for any damage to your car or vehicle as a result of anything falling off of our trucks. These trucks do not have a cover, so it's loose rock that they're carrying along, and I find it to be absolutely amazing that they can say that they are not responsible for anything that's falling off their trucks.

Obviously environmental impact is a concern of mine. Our county is being adversely effected on all fronts by environmental impacts from deforestation to mining to just overall development and I think we have to find a spot where you have to stop and say what in the heck is going on here because this is not the Clark County that I moved to 13 years ago.

There was something that I received, I think it was in the Reflector, it was a couple of years ago that mentioned that our property taxes were going to be increasing to take care of our roads and it asked for comments to go to somebody in Battle Ground with concerns and I wrote an e-mail saying I would like to see the trucks that are going through our town they should be incurring a lot of the expense of maintaining our roads. Of course that e-mail was completely and totally ignored, so I have no idea whether that's even a concern of anybody, but it should be since we're all affected. I just wanted to --

MORASCH: All right. Your time is up. I'll give you like 10 or 15 seconds to kind of wrap it up here (inaudible).

DANZENBAKER: Well, I just wanted to agree with the Ogiers comment about dust falling on our watershed and that's got to be a concern somewhere along the line.

MORASCH: All right. Thank you. Any questions? All right. Thank you very much. Oh, did you have a question?

BENDER: Yeah, I do.

MORASCH: Oh, before you go, we have a question.

BENDER: It's not a question, it's a comment. My understanding of the codes for loads on trucks and trailers or even private cars, the only thing that's allowed to be discharged to the road is chicken feathers or potable water, that sign was probably put up there to discourage you from filing a claim if a rock falls off and breaks your windshield.

I don't believe that that is, the law indicates, and I'm not an attorney, but my understanding is that they are responsible for losing a portion whether it be one rock or several rocks from their vehicle.

DANZENBAKER: My response to that is they should take that notation off of their trucks, that's all.

BENDER: I agree with you.

MORASCH: All right. Thank you. James A. Styres, III.

STYRES: My name is James Styres, S-t-y-r-e-s. And actually from what I've been hearing tonight it sounds like I'm a little bit ahead of schedule for the process because it sounds like this is just the change in the map as is normal. I have the same concerns that you've already heard from most of the neighbors and it sounds like you guys have already heard these concerns.

MORASCH: We have. And I would encourage you to get in touch with Nicole for existing enforcement and stay alert for when they do come in with their permit and be involved then because that's when they're going to get down to brass tacks so to speak on some of these specific issues.

STYRES: What is Nicole's --

ALBRECHT: Nicole Snider, she works with Community Development.

MORASCH: And that would be with questions about the -- because they have an existing permit and that permit has got conditions they're required to follow and there's existing County regulations and so that's who you'd talk to if you feel that they're violating any of the existing rules.

STYRES: Okay. Thank you.

MORASCH: Yep. Thank you. M. Stroebe, D. Zine.

STROEBE: Margaret.

MORASCH: Margaret. All right.

STROEBE: Hi. My name is Margaret Stroebe, last name is spelled S-t-r-o-e-b-e. I live on Gabriel Road for 15 years and I just have one comment tonight.

I'm in the process of collecting information about this issue and I feel that 300 postcards is very inadequate for the notification of the meeting processes and I would just like to make a request. I feel that all of the residents on Kelly Road, Rock Creek Road and Gabriel Road should be notified in writing with the postcard or however you choose to notify for all future meetings and hearings because this issue is very important to all of us in north Clark County.

MORASCH: All right. Thank you. And is D. Zine, is that --

STROEBE: D. Zine is my husband.

MORASCH: Your husband, I was going to say. Does he want to talk as well?

ZINE: I'll call Nicole.

STROEBE: He will call Nicole.

MORASCH: Oh, Nicole. Nicole's going to have a lot of messages on her phone mail tomorrow.

STROEBE: I do have a question. Is it possible to get a copy of the existing permit, is that public record?

MORASCH: It is, and I wouldn't know how to do that exactly.

ALBRECHT: Nicole.

MORASCH: I think probably Nicole would ultimately be able to point you in the right direction or maybe public records request, but that would be a public record, you're entitled to it.

STROEBE: Okay. Thank you.

MORASCH: Thank you. Charlie Crisafulli.

CRISAFULLI: You actually got that right.

MORASCH: Thanks. Yeah. It's tough to read the handwriting sometimes and then try to pronounce the name, so...

CRISAFULLI: Well, thank you. My name is Charlie Crisafulli, C-r-i-s-a-f-u-l-l-i. I've been living in Yaolt for 26 years, two months to the day.

BARCA: Mr. Crisafulli, get a little bit closer to the microphone, please.

CRISAFULLI: Did you hear it or should I restart? I've been a Yacolt resident for 26 years and two months to the day. I live 1.7 miles east, southeast of the mine.

I'd like to start with a few questions and -- well, first, I'm a little bit confused because I clearly came in here knowing that this was about changing a category of parcels of land to increase the mining overlay and extension and not the mine; however, I also thought that it would allow moving of overburden on to that land. Is that true or is that not true?

MORASCH: Wouldn't they need to amend their permit in order to do the overburden?

ALBRECHT: That's the pre-application. So after this process, assuming it goes through and the County Council approves it, then the applicant would come in for the application to do that.

CRISAFULLI: So I understand. So they cannot move the overburden.

ALBRECHT: Correct.

MORASCH: Not without another application.

CRISAFULLI: I follow. Okay. And that would even precede then mining obviously. Okay. So why is the proposed mining overlay extension so large relative to this site currently storing the overburden? If it's just a matter of storing the overburden, why is it so large? Someone can respond to me via e-mail.

Why doesn't the use of this overburden to be used to start reclamation to the areas that have already been mined?

And then my third question is what percent, I hear all of this speak about Clark County, Clark County and the shortage or, you know, foreseeable future of aggregate and I'd like to know, what percent of the aggregate coming out of the Yacolt Mountain Quarry is currently being used in Clark County versus other counties such as Cowlitz, Skamania, Lewis or even across the river? Is every single truckload being used in Clark County today?

BARCA: No.

CRISAFULLI: So I think it's imperative that we look at the current operations and have that guide us as to whether anything that Storedahl want should be considered. Their current operations in my view are likely noncompliant based on noise levels and hours of operations.

They, currently they've been starting operations at 5:00 a.m. and going till 8:00 p.m. I live 1.7 miles away and I'm out picking blueberries the last couple of nights and I'm being rattled what

sounds like artillery like Kosovo. So these types of noises and the operation of hours of operations. 5:00 a.m. this morning I was woken with my window shut by their operations at 5:00 a.m. this morning.

I was driving to work at 7:00, ran into my neighbor and I said, how are you doing, Abby? She said terrible, I got woken up at 5:00 a.m. this morning through my windows. Okay. So I think we need to consider their current behavior and let that dictate whether we should even give Storedahl anything for future activity.

MORASCH: All right. Thank you very much. You're out of time.

CRISAFULLI: Can I just say one thing?

MORASCH: Just real quick.

CRISAFULLI: I found the SEPA determination of nonsignificance to be unacceptably weak, poorly done and several potential facts should be disclosed regarding some activities should these come to fruition that is the next step.

And then finally, I think the rural character is at risk and that Storedahl has not showed any level of reciprocity, they've continually been disruptive with noise, dust, altered hydrology and microclimates, invasion of the landscape, dangerous traffic conditions and the loss of important local landform, Yacolt Mountain.

MORASCH: All right. Thank you very much. Any questions?

BARCA: Yeah, I have a question, Mr. Crisafulli. I believe the permit that's in place right now based on the County Commissioners' adoption after the State court ruling had a sound mitigation, your property line is 57 decibels, do you think without you being a scientist in that regard that it's exceeding 57 decibels?

CRISAFULLI: Well, I can't say for sure. All I can tell you is that the noise is so loud, like, continuous artillery going off that it wakes me up when it starts and that when I'm outside, it's drowning out the thrush singing.

BARCA: Okay. Thank you.

MORASCH: Any other questions? All right. Thank you. Richard Dyrland.

DYRLAND: I've got a real bad cold from too much air conditioning the last few days, so I'm going to keep it brief here, but I did type up a handout because of that that could go into the record. I'm going to read it and keep it short.

To protect surface and groundwater resources under expanded mining, it will require that the

County takes the time to develop well thought out and properly designed effective land use permits, project permits and conditional use permits and that they also require new technology to be used to reduce noise.

Permits must have, also have built in mechanisms and conditions which will require operation or site management adjustments to be made if the monitoring shows that compliance is not adequate or if new or unacceptable levels of on-site or off-site problems were detected or have developed.

It is this kind of balanced progress perspective we want to see as the proposed new development/expansion moves forward to implementation. We think a lot of the emphasis needs to be there because quite frankly we know what the monitoring in the past over the whole county has not been adequate.

I have one other comment. I'm very familiar with all the gravel mining companies in this area and I've been told that, by them at least, until recent that about 40 percent of the rock mined in Clark County goes to Portland. So I think we need to be very careful of how some of these figures are discussed in terms of demand and shortage and all that because we can't be saying we've got a shortage in the long-term or even immediate short-term in Clark County when we're shipping major volumes over to Portland, and this is coming from a multinational company that knows what they're doing. Thank you.

MORASCH: All right. Thank you. Any questions? All right. Thank you very much.

COOK: Would you give your name for the record and spell your last name.

DYRLAND: It's Richard Dyrland, D-y-r-l-a-n-d, not Dryland, Dyrland. Thank you.

MORASCH: All right. Thank you. Stacey Strutz.

STRUTZ: Good evening. I'm Stacey S-t-r-u-t-z. I agree with someone else that probably I need to be at the next hearing as a resident in the area, but three things.

One, I read through this paper and the transportation report that says 503 is the majorly impacted road. I really beg to differ with that. Kelly Road is insane and we've already had two trucks go over across Lucia Falls Road that I'm sure some people are aware of and that means down across it and over the edge. And I retired a year ago, but on my way to work at 5:00 a.m. I used to count between 10 and 15 trucks between Kelly Road and Battle Ground going up and down, so it's pretty insane.

Two, how do I reach Nicole Snider? Is there a --

MORASCH: You can talk to Gary.

ALBRECHT: You can e-mail or call her. If you've sent me an e-mail, more than likely I have included her in that response back.

STRUTZ: Okay. I just didn't have contact info.

ALBRECHT: Do you have my contact information?

STRUTZ: I believe so. Is there a place I can find that easily.

ALBRECHT: Do you want to write down your e-mail address and I'll make sure I get it to you.

STRUTZ: I'll do that.

MORASCH: All right. Do you have any further testimony?

STRUTZ: I agree with the Ogiers about dirt, blasts. Nobody, I haven't received any notification of any blasting. My husband and I were outside last week I believe and it was just like (inaudible sound) very audible and we are farther south, we're two to three miles south of the site. And I was awakened at 4:00 a.m. with low-tone vibrational noises many times over the last year or two, so... I think they start drilling or something at that time, but that's all. Thank you.

MORASCH: All right. Any questions?

BARCA: I do have a question. At what time do you see the truck traffic start?

STRUTZ: I used to leave for work at 5:00 a.m. or actually 5:15, 5:20.

BARCA: So you would see it as early as 5:20?

STRUTZ: Yes, you know, going up to the site.

BARCA: All right. Thank you.

MORASCH: All right. Howard Davidson.

DAVIDSON: My name is Howard Davidson, D-a-v-i-d-s-o-n. I live on 308th Street.

BARCA: Sir, could you please come forward toward the microphone.

DAVIDSON: Yes. I live on 308th Street off of Kelly Road and I am the property that borders that creek that comes from that area up there, I can't think of the name of it right now. And when they first opened this mine, there was a tremendous amount of overburden running down the creek and I want to know how they're going, when they start moving this overburden,

are they going to protect it from runoff because there was a tremendous amount of it that went down the creek and I think the County Commissioners heard from my neighbors because he had a pond on this creek and it filled his pond up.

MORASCH: So, yes, when they get ready to move the overburden, they'll need to apply for a permit to do that and that's when they'll look at those sorts of issues.

DAVIDSON: And I have to agree with Stacey, the truck traffic on Kelly Road comes down the hill terribly fast. I don't think those guys, a lot of guys that come down that hill, I don't think they realize there's a stop sign down there because they're coming down, downhill all the way with their heavy loads and their brakes get hot, they don't shift it down. And they also -- the impact on the other road with, the other road they're taking to 503, I can't think of it right now, but it's the other intersection, that's a really crooked road too.

So it's not just impact on 503, you're impacting county roads tremendously with heavy loads. That's all I've got to say.

MORASCH: All right. Any questions? All right. Well, thank you very much. Brian Dunn.

DUNN: I'm here on behalf of the applicant, so I wasn't planning on testifying unless I'm called upon.

MORASCH: Okay. Randall Strutz.

STRUTZ: Hello. Randall Strutz, S-t-r-u-t-z, and I'm just going to read something here only because it's in this pamphlet. Per the applicant's traffic study, the proposed plan amendment and zone change will increase trips to 402 per day, but the transportation system will operate within accepted VC ratio.

I would have to contest, and I don't know who I need to talk to, who the DOT individual was that assessed how this would impact the roads because he states here that the most impacted road is SR-503. Now, for those of us that live off of Kelly Road, those of us that live off Lucia Falls, Rock Creek Road and Gabriel Road would have to differ from that.

I have fallen, or fallen -- I have followed trucks going down 503 smelling their brake pads and there is absolutely no marking on a lot of these trucks, there's nobody to complain to, you can't read the truck license plate numbers, you don't know where they come from.

I lived in Gresham when they had a similar problem when they were developing Happy Valley, the community was up in arms because heavy trucks were coming down a long road. Now, I'm a former ER nurse, so I know what happens when a truck hits a car. The truck -- we've had a couple of trucks go into the wall trying to stop and a couple of trucks that have actually gone off the road, across the road and down towards the East Fork of the Lewis River. Now, that causes a problem if there's a family in a car down there.

So this whole thing about 503 being the most impacted road to me is not realistic. I want to know what these increased trips per day per this proposed plan means. We don't need more trucks going down these roads. Somebody's going to get killed at the bottom of that road, you know, I don't guarantee anything, but that's dangerous.

Now, I don't know what Gabriel's like because I don't go down Gabriel, but this project needs to figure out a different way to get that stuff out of there, and they need to have their trucks monitored, marked. I'm sure Storedahl have very good trucks, I've seen his trucks, but there's a lot of other rigs using this road and it's a dangerous situation. And if this overlay or whatever they're doing here is going to increase more trips, that's going to endanger people more, that's my concern.

MORASCH: All right. Thank you. Again, I would encourage you to contact Nicole like everyone else because she's the one who does the enforcement and also you want to make sure that you, you know, stay involved for when they file their permit because there can't be any new trucks unless they get a permit for something that allows them to, you know, do some more operations that would then generate the trucks, so that's the next stage where they would look at those issues in more detail.

STRUTZ: Okay. Thank you.

MORASCH: Yep, thank you. Lisa Levanen.

LEVANEN: I submitted my comment online so, thank you.

MORASCH: Okay. Thank you. Melanie Sanborn.

SANBORN: I'm here, I submitted mine online also, if I can discuss the traffic case a little more.

MORASCH: If you want to discuss something, you need to come down and speak at the mic. If you're okay relying on your written materials, then I can just move on, but we need to get you on the record if you want to talk.

SANBORN: My name is Melanie and the last name is Sanborn and that's S-a-n-b-o-r-n, and I have lived in the area, Clark County resident my entire life and I have lived at my current address for 20 years and that's 181st Avenue and that's off of Kelly Hill Road.

For many years I brought my kids to and from the schools, Yacolt and Amboy, four trips at least a day, less trips into Battle Ground and those roads are not put, they're not made to withstand these trucks. And if any of you could trade us places for one day or more, I think you would be so appalled you wouldn't even believe it. And there's other problems also.

Whether they have regulations, and I believe that code enforcement is something I can talk to,

but I would like to say that meeting 17 trucks in a stretch of two miles is hideous, and when you see one of those huge trucks coming at you and they're on your side of the road, it's a pretty horrible feeling.

And there's people with a lot of contaminants in their water and there's people that have to live with the loud noises and the dust and it is just a hideous, hideous situation, and no one would actually believe it unless they lived here the way we do and it is so appalling.

And I have to also say that this room would be full, but the owners of the mine they know, and they're related to probably 80 percent or 90 percent of the people in the area, and whether it affects them negatively, which it does I know for a fact, they're not going to say anything. So it's left with a room of about maybe 50 percent of the people that should be here, not even that much.

And I don't also think that enough cards went out. And the sign was extremely small at the end of Kelly Hill Road and probably four or five days ago, the sign just totally disappeared and so what happens, a lot of people didn't even know, my neighbors didn't know. I mean, one of these days someone will get killed and I don't think that our lives are worth that expanding the mine.

And expanding the mine like the gentleman said over here, he said it is, and I believe it's a quote because I wrote it down, it's a foot in the door and if you have your foot in the door, what happens next. So we have to look at it that way because the intention all along is to keep adding, keep taking more and more loads of rock out of there, and if they're running out of rock already, they're going to be adding more rock, more trucks and I can tell you when you meet 17 trucks fully loaded flying down Kelly Hill there is, it's just a recipe for disaster.

MORASCH: All right. Thank you. Any questions? All right. Thank you very much.

BARCA: Thank you for your testimony.

SANBORN: You're welcome. Thank you.

MORASCH: Al and Lois Matson.

MATSON: I also didn't realize I was signing up to talk, but, hey.

MORASCH: You don't have to talk but you're very welcome to. And is Al your husband and does he want to talk as well?

MATSON: He said no. He'll see what I do. My name is Lois Matson, M-a-t-s-o-n. We are less than a mile from the mine. I own, my husband and I own that piece of property just off the end of the map, just off. And we bought that piece of property in '99. We have been involved and aware through this whole process since before it started.

Our driveway comes out onto Yacolt Mountain Road, so a portion of our driveway, a short portion of our driveway is shared with the haul road from the quarry down to Kelly Road. Our driveway we go out, we get on their haul road, nicely paved, I just wish they would have paved my driveway while they were paving the hill road but they didn't, that's okay.

So those Storedahl drivers are amazing, they are kind, they are friendly, I have had zero problems with them ever on my driveway. I was there before they were and we gave them permission to use a portion of our driveway so they didn't have to build another road somewhere.

The water, the wells are being monitored monthly or every other month or I don't even know how often it is, but they are being checked, the water supply. I know I'm in the minority here, but you know what, I like roads, I like to drive, I like to have a driveway, I like to have -- my husband pours foundation, we use concrete, we use rock and we moved here in 1986, so I feel like I can say, you know what, I've been in this county long enough to have an opinion of where it is and where it's going.

This is a great place to live, and you know what, people do want to live here. I don't think that it is right to - this is my opinion - move here and two years later say, you know what, shut the doors, nobody else can come, you came from somewhere. And those of us who have been here a long time, we were there before, when that was still all trees, we were there on that property and those people are doing a good service for this county.

I thank Storedahl, I appreciate them, their drivers are great. I haven't actually, my husband has had more contact with the guys in the pit than I have, but I meet drivers every day and they're friendly and kind and I appreciate that. Dust, you know what, there's dust, whatever, I don't -- it hasn't been greatly impacting that I've noticed. Noise, not that bad.

MORASCH: All right. Thank you. Any questions? All right. Did, Al, do you want to talk too?

MATSON: No, I'm good. I agree with that I live there too.

MORASCH: All right. All right. Thank you. Stan Wellma.

WELLMAN: And once again, this is probably not the time to discuss all of the implications about the overlay, but Stan Wellman, W-e-l-l-m-a-n, and on the growth management list, Goal No. 10 on the environment, the outside end of this property on the east side will actually run into the unnamed creek that is in the one of your articles in here, and the unnamed creek is the border of my property, I've been there for 30 years and we have steelhead and salmon that come up every year.

So I'm wondering about this overburden and stuff, whether the water quality is going to be

impacted by this. I mean, I know I've heard other people's springs getting silted and ponds, but that's just what I had to say.

MORASCH: All right. Thank you. Any questions? All right. Well, thank you for coming down. Anthony, I'm going to mess this last name up, Polimen, Polimeni.

POLIMENI: Polimeni.

MORASCH: Polimeni. All right.

POLIMENI: Anthony Polimeni, P-o-l-i-m-e-n-i. I want to thank you and it's a pleasure being here. I was here five years ago when we talked about the original surface overlay and removed it, and a lot of my comments on testimony back then were actually used in that decision. I have reached out electronically and submitted my comments, I resubmitted what I provided five years ago.

I wanted to kind of follow up additionally, No. 1, this is a planning committee, it is what we as a community are wanting when you're planning for the future of Clark County and it's not just for a company expansion. I do have a couple of requests on behalf of the citizens.

While I did look at the SEPA report, the DNR conferred their report but the DNR have not reported exactly what they think Clark County has done or needs. My property is also, I've been here as a community member my entire life, my family has owned our parcels literally right below these two parcels that are in question. We've owned them since 1934, so we are one of the oldest landholding. We used to have 200 acres, we are one of the original Polimeni Farm of landholders of this community, so we actually have the historic record for kind of developing this area.

But I wanted to go through and state that the DNR has not specifically come back with their own things. In 2005 we are actually talking about what we are required as far as identifying natural resources. We agree that forestry was one of those resources that we already had confirmed, that this area was forestry, that we were fulfilling that 20-year growth plan and that was what we wanted to get in and keep it out, and we did do that and I'm very appreciative of this council and the County Commissioners for confirming that because as a member of the Farm Forestry Association, we have a lot of guidelines that we have to abide by.

I have issues when a rock quarry or a surface mining overlay is less stringent than forestry standards. On Parcel 230061000 there is actual State shoreline on that property. It is also an environmental constraint land. If you go through the County own records, that entire parcel along with 230301000 has environmental constraints.

So I fully don't understand how SEPA is able to state that it is nonsignificant when Clark County itself has already put environmental constraints on these parcels, let alone the slope, the erosion control or severe erosion control is identified on both of these parcels.

So I don't get how the County can identify these and my parcel which is even more constricted for forestry which doesn't make sense that forestry is more constricted than a gravel mine, but just fully decimating the surface where forestry isn't. I'm more constricted as forestry and what we can do. I can't do anything within 250 feet of the shoreline, yet they're able to come up right there and then fully destroy the topography.

So for me, I like it as to before we even move further and this is the point, redoing the zoning, and I know that --

MORASCH: I'm sorry, I'm going to have to ask you to wrap it up, you're already 40 seconds over your three minutes.

POLIMENI: Yes. Sorry about that.

MORASCH: I was waiting for you to wrap it up, so I'm going to ask you to wrap it up.

POLIMENI: Yes, I'm doing that right now. I do ask that before we move forward because redoing the map allows for future permits and we don't have enough information yet. Permits means you are going to do business. Right now this is what are we going to do period with the land and I think it takes more consideration for that before we even move forward. So thank you.

MORASCH: All right. Thank you. Any questions? All right. Thank you very much. Scott and Carol Rose.

ROSE: I will speak for my wife.

MORASCH: Okay.

ROSE: My name's Scott Rose, R-o-s-e, I live in Battle Ground. And I'd just like to concur with Richard Dyrland and Mr. Crisafulli was it, and my comment is that if this rock is not staying in Clark County, then the resource quantity levels don't seem to mean anything and there are other avenues, they can, they bring rock from the Gorge in barges, I don't know if that's been considered during this resource quantity discussion, but I would appreciate it if you would think about that.

And I heard Ms. Cook say that there seemed to be some questions in regards to what actually could happen once this overlay has been affirmed and I'd like that to be dealt with. And that's all.

MORASCH: All right. Thank you. Any questions? All right. Stan Greene.

GREENE: Stan Greene, G-r-e-e-n-e. We have owned property north of this mine for 63 years

to farming. I've worked in two mines that my father owned when I was younger. I work in construction and logging, I'm an expert witness in tree farming and logging and some construction. I was at 302 Operating Engineers for many years.

You have important decisions to make here because I agreed with the gentleman from Polimeni Farms and others, Richard and also the person that spoke about the steelhead.

I won't go into a lot of details about the things that I've seen, but the sign used to be there where the trucks came out of the quarry, trucks were once prohibited from driving east on Kelly Road, but it was changed. Last week I drove that section and between 60 seconds and 90 seconds I met a Storedahl tandem truck, Mack truck, white, and so there's a lot of truck traffic there, the road's beat up, some half way done repairs done, but if you approve this and expand this, this is one example of how Storedahl does gets around and gets things in and they want more.

So your job would be to protect the environment, the streams and the domestic water sources. And the fish on that, I found errors in that written by staff, that the DNR has left out things and the geology reports are not exact. The fish, trout, to the north and the west were not mentioned. In the staff report, there's steep slopes.

I personally miss the beavers and the fish that the quarry destroyed when the silt came down the creek that's right near our property and this mine should never have been approved because there was a big error made and this relates to the Growth Management Act.

Previously the mine was allowed based on an incorrect assumption that the mine is not in conflict with the GMA, Growth Management Act, because of the restoration of the site, this is incorrect. I've got experience in tree farming, I know how trees grow. Because the code says you only have to put a certain amount of topsoil back, they're not going to put six feet of topsoil back.

So not enough topsoil will be provided for the trees to grow to become commercially usable timber because of the shallow root system. It will spread out because there will be rock underneath, the wind will blow them over, they will be stunted, they won't be commercially viable trees. About the rock there. Some of the poorest rock in the county. It has mordenite in it, it affected my own family.

I've dealt with Storedahl before. I know many of our logger friends they don't use the rock because it's the worst rock, it's the next worst to asbestos if you look at my testimony back five years ago 2013 and '14, there's details of report from a professor at the University of New York.

If you're going to expand something, expand the best rock in the county, that mine is the Courtney mine up in Amboy, not this poor quality rock.

MORASCH: All right.

ROSE: And please explain to me why the quarry can rape and damage the environment contrary to the GMA yet on my own property of 50 acres I can't build two houses.

MORASCH: All right. Thank you very much. Any questions?

ROSE: Which is more important, to protect the environment and take care of our children and make them safe and the citizens of Clark County or increase the wealth of the mine owner.

MORASCH: All right. Thank you.

ROSE: Thank you. Do you have questions?

MORASCH: Yes. Any questions? No. No questions. Thank you.

ROSE: Thank you.

MORASCH: Is there anyone else who wishes to talk who didn't get a chance to sign up on one of these sheets? All right, seeing no one, I will close the public testimony portion of the hearing and return it to the -- well, staff, did you have any rebuttal of the public testimony that you wanted to give?

#### **RETURN TO PLANNING COMMISSION**

ALBRECHT: Notice of the public hearing. So Clark County Code I believe is 500 feet from the property line for the proposed expansion, so it would have been 500 feet in either direction. So for per this mailing, I went above and beyond that, so there were 300 property owners that were notified in a huge area, so I've got a map I can show you, but it's more than adequate.

MORASCH: All right. And do you know what the notice requirement will be when they, if they come in for any kind of permitting?

ALBRECHT: The same.

MORASCH: The same. Okay. All right. Any questions of staff from the Planning Commission?

BARCA: So there was a lot of commentary about SEPA and the determination of nonsignificance, after the amount of testimony that we received, is there any opportunity to go back and review the criteria that gave us the determination of nonsignificance?

ORJIAKO: Again, Oliver Orjiako, Community Planning Director. We made the determination based on the review of WAC as it relates to SEPA and determined that at this level there is no need to issue or we couldn't determine that there is going to be an adverse environmental

impact based on the application of the overlay, that was why we made the determination of nonsignificance.

Additionally, when they come in with a specific application to mine the site, that is at the time that we know exactly what it is they are going to do, and it is likely that the County may require them to do an EIS at that level, we have done so in other CPU or CUP conditional use permit application process.

So at this time it is difficult to say, yes, this application just applying overlay will impact this or do this, that is why the determination was made. And if you look at the testimonies, those are very, they just (inaudible) testimonies I agree, but there is no appeal of the SEPA, they're just saying we should have done X, Y and Z; however, again as I indicated, at this level it's a non-project action, there is nothing for us to review what are you doing, how much are you moving, what impact will that create on development, we don't even know how far they're going to mine in the future, it is just not at this point that you ask them to do an environmental impact statement.

MORASCH: Thank you. And can perhaps Christine Cook explain the difference between project and non-project actions under SEPA just briefly so we have that on the record.

COOK: Certainly. This is a non-project action, it's a change to a map, so nothing will happen on the ground because of this action.

A project action would be an application for development where there would be something happening on the ground and that at that point, as Dr. Orjiako explained, there might very well be a request from Community Development for the applicant to perform an EIS or some other more, some other rigorous study of the environmental impacts.

BARCA: And what is the normal appeal time frame from when a SEPA is issued?

COOK: I believe it's --

ORJIAKO: We normally issue SEPA in concurrent, concurrently with the staff report, 15 days prior to your hearing and just as they're submitting comment, they can also appeal the SEPA determination. If they were to appeal the SEPA determination, that hearing will have to go before the Council prior to their making a determination or taking your recommendation into consideration, we will ask that they have a hearing on the SEPA appeal.

COOK: I think it's 14 or 15 days.

ORJIAKO: Yeah, 14 or 15 days when we issue our staff report.

BARCA: Okay. Thank you.

MORASCH: Thank you. Any other questions for staff? All right. Well, hearing none, I will open it up to deliberations. Does anyone want to get started?

JOHNSON: I will.

MORASCH: How about Karl.

JOHNSON: I am very sympathetic to the issues. I believe that most or probably all of these things are happening and I understand it's important that we look at the broader picture and we try to protect all the resources of the county, the rural character, timber, but I think we just have to be clear what we're asking here.

What we're asking here today is not whether we have the power or the say to answer those questions, as far as I understand it, I don't, this body doesn't. So it meets the five criteria of the GMA. Okay. That can be, there could be disagreement there, but as I see how staff laid it out it's pretty clear. It is about me protecting, I think Oliver said this, protecting our natural resources. That doesn't mean we use our natural resources or mine them right away or have some sort of wild-wild west mining operation.

I know before when we talked about this I was moved by some of the comments, I was moved by people that said my house is shaking, I was moved by your testimony to say this is not, if you were up there, you would understand. I'm not up there, I mean I live kind of by there, but the idea is that I'm sympathetic to it, but I think this overlay is just saying we're protecting our natural resources.

I really would encourage those people who are here that say these things are happening to just stay vigilant with the process. The process is meant to be transparent, the process is meant for you to be involved, and so when these issues do come up that are real, I know we had in the last one, we had a large contingency from Livingston Mountain and they were heard, but it takes your neighbors getting in there. So I support the change of the overlay and that's as far as I'll go.

MORASCH: All right.

BARCA: Can I step in?

MORASCH: Sure.

BARCA: And the reason I want to step in now is I just want to start off by saying I don't believe all the criteria has been met.

JOHNSON: I said it was debatable. Excuse me. I said that there could be disagreement in that, but I believe that and you don't and that's okay.

BARCA: Yeah. Okay. So I'm going to step over you for the moment just because I think in the context of what we're saying when we say that this is acceptable because it's met all the criteria of GMA, I don't think that's the case.

We have, I think we have to start with the premise that the mining operation is going to operate to the fullest extent that it can possibly work at because it's a corporation trying to turn a profit. It's up to the governance of the county to create compatible uses and it's up to the governance of the county to ensure that the mining operation stays within its conditional use permit, and I believe we have created that conflict by having the residential use so close to a mine that we opened up in 2005, and I believe that we have not taken the interests of the citizens who are already in place there to regard the compatibility or the incompatibility of the permitted use that we have given them.

So when we say in Goal 8, discourage incompatible uses, we're talking about that in the context of allowing the mining operation to operate, but we had to start with the premise that we have overlaid residential in the vicinity of the mine.

Goal 10 of GMA is to protect air and water quality. If we are getting constant dust and if we are getting siltation of streams, that was on us to do better for the environment and we have not been able to figure out how to do that. And if we can't do that, why would we encourage the idea of additional property in that zone to do more with it. I don't, I don't believe that we have met criteria for GMA.

In our Community Framework Plan 3.16, establish standards for compatible land, the only standards we have is follow the conditional use permit. We have a volume of testimony that says this isn't being met and our answer is call Nicole, that's our answer. So since 2005 the calls have been coming, when we had the same testimony in 2013 we said call the equivalent of Nicole. We are failing the people that are in place here and now we want to go ahead and open it up for a long-term future without putting in standards that allow compatibility to take place.

3.18 of the Community Framework Plan says best management practices will be used. Well, based on what I'm hearing we either don't have best management practices or we're choosing not to follow those best management practices.

Goal 9 of the Community Framework Plan says we're going to improve the overall quality of life for the residents. I heard one testimony that said they're very satisfied with the way things are and I heard a lot and we have volumes of others that say traffic is scary, the zone noise levels are far too great.

In the CPU itself which is CPZ2002-0009, conditional use says no more than 30 trucks an hour except for 18 additional condition days a year when they can operate an extra two hours, so instead of operating from 7:00 a.m. to 6:00, they can operate from 6:00 to 8:00. So we're looking at with the traffic impact study we're looking at 13 and a half hours of 30 trucks an

hour.

I'm suspecting that from the testimony we're exceeding that.

So when we talk about, you know, private property rights, which we heard a lot of when we were trying to do comprehensive plan before, I'm hearing that we have legitimate concerns about that private property and whether or not it's more valuable now or whether the impact of this mine is affecting that availability.

I think when we made the determination in 2014 not to add this property it was steep slopes, it was the impact to the residents, it was the concern about the watershed and we believed that there were other alternative choices.

And as pointed out in our own studies this time, we have other choices, perhaps they are more expensive to take the rock out of, but if they reduce the impact to the residents of the surrounding area if it's permitted correctly, maybe that's really the better choice.

Other than the fact that this land changed hands, we wouldn't be having this meeting. And since we have opened the can up, I don't believe that we can justify that these two parcels are the best to put into the additional inventory.

If we genuinely feel like we have to put properties back into the inventory of the overlay, which I haven't seen data that says it's an emergency, there's probably other choices. So when we talk about this, I think in the context, I do not believe all the criteria has been met and those are my GMA reasons.

MORASCH: All right. Thank you. Commissioner Swindell, we skipped you, did you have anything to add?

SWINDELL: No, go ahead.

MORASCH: All right. Commissioner Bender.

BENDER: When you get this kind of response, 35 responses, and the responses dealt with everything from technical information to heartfelt information to safety to the guarding of the environment, that's impressive to me.

I mean, to motivate somebody to go to all the trouble sitting down at the computer and generate their feelings and put it to words and then send it in, and in most cases back it up with testimony here, that's impressive and I thank you for doing that, I love concerned citizens.

A lot of questions were raised here by the testimony that weren't answered. A lot of information was given, for example, the working hours. I thought, and it's my ignorance perhaps, that there were working hour restrictions put on businesses that operate in the vicinity of citizens.

The purpose of a business is to add to the community, not aggravate it. I have a lot of concern about that. I encourage the citizens in the area of the mine to call 9-1-1, not literally, the County number and start voicing your opinions, let that phone ring every day.

I don't feel that the County, and I have no validity to back this up except from what I've been hearing, is being monitored, it's being watched as closely as it should be. It is a producer of dust, it's a producer of other environmental contaminants that do affect the environment, I think that needs to be looked at closely.

The traffic situation, I drive the roads in the county. I got through college as a Teamster and I know how big trucks have gotten with their booster wheels. Minimum loads 80,000 pounds up to 120,000 pounds. The kinetic energy that a vehicle doing 55 miles an hour hauling 120,000 pounds of rock is mind boggling, that's why you smell the brakes. And I believe the County prohibits the use of jake brakes, is that correct, within the county? Let's assume it is. So the only means to slow a truck down is to gear down or use the brakes.

I also believe a lot of those trucks during the busy season are not owned by the mine owner, they're basically independent drivers that are paid by the load. If you're paid by the load, what are you going to do, try and get that extra trip or two in a day, that happens, I know that happens, again I used to work in the industry.

I go along with Ron, I don't think all the criteria is met. I don't think all the questions have been answered. I think that needs to be investigated more and that's my stance.

MORASCH: All right. Thank you. Commissioner Wright.

WRIGHT: I would like to vote to approve this proposal but I just can't. It's very discouraging. I've had some personal knowledge of the situation up on Kelly and Gabriel Road back when I was an employee of the County with Public Works and we did what we could to improve some of the intersections, but I must say I'm getting the feeling, and I hate to say it this directly, but I'm feeling like there's bad faith involved here on both the operator and from some of the past county employees. And I can say that we have a new Community Development Director maybe can take a fresh look at this.

I think before this proposal can be evaluated fairly, we really need to know how this operation is being directed and how it's meeting its conditions of approval, and right now I'm sensing where there's smoke, there's fire and that perhaps it would be best for all involved if this whole issue was revisited in a year after some serious investigation occurs into some of these allegations. So at this point I will not be supporting the proposal.

MORASCH: All right. Thank you. Commissioner Grimwade.

GRIMWADE: Well, I certainly am very sympathetic to the concerns that I have heard here

tonight and I definitely reinforce the comments made by Ron. I don't think the details and the requirements are being fully met. I'm still struggling to find a really compelling, convincing argument that changes the 2014 Board of County Commissioners when they voted unanimously based on certain factors. I haven't seen enough information to really say there is a sound difference from that date in time.

I get the sense that there is a lack of open honest dialogue between the parties. I think there are definitely governance issues around how the mine is being handled in terms of the County. I strongly advocate going forward that there be a deep investigation by the appropriate County departments into whether the conditions have been addressed or not addressed. Some of them may be correct, some of them may be false, but a proper investigation needs to be made.

And irrespective of how this issue progresses, it's important that all the parties get together and have open regular dialogue. People have got to live together and they need to be in constant dialogue with one another. Through dialogue, issues will get resolved. And I must admit, I can't uphold and support this recommendation.

MORASCH: All right. Thank you. Does someone want to make a motion then?

BARCA: I'd like to make a motion to deny the request for change to the mining overlay.

GRIMWADE: I'll second it.

MORASCH: It's been moved and seconded. Is there any discussion on the motion? Hearing none, Sonja, can we get a roll call, please.

#### **ROLL CALL VOTE**

WRIGHT: AYE  
BARCA: AYE  
SWINDELL: AYE  
JOHNSON: NO  
GRIMWADE: AYE  
BENDER: AYE  
MORASCH: NO

MORASCH: All right. The motion passes 5 to 2. So that concludes our public hearing on the Yaclt Mountain Surface Mining Overlay Expansion.

MORASCH: I'd like to thank everyone for coming tonight and for your polite and courteousness at the podium and would encourage you to call Nicole and come to the Board of County Commissioners hearing. And with that, that is our last public hearing item on the agenda, I don't think we have any other business, so with that we will be adjourned. Thank you all and good night.

**OLD BUSINESS**

None.

**NEW BUSINESS**

None.

**COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION**

None.

**ADJOURNMENT**

The record of tonight's hearing, as well as the supporting documents and presentations can be viewed on the Clark County Web Page at:

<https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>

Proceedings can be viewed on CTV on the following web page link:

<http://www.cvtv.org/>

*Minutes Transcribed by:*

*Cindy Holley, Court Reporter/Rider & Associates, Inc.*

*Sonja Wiser, Program Assistant, Clark County Community Planning*