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The Board convened in the Councilors' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Councilors Jeanne E. Stewart, Julie Olson, John Blom, Eileen Quiring, and Marc Boldt, Chair, present.

**PUBLIC HEARING: CPZ2018-00010 SHORELINE MASTER PROGRAM AMENDMENT**

To consider a proposal to amend the Shoreline Master Program in Clark County Code Chapter 40.460 to incorporate the 2018-01-03 critical areas ordinance; ensure consistency with state laws; and, clean-up text and reference errors.

BOLDT: Good morning everybody. Thank you for coming to the Tuesday morning County Council meeting. Please rise for the pledge of allegiance. And if we could have a moment of silence, please. Thank you.

Before we go to the consent calendar, there's been a change in the agenda. The applicant withdrew the docket item for Ward Road, so if I could have a motion.

BLOM: Mr. Chair, I'd move that we amend the agenda to remove consideration of CPZ2018-00002 per the applicant's request.

OLSON: Second.

BOLDT: All in favor?

COURT REPORTER: Who seconded it?

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OLSON: I second it. Oh, I have a question though. When did the applicant remove his application?

ORJIAKO: Good morning, Councilors. For the record, Oliver Orjiako, Community Planning Director. We got an e-mail request from the applicant I believe a week ago and he knew that this is scheduled for today, but he asked that it be withdrawn.

OLSON: Okay. And would there have been any other process to do that prior to this morning? And the reason I ask is there may be a number of people here that wanted to come and comment or testify on this hearing and we're not going to hold it, so that's the purpose of my question.

ORJIAKO: I agree with you. I wish we would have known a month ago before this was scheduled to come before the Council, then we would have been able to notify those that have signed up and have participated when we went to the Planning Commission, we didn't have enough time to do it.

However, we did post immediately we knew, we updated our website, not everybody goes there, but we did update that to notify property owners and those that signed up that this application has been withdrawn at the request of the applicant. We also use our Metz

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list to send out those that we typically will send out information to allow them that also the applicant have made a request to withdraw.

And with you taking this action, those that are here, you know, don't have to wait long, they may decide to go. And by withdrawing, he's not going to ask for, you know, a reduction in fee or anything like that, we have gone through the process, so we will not be refunding the fee that he paid, and if we were to come back, he will come back next year if he chose to do so.

OLSON: Okay. Yeah, my purpose is really just to talk about our communication and how we try to get to folks who have been actively involved in this process for a number of months now and --

ORJIAKO: Yeah, you're absolutely correct. The request to withdraw came to us very late. We've already posted the sign and so forth, so we have no way of letting them know. Had the request came a month ago, we would have been able to send e-mail out or notify them that way.

BOLDT: Okay.

STEWART: Do we know when precisely it will be coming back?

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ORJIAKO: It will no longer be coming back before the Council.

STEWART: It will not be coming back?

ORJIAKO: Yes.

STEWART: The request is completely withdrawn --

ORJIAKO: Yes.

STEWART: -- not just postponed?

ORJIAKO: Exactly.

STEWART: Thank you.

ORJIAKO: You bet.

BOLDT: Okay. It's been moved and seconded. Clerk, would you call the roll.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

BLOM: AYE

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QUIRING: AYE

BOLDT: Motion carried. Shoreline Master Plan. Morning.

KAY: Good morning. Jenna Kay with Clark County Community Planning.

ORJIAKO: Good morning, Councilors, and for the record, Oliver Orjiako, Community Planning. This is a continuation of 2018, both docket and annual review items. This morning, this is limited amendment to our Shoreline Master Program and Jenna will be giving you the presentation. This is a Title 40 Amendment, so following your hearings with your approval, we'll come back to the item on the consent for your approval of that as well. Jenna.

KAY: Okay. Thank you. So this is docket item CPZ2018-00010 regarding a code update to the Shoreline Master Program in Clark County Code Chapter 40.460, and the proposed amendment is part of the County's annual update to its Shoreline Master Program.

The amendment was unanimously approved by the Planning Commission and meets the shoreline amendment criteria listed in WAC 173-26-201. All of the proposed code changes are located in Exhibit 2 of the Planning Commission recommendation report and the purpose of this presentation is to provide a brief recap for those

who may be watching here or at home.

As you may know, the Shoreline Management Act provides an overarching framework of goals and policies which emphasize water dependent uses, environmental protection and public access to shorelines. Implementation of the Act is through Shoreline Master Programs which are developed and adopted locally and then also approved and adopted by the State Department of Ecology.

The proposed code changes are primarily housekeeping items and they fall into the four categories shown on the slide here, and I'll briefly walk through each of them.

On January 3rd, 2018, the County Council adopted a critical areas ordinance to update the flood hazard and critical aquifer recharge area code as well as flood hazard maps. The Shoreline Master Program needs to be consistent with those changes and the proposed amendment would take care of that.

There are also code changes related to State statute alignment and these are primarily tied to updated WACs of the Department of Ecology revised and adopted last year and these WACs primarily incorporated new laws and clarified various aspects of the Shoreline Management Act.

So the proposed code changes include clarifying that EFSEC projects are not subject to the Shoreline Management Act. There's also a proposal to add a section of code clarifying that there are three types of developments not required to obtain shoreline permits or local reviews and those three types of developments are remedial hazardous substance clean-up actions; boatyard improvements to meet National Pollution Discharge Elimination System requirements; and certain WSDOT maintenance and safety activities.

The proposed code changes would also clarify that timber harvest is not subject to the Shoreline Management Program when it just involves cutting trees, but is subject to the program if additional development activity is involved such as road construction or road maintenance.

BOLDT: Oh, so road is closer that would -- I guess it would depend on where the road is?

KAY: Well, if there already is a road and someone just needs to drive in and harvest trees, then it doesn't fall under, it's not considered development.

BOLDT: Okay. But if it was a new road, it would?

KAY: But if you needed to build a new road, yes. There's also

a code change to add an optional process for shared, local and state public comment for shoreline program updates or amendments such as this one to help streamline the County and State review and approval process.

The code changes would also incorporate a WSDOT special procedures law regarding a 90-day target for local review of WSDOT projects. It would also add the definition of development to the County shoreline code.

This definition is straight from the Shoreline Management Act, it just has not been included in the County code up until this point.

The proposal would also update the threshold value of what is considered substantial development to match the latest figure published by the Office of Financial Management and that's roughly \$7,000.

Code changes would also revise the definitions for agricultural land, floodway and vessel to match that wording exactly. The amendment would also clarify language in the archeological, cultural and historic resources portion of the program to make it more clear.

And the final type of code changes being proposed are text clean-up



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items such as changing Board of County Commissioners to Clark County Council and things of that nature.

And with that, I'm available to answer any questions.

BOLDT: I have a question about, so it would be easier to work on docks?

KAY: The docks?

BOLDT: Yes.

ORJIAKO: Yes.

BOLDT: Wow, I couldn't believe the State ever did that. Okay. Great. And also, when you talked about clarifying the language, that's scary unless you know what, who is clarifying it.

KAY: Sure.

BOLDT: Is it essentially neutral, I mean isn't --

KAY: Yeah. So right now that section of code says something along the lines of, you know, the area likely contains archeological or historical artifacts and so we basically are pointing to the, another section of code that sort of outlines, you know, what that

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means, yeah.

STEWART: Can I follow-up on that?

BOLDT: Yeah. Yeah.

STEWART: Thank you. So there is standard planning language that's also archeological language that says highly likely, somewhat likely and so on, is that the next sort of step in likely to contain to go through that scale and determine?

KAY: Yes, that's right. It's referring to there's like a matrix that sort of lays out the probability of artifacts being there.

STEWART: Thank you.

BOLDT: Other questions? Seeing none. Anyone wishing to testify on this? Well, things have certainly changed since last time.

ORJIAKO: Well, that was the first adoption.

BOLDT: Yeah. So is there a motion?

BLOM: Mr. Chair, move to approve CPZ2018-00010.

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BOLDT: And an ordinance number?

BLOM: And ordinance 2018-11-06.

BOLDT: Call the roll.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

BLOM: AYE

QUIRING: AYE

BOLDT: Motion --

OLSON: Second.

BLOM: She did.

BOLDT: Motion approved.

STEWART: Are we doing the roll call again?

BOLDT: Nope, we're done.

STEWART: Okay. Thank you.

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BOLDT: Okay. With that --

ORJIAKO: Councilors --

BOLDT: Yes.

ORJIAKO: -- if I may, did the Councilors just approve under SEPARATE BUSINESS, Item Number 3?

BOLDT: No, we approved the resolutions.

ORJIAKO: Okay. I just want to make sure.

BOLDT: Yeah.

BLOM: Do we need a separate vote for that? Do you want a separate vote?

BOLDT: I don't think we need it. We did the resolution, ordinance resolution and everything else.

COOK: Christine Cook from the Prosecuting Attorney's Office. I think you mentioned both in your resolution and I think that that's adequate.

BOLDT: Okay. Very good. Okay. Thank you. We are going to take a ten-minute break before the Yacolt Mountain, so we're at ease for ten minutes.

(Pause in proceedings.)

**PUBLIC HEARING: 2018 ANNUAL REVIEWS & DOCKETS**

To consider 2018 Annual Reviews and Dockets amending the 20-Year Growth Management Comprehensive Plan Text and Map, Zone Map, and Clark County Code (Title 40):

1. 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.

BOLDT: Thank you. I call the meeting back to order regarding CPZ2018-00001, Yacolt Mountain Surface Mining Overlay Expansion. We have a staff presentation and then we will have public hearing.

I just want to remind you that this is being transcribed, so before she tells me to speak slowly, please speak slowly, give your name and spell your last name correctly and we'll carry on. So with that, staff. Thank you.

ORJIAKO: Thank you. Again, good morning, Councilors. Oliver Orjiako, Community Planning. With me is Gary Albrecht and Gary will be giving the presentation on this particular issue. This

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is a request to expand or grant a mining overlay on approximately  
100- --

ALBRECHT: - 7 acres.

ORJIAKO: -- 107 acres next to the Yacolt Mining Quarry and today  
we are going to be presenting you with the recommendation of the  
Planning Commission and Gary will be giving that presentation  
quickly, and both of us are here to answer questions that the  
Council may have.

I know that some of this annual reviews and docket work we like  
to do is after the Planning Commissions' hearing on all of this,  
we like to have a work session with the Council just to go over  
the recommendations of the Planning Commission and use that  
opportunity to prepare you for your hearing, if I didn't do that  
this time, I will check to see whether I did or not, but again,  
I will turn it over to Gary to just quickly go over the  
recommendation of the Planning Commission and their findings and  
again we are here to answer questions. Gary.

ALBRECHT: Thank you, Oliver. For the record this is Gary  
Albrecht, Community Planning. So in the picture on the PowerPoint  
up above, the Yacolt Mountain Quarry is in the center, it's the  
white area, so that area that Oliver's already talked about, the

107 acres that's in the red. So just to quickly go over the Planning Commission recommendation.

So on August 2nd, 2018, the Planning Commission voted 5 to 2 to deny the applicant's request to expand the surface mining overlay. Based on review of the record and substantial public comment, the Planning Commission majority of denial were votes were because they do not believe that the criteria for the policy text amendments were met, and that's it. We're here to answer any questions.

OLSON: Can you give some detail on the policy text amendments that the PC had issue with.

ORJIAKO: The Planning Commission, one of the findings is or the criteria is whether the, for example, what significant changes have occurred since either the Planning Commission or the Council looked at this issue and whether there have been any substantial changes.

There are four criteria or more than four criteria that consistency with the Growth Management Act and Countywide Planning Policies, conformance with locational criteria, site suitability or lack of appropriate designated alternative sites, and then additional or amendment response to substantial change in conditions or better implement policy or corrects mapping error, adequacy/timeliness of public facilities and services, additional criteria for change

for surface mining overlay changes.

So those were the five criterias that the Planning Commission looked at and reached a conclusion that those in their opinion and findings that the applicant have not met their burden.

BOLDT: So in reading the Planning Commission minutes, did you get that all from their final vote or --

ORJIAKO: The vote was 5/2.

BOLDT: Right.

ORJIAKO: Yes.

BOLDT: They never went through each one?

ORJIAKO: Staff went through each one in the staff presentation, right.

BOLDT: Okay. But because of their vote, final vote, you took it that they were against all of the items?

ORJIAKO: In their findings they concluded that the applicant have not met their burden for them to approve, a, they looked at this



area when both planning and, not only planning, but Planning Commission and Council looked at the surface mining designation when we updated that. And if you read the background, which I'm sure is in your packet, it details their reasons why both the Planning Commission and the Council rejected expansion of the surface mining in the Yacolt Quarry.

And if you look at the map or the area that DNR recognized when they did their update and looked at their presentation that the applicant were providing, the Planning Commission and the Council at the time reached the same conclusion to narrow the area that they applied the overlay to and this area was not included in the work that DNR did to help us update the surface mining overlay.

The applicant can answer questions as to the type of work that they've done to include this area in their request that they have made to the Council and the Planning Commission to consider.

But, again, the information that we use to update the surface mining overlay area did not include the entire parcel that is showing us now that they want the overlay to be expanded to, that was some of the reasoning that the Planning Commission considered in reaching their recommendation of denial.

BOLDT: Okay. Any other questions? Okay. Thank you. Moving

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on to public testimony. Gary, is it Ogier and probably, yeah, and next is Marie Ogier, you can come on up. Good morning.

OGIER: Good morning. My name is Gary Ogier, O-g-i-e-r. I was born and raised in the great Northwest and have lived in Clark County the past 31 years. I appreciate the natural beauty of our area every day, and my wife and I feel very blessed to have found our dream property in the hills above Battle Ground Lake.

For the past five years we have been putting our hearts and souls and money into it. We intend to enjoy the peace and tranquillity there for life. We are opposed to the expanding, to expanding the quarry on Yacolt Mountain.

The area around Yacolt Mountain has always been a special place from the beginning of our time here. Our children have fond memories of their hands-on days at the Pomeroy Farm and the mother/daughter teas there. We always take our out-of-town guests to Lucia Falls and Moulton Falls to enjoy some fresh air and hiking, even the scenic drive getting there is part of the experience. They are always impressed with the care that has been taken to preserve these natural areas.

The signs above these parks even make the point that Clark County takes care of its air, water and wildlife. Even coming into

contact with the water at these locations is prohibited by Clark County Code in order to protect the critical fish habitat there. And I included some pictures of the signs at Moulton Falls and Lucia Falls in case you haven't been there for a while, I'm sure you probably have.

Yet 1200 feet above these parks and above the Pomeroy Farm and above the scenic drive is a quarry that is inconsistent with the beauty and care for the environment below.

Testimony about past and present abuses to our air, water and wildlife habitat doubtlessly number in the thousands of pages. We can only stop future abuses by the decision of this Council.

I'm not antibusiness or antigrowth. I worked 35 years for a company that manufactures mining, mineral processing and construction products. I firmly believe Clark County benefits from economic growth of businesses that are consistent with the quality of life here and that quality of life in turn attracts the skilled people that help grow those businesses.

There are other sources of gravel which are a necessary part of the growth in Clark County that do not conflict with the livability here. I'll summarize a few of the negative impacts we've experienced.

For the past two years, there's been almost constant noise from the rock crushers, trucks and of course the frequent blasting. There is constant dust from the crushing operation and blows off the trucks and from stockpiling the loose overburden on top of the mountain, which is in a high wind area. Dust is known to contain mordenite and other substances that are a health hazard in addition to just being an annoyance.

Truck traffic on our roads is a danger to all of us, besides causing congestion and the wear and tear that we all pay for. Many, including my wife and I, have had reduced water quality and quantity from our wells, it is potentially being caused by the blasting. From two miles away the blasting shakes our entire house.

Then there is the damage and potential damage to the Lewis River and the underground aquifers. The blasting releases nitrates and gravel is washed into holding ponds that then seep into the ground. Dust drifts down and turns to silt.

I've got a picture, the first picture in my handout is a picture of the mountain with the overburden piles on top and then immediately below that you can see a large landslide area which is the brown area in the middle of the picture. Ultimately the whole south side of the mountain is a series of landslide zones,

everything ultimately ends up in the river. A final concern is how the original quarry keeps growing.

The last, I'll draw your attention to the last three handouts which I pulled information from GIS. The first exhibit just shows the quarry that we see the pictures of, it's 84 acres according to GIS. Adding the over, proposed overlay brings that up to 224 acres, but what no one ever talks about, and I'm not sure what the answer to it is, but if you look at GIS, there's another 320 acres owned by Storedahl bought in 2016, bringing the total acreage controlled up there to 544 acres.

So given that the attitude about quarries is the best place to expand capacity is by expanding an existing quarry versus trying to get a new one approved, my question is, with this 544 acres, what's next?

BOLDT: Okay. Thank you.

OGIER: Thank you.

BOLDT: Go ahead.

OGIER: Hi. I'm Marie Ogier, O-g-i-e-r, a 31-year resident of Clark County and the last five years in Battle Ground. We came

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to the August 2nd hearing, Planning hearing to report the problems we were having at our home and the hearing was a real eye-opener, so we went home to do our own research.

We are two miles south of the quarry. In the past two years, a number of things have changed for the worst. Blasts shake our house and windows, the blasts are random and closer to weekly. You have three photos of blasts in front of you and one of them you can see, the one on top you can see the landslide as well. We are two miles -- oops.

The rattling noise of the quarry equipment wakes us from a sound sleep predawn many mornings. This is no longer limited to weekdays, it includes evenings and weekends. The unusual nature and the amount of dust in our home has been bothering us for a while now, it is whitish and fluffy.

Remembering what we heard at the hearing about the report of mordenite dust from the quarry, we started to wonder. We took a sample from our kitchen and handed it off to a material scientist in an analytical lab, and I have pictures of his reports here. He conducted Scanning Electron Microscopy and Energy-Dispersive X-ray Spectroscopy to understand the composition of the dust accumulation. He prepared a brief update that I've included in your handout because it was getting people's heads spinning.

To cut to the chase, the ongoing test status shows all signs of being positive for mordenite. He writes, the relevant abundance and small particle size of these zeolite minerals in the dust buildup in the house suggest that the source could be the nearby mine as opposed to dust from a garden or dander from pets. Zeolites are known to be found in areas surrounding Mount St. Helens and other volcanoes.

Varieties of the minerals such as mordenite and erionite are a health hazard due to their needle-like structure, crystalline structure similar to asbestos. Since the chemical composition of the particles and the collected dust from the home matches exactly to what would be expected from mordenite and erionite, it is important to continue seeking analysis to ensure that this dust pollution from the mine does not jeopardize the health of community members. So additional samples have been collected and are under study.

We all experience the smoke from the fires in Canada and Eagle Creek fire these past few summers, so it should give us an idea of how far particulates can travel and end up in our homes.

Two labs have referred us to a number of studies online. One, the IZA Commission on mordenite, you can Google mesothelioma,

mordenite, Italy, North Dakota and Turkey. In Turkey, the Zeolites were kicked up as simply as people sweeping the gravel roads, not just the gravel pits. These are publications of studies which went on for decades and impeccable scientific manner to prove approximately 32 to 44.5 percent of the deaths were due to mesothelioma from the mordenite in the quarries.

The conclusions at the end of the studies are alarming. Mesothelioma is a slow and very painful death. Yes, it's naturally occurring in the soil here, but blasting, crushing, railroads, trucks put it in the air that we breathe, that's when it becomes a health hazard and this is a very high price for the community to pay for gravel.

As for stockpiling of overburden, what we see are fresh piles of soil and rock that are very likely to include the same mordenite and silica. These piles --

BOLDT: Can you summarize.

OGIER: Sorry, sir?

BOLDT: Can you summarize, please.

OGIER: I'm almost there. Silica is being piled on an area that



is a known landslide area, as we are in a high wind area as Gary mentioned. So though we have received some help locally, we're finding it helpful to reach out to the State and the interstate level, but there are many more problems that I could list that we're personally experiencing, but I thank you for your time.

BOLDT: Okay. Thank you very much.

OGIER: Thank you.

BOLDT: Katie, is it Jarvis. And just to let you know, everybody, there's a three-minute time limit, so I'm going to be rude, so just to let you know, you know, you can blame it on me. Okay. Go ahead.

JARVIS: Good morning. My name is Katie Jarvis. My husband Roger and I have lived northeast of Battle Ground on Spring Hill for 15 years, we are retired. We would be impacted by the quarry expansion, but we were not officially notified of this hearing, we were notified by a neighbor.

We are proud to say that ten acres of our property is designated as a conservation easement. On a clear day when I go outside to enjoy the property and the wildlife, I don't hear birds singing or a gentle breeze, I hear the constant pounding of the quarry. We live at 1200 feet about two miles across the Lewis River Valley

from the ever-increasing pile of overlay from the gravel mine.

It's bad enough that we can't now peacefully enjoy our property, but now Storedahl wants to expand the quarry southward closer to us. The noise will increase. I read the State ordinances that determine the legal decibel level.

Does anyone enforce those levels at the mine? Is the quarry in compliance? Have they ever been cited for noncompliance for any reason? Once more, we are concerned that the noise level will lower the value of our property. We can't afford an attorney to fight to preserve our property value.

Also, we can't prove the mine had an impact, but our well dried up last year and we had to spend \$25,000 to hook-up to City water. We're not the only ones facing this issue. Others believe the mine has had an impact on their wells. The EPA has been guided as regulations have been rolled back, consequently it's the County's responsibility to in local guardianship of our precious echo systems.

The Planning Commission, growth management amendment highlights Goal 10, the environment. Protect the environment and enhance the State's high quality of life including air and water quality. If the mine expands, will the protections promised by Goal 10 be

enforced?

We live on a fixed income and can't afford independent monitoring. Studies by Storedahl don't count, you're putting the fox in charge of the henhouse. When was the last time Storedahl's practices were put under a microscope?

Then there are the gravel trucks barreling through Battle Ground. They must be paid by the trip because they speed. I randomly chose a Storedahl truck to shadow down 117th, sure enough the truck was going 50 miles an hour in a 40 mile an hour zone. A lot of people speed through that area, but they're not driving lethal multi-ton trucks. Increase the size of the quarry, you increase the number of the trucks. It's just a matter of time before there's a serious accident. I'm almost through.

The Council is responsible for economic development of the county, a healthy environment and the protection of the property rights of private citizens. I realize it's a delicate balancing act.

And I'm against the proposed expansion of the quarry mine because I believe Storedahl won't play by the rules. Quality of life in Clark County matters. Surely there are more remote places to mine gravel, places away from residences and delicate ecosystems.

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BOLDT: Thank you.

HOLLEY: Can you spell your name.

JARVIS: Jarvis, J-a-r-v-i-s. Thank you for your time.

BOLDT: Sandra Bennett and Jann Leeuwenburg is next.

BENNETT: Hi.

BOLDT: Hi.

BENNETT: Nice to see you all. My name is Sandra Bennett, B-e-n-n-e-t-t. I live in La Center at the end of Stoughton Road just by Stoughton Landing which the steamboats came up the river to Stoughton Landing.

I sent a letter and I think you received a copy of the letter, but we had an incident beside the fact that the muck on the river is about a foot and a half deep and my husband nearly had a drowning accident in it last year.

This year on the 4th of July, where we've held annual picnics for 42 years, we could not allow any of the children to go down to the river because it is so dangerous with this muck, it's like

quicksand.

The river -- to me this was amazing, my son walked down to the river on Thanksgiving, he's a physician up in the Seattle area and he was here with the children, and they walked down to the river and he came up, he said, mom, the river's crystal clear. And I said, yeah, that's because Storedahl's been shut down for Thanksgiving because usually it's just muck all the way.

And this is a river that we still are on tidewater. When the Columbia rises, it pushes back and so we're on tidewater, so this river can go up and down. The channel when we bought the property four years ago was 10-feet deep and probably 20-feet wide, the channel today is probably 3-feet deep and I wouldn't even put a foot in there because it's probably three feet of muck on the bottom of it.

Storedahl, I pass it going into through Daybreak to Battle Ground every couple of days, and I see the trucks rolling in there, rolling in there delivering gravel to Storedahl who is washing it there. So this gravel is coming from other mines. And most of this gravel, a lot of it, is being used in Clark County, but a lot of it is being sold to Oregon and Oregon isn't paying for all of this, we're paying the price.

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There is a new expansion at Daybreak. Daybreak, well, I call it the Daybreak Storedahl pit, it has huge 12-foot berms all around it and if you look through the breaks, you can see huge lakes of water, this water is coming from the East Fork. This is an environmental disaster and it's growing by the day as they haul more and more and more trucks in there to wash the gravel there and then sell it to wherever.

Anyway, I don't have anything more to say because it makes me too angry.

BOLDT: Thank you very much.

BENNETT: Thank you very much.

BOLDT: Jann Leeuwenburg. Good morning.

LEEUWENBURG: Good morning.

BOLDT: Spell your last name, please.

LEEUWENBURG: L-e-e-u-w-e-n-b-u-r-g.

BOLDT: Thank you.

OLSON: And now can you pronounce it.

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LEEUEWENBURG: Pardon me?

OLSON: Can you pronounce your last name for us.

LEEUEWENBURG: Leeuwenburg.

OLSON: Thank you.

STEWART: And would you move just a little closer to the microphone, please.

LEEUEWENBURG: A little closer.

STEWART: Thank you.

LEEUEWENBURG: I'm a little nervous about this, I'm not a public speaker. I will say that my husband and I have been involved ever since we heard about what was happening to the quarry and its expansion and we made a point to get ourselves educated, go through the entire growth management plan, talk to people.

I was happily involved in getting the letter published. First time I've really gotten involved in political politics and it's been a really good civics lesson, I think everybody should do it.

A little history I want to share with you is that we have lived in our home almost -- on Basket Flat Road which is above Lucia Falls and we chose to move to Clark County for a reason and that reason is because I was aware and my husband was too of the uniqueness and natural beauty of the area.

My grandfather purchased an 80-acre tract of land that was on Basket Creek and the Lewis River 100 years ago and I remember coming up with my family, my mom and dad and my siblings for, you know, to visit for a day or two and fish in the river.

I remember looking at the steelhead go through the, you can view them when Lucia Falls Park had a little hamburger stand with glass windows in it, it was wonderful. And we have lived a wonderful, happy, serene, hardworking, different kind of lifestyle for the last 25 years and two years ago it just drastically started to change.

Occasionally we could hear white river noise which was fine, you know, I kind of found it soothing. All of a sudden I said, Dick, what are we hearing? And it was the rock crushers, and along with the other people that gave testimony, we did, our house was shaken by blasts and there were not just one, there were several. And I'm -- that just was not, that was definitely a new phenomenon that



was very disconcerting.

Obviously I'm against the expansion of the quarry for not only, well, for environmental reasons, for the serenity of the community, for the great gift it is to the community of local residents and Clark County and I reiterate all the other testimony that (inaudible) that it would be a grave misservice to expand the quarry. Thank you.

BOLDT: Thank you very much. James Styres, Jr. and James Styres, III. Morning.

STYRES: Morning.

STYRES: Good morning.

STYRES: My name's James Styres, S-t-y-r-e-s, III.

STYRES: And I'm James Styres, Jr. I don't think I need to spell mine since this is my son. My concern is the fact that I lost my water when the pit went in, there was nothing done.

Now I've got people going into the pit at 4:30 in the morning and this road goes right by my house within 30 feet, and who wants to hear rigs, not trucks, the workers going in at 4:30 rattling the

gate.

The next thing is the service truck comes out from 8:00 to 10:30 at night in that vicinity any time. And when the trucks come out, the trucks now, we're going to the trucks, they start going in early, sometimes as early as 6:30 and nothing's been followed up on these for noise.

Now the trucks are coming out and cutting the corner on my property which is private property, took the stop sign out twice, the County's put up no shoulder. The County has no legal easement on Yacolt Mountain Road on that section. What they've got is the surface that's there.

The rock is getting spilled onto the road. The County comes along and sweeps it out into our yard and field. How would anybody feel if I come to their yard and sprinkled rock along it? They wouldn't. And it's getting to the point we're about ready to take legal action against Storedahl and the County. Storedahl just because they're cutting the corner there. I've put blocks there, they wipe them out. Basically that's all I have to say.

BOLDT: Okay. Thank you.

STYRES: All I was curious about was I had submitted ten copies

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to the Council and I was just wondering if they've received it, it was on the private property damage for the repairs to the road when they made the repairs, so I just wanted to make sure that you guys received it, so...

BOLDT: Okay. Thank you.

STYRES: Thank you.

STYRES: Yep. Thanks.

BOLDT: Linda M. Lorenz. Afternoon.

LORENZ: Good afternoon. My name is Linda Lorenz, L-o-r-e-n-z. I own 18 acres on the East Fork of the Lewis River. I have spoken to you guys about the clearcut that's a potential clearcut on the Moulton Falls trails, so you know how I feel about the area.

I am very concerned about the environmental hazards of this expansion of this mine. It's very steep slopes. It's going to flow directly into the East Fork of the Lewis River. I understand the north area is a little bit flatter and probably would be a better area, although I'd rather not see it expanded at all.

I'm also concerned about this mordenite. It seems to me that it

should be a concern for everyone. We really don't want to have those particulars floating in the air. Since I am so close to this mine and the expansion, I do hear it of course and I do see the trucks, and to have more of those things on the road would be horrible. It's a gorgeous lovely area and I would hate to see it marred by an expansion of the mine. So thank you very much.

BOLDT: Okay. Thank you. John Bolas. Afternoon.

BOLAS: Good afternoon. Is there a possibility that I could get the map put back up while I'm talking. My name is John Bolas, B-o-l-a-s, I live on Coyote Drive and I access Kelly Road at 299.

This is one of the steepest areas or just before the steepest areas of that road coming down towards Lucia Falls Road, and I have had the opportunity to see several trucks doing 50 plus, two that I have, one I about pulled out in front of that both were in trouble with their brakes.

I don't understand why you would put a mine at the top of a mountain. It's inconsistent with safety. The road is not built to handle that. You cannot turn very easily at the bottom of Kelly Hill and there's a 90-degree turn just below the mine that if you meet a truck at that, they're cutting that road, it's very unsafe.

The truck that I did not pull out in front of I pulled behind of and I feared for this person. He was going 40 plus down the steepest grade right before Lucia Falls Road and ditched it into the side losing his partial load onto the side of the hill. And the second one I saw, I was not at the intersection yet but I saw it go by, he was also on the side of the road by the time I got there.

A number of vehicles I've seen wrecked there. I've been delayed because they have tow trucks pulling them out. It's not designed for that purpose. That road you should not be having, you know, trucks come down that road fully loaded, it's insane. It's only a matter of time before someone gets killed.

The other thing that I want to cover besides safety is the fact that on this map below where you can see, there's a little road that comes down and disappears into the woods at the very bottom, that road ends up across the street from Lucia Falls where there's a year-round stream that dumps into the river right there directly below the mine. Right. If they open up that other area, there's no place for the runoff from rains to go besides to the park.

I have a neighbor that has a pond on our year-round creek on our road, it used to be 8-feet deep, after they started mining, it's a foot deep, it's filled with silt. There's definite runoff and

there's nothing you can do about it. If it is opened up to mining, it will ruin that part of this valley and it's a beautiful valley. Thank you for your time.

BOLDT: Thank you. Darin Kysar. Afternoon.

KYSAR: Good afternoon. Like you said, Darin Kysar, K-y-s-a-r. I'm a resident of North Clark County for over 20 years. I live on the north end of Kelly Hill Road, but I am also an employee of Rotschy, Incorporated.

And I guess I don't know so much about the details of this expansion and what's going on, but I do know my position at Rotschy that contrary to what others have said there is a problem of rock shortage in the county.

And as others have stated, the top of the mountain isn't the best area, but the fact of it is that that's where the rock is, you know, we're very limited, limited on where the sources are.

Right now, currently Storedahl is the main one supplier we get bids from. Cadman, their sources are running low, a lot of the projects they're not even bidding. And on top of that, some of the secondary sources such as Section 30, the material that's been, we have used in the past is trench backfill and recycle and so on, but Section 30 is depleted so it is real, there is a rock shortage and we've

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seen that with prices skyrocketing.

And like I said even limited on who, who's bidding the projects. And many might say, well, you know, that we don't need the rock for or we can pay more, but it's not only for private development, but on our Public Works projects as well we've seen, like I said, we've seen rock skyrocket, so if we want to continue road improvements and so on, that we need rock.

And I can say too that there's many comments that I think are unsubstantiated. I know where I live, like I said, right north, north of the pit there that my well went dry last year but we've had a couple of the driest summers on record, so I guess arguments could be made, but I think a lot of this there isn't proof of some of the statements that are being said. Thank you.

BOLDT: Thank you. Bob Brink. Afternoon.

BRINK: Good afternoon. My name is Robert Brink. I live at 20902 N.E. Lucia Falls Road. I'm president of the Pomeroy Farm --

BOLDT: Spell your last name.

BRINK: B-r-i-n-k.

BOLDT: Thank you.

BRINK: -- which is directly south of that 40-acre thing that's sticking out right there. First of all, our family's been on that farm since 1910 and I'm sure many of you have heard of the farm and what we do.

I'm not opposed to the extraction of rock; in fact, we use quite a bit of it on our tree farm, it's very handy for me to have a rock pit that close, the transportation costs are very cheap.

And I will say that we have not had any impacts, noticeable impacts on our water resources or our wells on the farm, but I do have some concerns. I share these concerns with some of my neighbors about the expansion and the primary one is the view shed.

That valley through the East Fork is wonderful and it appears to me that at, they're moving the expansion to the south, and I know they're saying right now that they just want to do overburden and so on, but the report that we have here says that they are planning to do future mining when they run out of rock there.

So it's going to eventually happen and that's going to really open up the whole south side of Yaacolt Mountain and it's going to just be a gigantic sore thumb, it's going to look like Mount St. Helens



from the north and that concerns me.

If that can be mitigated somehow so that we don't see that and the pit is deep enough that it's not part of the view shed and the noise abatement could be dealt with and to me that would be a pretty good solution.

If you haven't had opportunity to do this, Councilors, it would be really nice for you to go up there and look at that pit and to see what's going on up there. It's a big hole that this county is using a lot of rock, and I understand that, so... Those are just my comments and my observations as a neighbor to this proposed project.

BOLDT: Thank you. David Rogers. Good afternoon.

ROGERS: Good afternoon, Councilors. I have lived in my house up on Kelly Hill for 30 years and it's only been the last five years that the pond has filled in with silt.

The pond was put in in 1902 to be as water supply for the steam donkeys and the things that were coming down off of the hill that required water. It's not easy to get a permit to come out and claim a pond, it's not easy, but I'm telling you that that quarry when it's up and full and it's running, the water, the rain comes on

down the hill, goes into the pond and then down into the East Fork of the Lewis River.

I came here to recommend that the expansion of the mining overlay not happen. It's my opinion that this is greed and lack of concern for their neighbors. I believe there are other areas better. These areas are not classified as this quarry has been as a landslide area, steep slopes and it is considered a hazard area. Geologists did not suggest the building of a quarry on a bad hill, we let it happen.

The rock has shown to contain mordenite and small grain silica. The chance of spreading a carcinogen into our yards does not appeal to me. Our Councilors can stop the spread of the carcinogen dust. Consideration of the Troutdale aquifer, which this is right in the middle of, needs to be taken into consideration as it was ignored when this permit for the mine that's currently had been issued.

I don't think the SEPA or the case of nonsignificant would have been issued had they been given the right or had been given the notice that they had to include the aquifers, that's part of the testing that was supposed to have been done and it was omitted.

The promises to fix county roads was not kept and the increase in truck travel will only increase accidents and danger. The

disturbed soils were to be kept seeded but now the soil has blown all over the valley and we the taxpayers are paying for Storedahl's success.

The heavy trucks are already breaking up the roads. Federal reports say damage from one double truck is equal to 3,000 vehicles traffic, that comes from Federal reports. The larger the quarry size just means more dust, more noise and more noisy trucks traveling on county roads.

We are already expecting water shortage and DOE is telling us that mining is responsible for the decrease in water elevations. We already pay enough for the mistakes. Now let's stop the mistakes. Please, Councilors, look at this and do what you are able to do.

On the map, if you look where the quarry's at, you'll see a big white spot when it was opened and the rock was tested, it showed the rock to be a dark gray, show me a dark gray rock in that quarry.

BOLDT: Okay. Thank you very much.

ROGERS: Thank you.

HOLLEY: Spell your last name.

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ROGERS: R-o-g-e-r-s. Thank you, gentlemen.

BOLDT: Thank you. Carla Klein. Heather Beard. Okay. Brian Brown.

BROWN: Hi.

BOLDT: Hi there.

BROWN: Brian Brown, B-r-o-w-n. I'm an excavating contractor in North Clark County and I work pretty much exclusively in North Clark County, and I know that we have a rock shortage. And because of the rock shortage, the Storedahl's have me cut out of their quarry because I have a solo truck and they're limited to trucks per hour, so they're sending doubles. And I buy, about 30 percent of my business was buying rock from Storedahl's and now I don't have that source of rock. So I'm just here to emphasize the rock shortage in North Clark County.

BOLDT: Thank you. Stan Greene. Good afternoon.

GREENE: Good afternoon. My name is Stan Greene, G-r-e-e-n-e. Our family has owned property for 63 years near this mine and I've been in logging and construction and working in 302 Operating Engineers for more than 40 years, so I have experience in

construction, mining, logging, tree planting, tree farming. I've worked in two mines also. One of the reasons, please read my report, but I'm only going to talk about one thing.

One of the reasons for not expanding the area of the Yacolt mine is the operation of the proposed expansion of this quarry is contrary to and in conflict with the goals and policies of the GMA. It is wrongly assumed that the reclamation of the site will cause compliance with the goals and policies of the GMA.

It is because of the assumed reclamation back to forestry use that the mine was originally approved for operation, this false assumption continues. Production of commercial timber cannot occur if the current reclamation plan is pursued.

Clark County Land Use Examiner on November 14th, 2002, wrote on Page 14 of his findings, the mining will not permanently disrupt the forestry on the site because the reclamation of the site is back to a forestry use.

On Page 31 he also wrote, reclamation is proposed to turn the land into a commercial forestry operation once the mineral resources are extracted. It is only the presence of residential dwellings interspersed with forest land that interferes with the achievement of this policy.

Clark County Planning staff wrote on Page 2 of the Clark County Planning Commission recommendation November 27th of this year, in 2002 where during a rezone hearing for the Yacolt Mountain mine, the Hearing 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. These are all incorrect conclusions.

The reclamation plan does not provide for the growth and production of commercially viable and usable timber. Because in reference to the proposed expansion of the SMO, Clark County staff wrote on Page 10 in this November report, the applicant's narrative indicates that the depth of overburden is expected to be consistent with what is found on the adjacent active mine property of 15 feet.

The Clark County Examiner, Hearing Examiner, November 14th, 2002, wrote on Page 58, sediment collected from the wet ponds will be removed by mechanical means when the level of sediment in the pond reaches a certain height. Sediment removed from the pond will be used in the reclamation.

Page 7, Sections H(2), (3) and (4) of the surface mining overlay adopted changes on November 25th, 2014, states, that graded backfill areas except for roads shall be sodded and surfaced with

soil that will only be 4-inches deep and then this soil will be planted with trees or shrubs, but the above describes the reclamation to mean that 15 feet of soil overburden will be removed.

Then after the rock is mined and extracted, waste sediment containing toxic mordenite shall be dumped into areas or pits from which the rock was extracted and only 4 inches of soil will be reclaimed to cover these mine pits, in the 4 inches of soil shall be planted the trees.

No mention of commercial tree species is being required or made. Species, tree species of Douglas fir, Grand fir, Western hemlock, Western red fir which could grow into commercial timber at this former timber growing site will not grow to mature into forest timber suitable for harvest for commercial purposes as required by the GMA.

BOLDT: Can you summarize, please.

GREENE: In fact - one sentence left - in fact, these tree species will not long survive in such poor soil conditions, but blackberries, scotch broom and other invasive nonnative species will predominate. These plants will not screen the area so as to improve the aesthetics as it is wrongly assumed in the reports made by the proponents of the expansion.

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BOLDT: Okay. Thank you.

GREENE: Lastly, I'll say that I buy rock and I never have a problem and I get from three different mines and I get several trucks a day and it's better rock than this Yacolt Quarry rock.

BOLDT: Thank you. Kathleen and Jeffrey Herzog. All right. Dale Branch. Oh, sorry. Good afternoon.

HERZOG: Good afternoon. My name is Kathleen Herzog.

HOLLEY: You have to sit closer.

HERZOG: Kathleen Herzog, last name H-e-r-z-o-g. We are recent new residents to the Yacolt area, we live off of 317th/Kelly Road. We are concerned obviously because our neighbors are concerned.

My biggest concern other than the ecological affect of what's going to happen in the long-term is the safety of the road and the children that are waiting for the buses at the end of it. There have been some trucks that have been very generous in letting people pass by, there have been others as to be expected that have not, and so we are very concerned with the safety.



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So I'm just here to support our community and see what we can do to help make a better community for everybody.

BOLDT: Thank you. Very good. Dale Branch and Nick Edgar is next. Afternoon.

BRANCH: Good afternoon. My name is Dale Branch, spelled B-r-a-n-c-h and I live near Kelly Road about a mile up from Lucia Falls and I guess we're about a half mile from the pit to the south and westerly direction, so the noise and the blast shaking and truck traffic are something we're familiar with, but I guess my position in being here today is to oppose the expansion because what we got is what we got, we just don't want any more.

The expansion of the pit equals more trucks in my mind, and there's just this morning on the way to the hearing in about a minute and a half's time from when I entered Kelly Hill to get down to Lucia Falls, there were four Storedahl truck, dump trucks and trailers that passed me on the way up the mine, that was just in a minute, roughly a minute and a half, a minute and a quarter.

I personally have had instances where truck traffic from Lucia Falls Road turning onto up Kelly Road have wanted to cut the corner because they didn't see me coming down the hill, and then as I got to the intersection, I had to back up because they had already

engaged rather than swing wide for the turn with their dump truck and pup trailer, and so I've had to back up and there ultimately is going to be some instance where there's just going to be a conflict, a major conflict.

And so also on the way here, there's a lot of truck traffic that comes to and from the pit. As I was coming westbound on 502, there was two or three Storedahl dump trucks and pups and I followed one that was the speed limit is 50 miles an hour on that stretch of 502 headed westbound towards I-5 and I clocked one dump truck and pup going 60 as he passed a couple of the other dump trucks and pups.

So there's a whole variety of drivers, we just have a multitude of drivers coming to and from the pit, many are very good drivers but there's just a multitude of them with all varying capabilities and whatnot.

And I have to say that on these secondary roads, we have younger inexperienced drivers and we have older drivers in their 70s and 80s and you can have the best truck drivers around there, but I'm reminded of an instance a friend of mine back in 1996, he's a driver with a lowboy was headed towards the rock pit in Molalla, Oregon and was headed northbound and drove across a driver that erred and killed a woman, her mother and two kids through no fault of his

own, so all these trucks are very unforgiving.

BOLDT: Thank you. Nick Edgar and Mike Nieto is next. Good afternoon.

EDGAR: Good afternoon, Councilors. My name is Nick Edgar, E-d-g-a-r. My wife Wendy and I live on Gabriel Road a few properties from the east end where it meets Kelly Road and we are opposed to the, to any expansion of this quarry because we feel that Storedahl does not have the issues of environmental impact, water impact, noise impact, truck traffic under control with their current operations and they need to get these issues under control before they're allowed any expansion of their business.

Specifically on our road we see a lot of truck traffic, and all of these trucks are large multi-ton double trucks, sometimes two or three in a row. I'm a mechanical engineer, I can tell you there is a lot of momentum in one of these trucks going down the road even if they're going the speed limit let alone speeding like many of them do.

We have right by our house there's a little S-curve and a little hill at the same time, poor visibility. We have a lot of trucks running right up to that and throwing their brakes on, it happens all the time, you can hear the compression brakes (inaudible sound)

as they slow down. You can walk out as one is passing or just after it's passed and you can smell the brakes. Okay.

The trucks often take up a little bit more than their lane. We often go down Gabriel Road with a truck and a horse trailer with horses in it and there's no place to go if somebody comes into your lane on that road and they often edge into our lane and it gets very nerve racking.

There's a lot of curves on that road with poor visibility. The trucks come barrelling around the curves and it's just a matter of time before there's a school bus stopped or a car stopped for whatever reason and the truck is going to have no place to go and they're going to hit that vehicle.

Our daughter recently learned to drive and we, the very last thing that we had her do as we were teaching her to drive, and I'm talking after driving in the rain, after driving at night, all that, the very last thing was to pull out of our own driveway because we are so worried that she's going to get pasted by one of these trucks. Okay. And I'm still going to be worried as she gets her driver's license and actually is driving solo.

Lastly, I would also like to voice opposition from Dan and Caroline Swansey who are not able to be here today, they own Yacolt Mountain

Farm, they are just off the western edge of that map at the base of the mountain, they are also impacted by quarry operations and are very much in opposition to any expansion. Thank you.

BOLDT: Thank you. Mike Nieto and Bill Lynn is next.

NIETO: Good afternoon, Councilors.

BOLDT: Afternoon.

NIETO: I'm Mike Nieto owner of Catworks Construction.

HOLLEY: Spell your name.

NIETO: N-i-e-t-o. I've lived and worked in Clark County for more than 20 years and have children in the local education system. I formed Catworks in 2005 to provide general contracting support to the construction and development industry and I employ 40 to 50 people. I'm the past president of the Southwest Washington Contractor Association and currently serve on Identity Clark County Board of Directors.

I can appreciate your challenge of meeting your obligations under the Growth Management Act of sharing that a 20-year reserve of rock is available to this county while assuring that rock mining process

is operated within the regulatory requirements that protect our neighbors and our environment.

There is little question that our supply of aggregate is diminishing. We have exhausted pit after pit and we don't have sufficient plans to bring new capacity online. Sometime in the next year we'll be down to one viable rock source for the entire county. This forces our community of builders, contractors and local businesses to obtain rock from several hours away often at double the cost.

This is adding \$10,000 or more to the cost of a new home and has a similar impact on building our local roads and infrastructure as well as schools, but it also hurts our local jobs, weakens our local economic activity and stresses our transportation system.

Today's decision is about rezoning a property next to our county's most important rock quarry. This decision would allow our county to have a consistent supply of rock although nowhere near the amount of our county's needs.

The current facility is already operating within the standards and requirements this decision would provide and an added benefit of a sound barrier to the neighbors to the south. This decision lays an important foundation to a series of actions we'll need to

take -- to make -- to meet the greater responsibility of supplying our county with sufficient aggregate, but it's an important one and we stand with you in building our community. Thank you.

BOLDT: Thank you. Bill Lynn. Afternoon.

LYNN: Thank you, Councilors. My name is Bill Lynn, I'm here on behalf of the applicant. L-y-n-n. It must feel a little overwhelming to hear all these arguments and all these details about minerals and truck speeds and all that, it feels like you're not equipped with the right record and the right information to make the decision and that's because the question that's being asked of you is the wrong one.

The question is not should you approve an overlay expansion for the mine itself, but rather should you allow the applicant to make an application for an expansion. Should the applicant be able to hire experts to study noise and vibration and truck traffic, should there be a geological report, should there be an assessment of stormwater impacts, the existing operation and how it might change.

What the applicant is asking is for an opportunity to go through the next phase of the process at which all of this would not only be investigated by its experts, but also in consultation with the Clean Air Agency and the Department of Ecology and the Department

of Natural Resources, the Department of Transportation and all of your County experts who would review these reports.

So the question here is simply should this applicant be permitted to make an application and provide more information, you know, lengthy process. The end of the process might by the way yield the answer no or the process might yield the answer yes but only with these conditions. So let's ask the right question and let's not talk about what might be or what could be.

The second thing I want to point out is that there is a mandate under the Growth Management Act to identify resources to sustain the county, commercially significant resources, not my brother told me there might be a pit someplace else or there may be -- I hear there's some -- and by the way, this is how the Planning Commission made its decision, they didn't have any evidence to dispute the DNR approved report here that said there's not enough, they just said there must be some, there must be some other places.

And if the question is is there rocks, are there rocks someplace, the answer is yes, but are they commercially viable, are they not located above sensitive aquifers, are they appropriately close to transportation corridors and the market, those are the questions that have to be asked.



So we would just urge you, unlike what we think the Planning Commission did, to pay attention to the standards that have to be met, that's what the staff did and we support the staff's evaluation of those. Thank you.

BOLDT: Thank you. Ray Garrison.

GARRISON: It's Roy.

BOLDT: Good afternoon.

GARRISON: Thank you. Roy Garrison, G-a-r-r-i-s-o-n. I'm here representing the applicant as well. My company that I work for is GeoDesign, we prepared the aggregate study as well as the application.

And as Mr. Lynn just indicated, it's kind of difficult to listen to all the complaints about an existing permitted site when you know very well that there's regulatory agencies that monitor and regulate and oversee in great detail, and I can speak from that because I've dedicated my entire career over 40 years in mine permitting and reclamation and planning, and it's easy to make an accusation or, you know, that something's wrong without scientific data to support it.

The key to the next piece in this puzzle if the overlay is granted is, like Mr. Lynn said, this is a very complex scientific detailed process that we'll go through to, you know, assure or determine what the conditions would be of a new site.

I can speak from the standpoint of this site specifically meets the intent of the Surface Mining Act early on when they developed the regulations. I was fortunate enough and asked to be a part of developing those as a private entity for the State and it was a real key point was that try to minimize the number of sites we have strung across the state.

If we chased every outcrop of rock, we could have lots of little sites. I mean, you can look up into the forest lands and see that's exactly the way a lot of the operations work up there, every few miles there will be an outcrop, they'll chase it, build their roads. We don't have that luxury under the regulations under surface mining.

So what we try to do is maximize the resource, it's actually part of the intent within the Surface Mining Act, and to do that you obviously have to meet all the requirement environmentally and at the local level as well as State and sometimes Federal.

So what this site has going for it is, one, you have an existing

operation. Two, the way the operation is designed a topdown method of mining. There was some comments about how that would be a negative thing. In this case it's just the opposite, it allows for an incised mine which ultimately attenuates noise, over time it will get less; in other words, get less and less noise as the floor recedes leaving the high walls.

The advantage of the overlay is that we have the opportunity to put overburden on the southern side which would create more of a sound wall, if you will, and once the existing mine is mined out, that material come back in, you know, for reclamation purposes, and by that time, the floor of the quarry will be several hundred feet lower than it is today.

So I can answer any questions down those lines too.

BOLDT: Okay. Thank you very much. Erick Stacey. Afternoon.

STALEY: Good afternoon. It's actually Erick Staley, spelled S-t-a-l-e-y. I'm mostly here on behalf of the applicant. I work at GeoDesign and am a geologist with over 18 years of experience.

GeoDesign reviewed the permitted aggregate resources in Clark County to estimate the quantity of resource available within the county and projecting estimated life span for that reserve, this is basically to put some science behind what many people have been

saying already about how there is a shortage of rock in the county.

The study relied on significantly -- relied significantly on publically available documents, aerial photographs and interviews with DNR staff which is the agency that oversees mine permitting in Washington. Our study first built a list of sites with active mine permits in the county which resulted in 25 sites; however, it is important to understand that a permitted site may not produce construction aggregate.

Some of the sites that are mined out and are being reclaimed, some are being or receiving fill and there are other activities that don't produce construction aggregate, but the DNR mine permit can only be closed once reclamation is complete.

So of those 25 permitted sites, only 9 are actively mining construction aggregates. Of those 9, 3 are nearly completely mined out, that leaves only 6 active mines that have significant aggregate resources.

Our study estimated the permitted reserves and then used per capita rates for aggregate use to estimate the projected lifespan of the 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.

The staff report that was submitted, the County staff actually approached the State geologist, Dave Norman, and asked him if he would review this and what he thought of the report and he said that it was based on sound science and he supported it. So the needs of the county to maintain adequate aggregate resource for 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 an existing site minimizes impacts to communities and environments and provides a stable mine location for community planning and projects.

If you have any questions regarding the report --

OLSON: I have a quick question on that so, and I've got this report in front of me. When you talk about using per capita rates based on 2015, I mean we know that construction ebbs and flows. I mean, I'm just curious about the numbers that you use to get to 7 to 21 years.

STALEY: Sure. Sure. So the DNR put out a study for what the per capita rate should be per of aggregate use, came up with 12 yards per person. Around the industry, just talking to some of the

miners in this county specifically, so not a statewide consideration but something more specific, four years seemed like a pretty low end, so to put some brackets on it. So between 12 to 4 yards per person was the per capita rate, but we used the population from 2015.

Now, since that time I've actually looked at the population and it's increased to 475,000, I believe by the last census in 2017, it's a three percent increase. So even just taking the same reserves, we now have more people needing that rock, so you could actually diminish some of that since we did that study.

BOLDT: Okay.

OLSON: So can I ask another question?

BOLDT: Yeah.

OLSON: So help me out here. So the rock that we're mining and we're shipping all over is used typically for construction, roads, I mean help me out.

STALEY: Oh, so construction aggregate would go into roads, sidewalks, foundations, bridges, anything that would require hard aggregate, so concrete, asphalt, road surfaces.

OLSON: Because I've been trying to figure, I'm trying to figure out the per capita number versus a potential growth number in terms of what aggregate would be needed over the next 20 years.

STALEY: You'd have to do a I guess a forecast of county growth to be able to anticipate that and I'm a geologist.

QUIRING: Well, we do do that or we used to.

BOLDT: Okay. Thank you.

STEWART: But we do know that the growth in the last say four years is a very high rate of growth, we do know that building and construction in the last four years has been exponential over the earlier period.

STALEY: Right. The DNR study, the DNR numbers though were a larger average, not over the past four years, so that per capita burn rate is say over decades.

STEWART: But if we're talking about aggregate we can use here, we need to be realistic about how fast we're using it up.

STALEY: Correct. Correct. So, yes, if you want to consider that

the burn rate may be quite a bit higher because of that pressure.

BOLDT: Okay. Thank you. Scott Jeffries. Afternoon.

COX: Hi. My name is Jeffry Cox and I live at 15304 N.E. 181st Loop, Brush Prairie, probably close to Cedar subdivision.

HOLLEY: Spell your name.

COX: Cox, C-o-x. The reason that this mine expansion affects me and my neighbors is we are within, in some cases, a couple hundred feet of the Chelatchie Crossing Railroad, and in my particular case probably about 500 yards.

The lessee of the railroad has stated his intent to take aggregate trucks off the road and to use this railroad for that process up to 30 cars a day are some of the numbers I've heard. So being down range of this, we can be severely affected by this because the track is not built to haul this aggregate, there's several uncontrolled railroad crossings within the neighborhood and there's safety conditions associated with that just the number of tracks.

So by approving the application of for the application of this expansion of the mine puts our neighborhood, though not directly in line of the expansion, but down range and is we are affected



by it. And this is also, I don't think we should be, actually be putting a lot of consideration into this because the whole issue of the freight rail dependent uses has a long ways to go before it's being decided.

And by expanding this, it just facilitates the use of that railroad, and when we have an area that is so, not densely populated, but populated enough that it's an issue. In particular the new development at in Cedars, not in Cedars, next to Cedars, but from this annexed into the City of Battle Ground, the train track literally runs through these people's backyards.

And the other issue that can come out of this is just the amount of aggregate that can be moved down the railroad, it will severely diminish property values in the area. And by expansion of this particular quarry, it comes with the benefit of several people, we've heard the contractors, the owner of the mine, but the people along the railroad track that will be affected by this there's zero benefit to them, in fact, it's a detriment. Thank you.

BOLDT: Thank you. Let's see, Scott Jeffries. Nope. Thanks. Very good. Teresa Andreoli. I like that last name, I probably butchered it. Afternoon.

ANDREOLI: Hello. My name's Teresa Andreoli, A-n-d-r-e-o-l-i,

and I live on Steelhead Lane, 22482 Steelhead Lane right across from Lucia Falls Park. I'm against the expansion of the proposed company.

I'm a newcomer here. My husband and I purchased our property back in 2015; however, I grew up in Pennsylvania along the Delaware River and we're familiar with some of the narrow roads that from my childhood and it was there were limits to how much traffic could go on those roads because you can't really expand them, you can't go into the mountain, you can't go into the river.

So just in the short time I've been here, and in particular I say late this maybe March till now, I just, you know, it doesn't matter what time of day but I see just these trucks coming and going and I really do feel for the people right up on Kelly Mountain, but I -- also that's the only road we really have going in and out.

I mean, we have Hantwick and Basket Flats but that's not a road that people can commonly travel either, so I'm really concerned about that. There's going to be wear and tear on those roads and as many have said today accidents is just waiting to happen. And if that road goes out, that's kind of the only way we have of going in and out.

Of course there's also the beauty of the place, that's why I live

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there and we I'm such a newcomer, so I can't speak with the history of folks that have lived here their whole lives and generation, but when we bought our property, we did have our water and our well inspected and we had a very robust amount of water coming up through and then this spring we had really low water pressure, we had to get a new water pump but we're still experiencing this low water pressure, so that certainly was concerning to me, especially as I heard more people talking about it today. And so thank you.

BOLDT: Thank you. Richard Dyrland.

DYRLAND: My name is Richard Dyrland, D-y-r-l-a-n-d. I live at 27511 N.E. 29th Avenue, Ridgefield. I've got five basic points to make.

This is basically a new project that has the intent of expanding the whole mining operation beyond the original permitted borders and conditions, starting with piling of overburden from existing operations onto areas outside of the current permitted conditional use boundaries.

One, an examination of the Washington State Landslide and Slope Stability map for the map area shows the area around in both south to the East Fork of the Lewis River has nine or more mapped landslide risk mapped areas. Loading them up with overburden increases

landslide motion risk. We already know we don't need another Oso incident.

Two, a better option to consider is to store overburden and expand mining to north where the ground is much flatter as compared to proposed very steep slopes 60 percent and greater from the edge of the current mining on down to the East Fork floodplain and stream channel.

Three, examination of the LIDAR photography in the area shows that at minimum there are at least three year-round flowing streams that drain the proposed area and into the East Fork. At risk of polluting them is very high, and these streams are subject to the Threatened and Endangered Act because there's four listed species there and you have the Clean Water Act also. And, thirdly, we don't need more Federal lawsuits.

Four, there is no real future shortage of rock and gravel materials in Clark County if good planning is implemented. Currently, as much as 30 to 40 percent is trucked to the Portland area, it used to be higher but it's gone down some, but high quality materials are also available at active deposits in the Amboy area. In addition, huge rock deposits from the Missoula Floods can be barged down the Columbia River. Profit margins if it truly is known for rock materials are very high.

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Five, preliminary information has been brought to our attention by other parties that the rock at Yacolt Mountain contains a mineral called mordenite and has characteristics similar to asbestos which is a carcinogen and is documented in studies done in Europe. This needs serious and thorough independent investigation. The dust from the current mine is beyond a two-mile area as well as being spread around from the trucks as they haul down because they're not covered.

In summary, the East Fork watershed and stream is the jewel of Clark County. Please do not let short-term gains degrade or destroy a highly valued, irreplaceable asset. Don't allow the expansion. The county and citizens have better options to meet our rock and gravel needs. See attached maps. Thank you.

BOLDT: Thank you. Anthony Polimeni.

POLIMENI: Polimeni.

BOLDT: Oh, okay. Afternoon.

POLIMENI: Good afternoon. Thank you for allowing me to speak. Last name P-o-l-i-m-e-n-i. I am a resident at 22312 N.E. Lucia Falls Road. I have been working on this issue ever since the

original GMA plan back in 2013.

What was required for the county was to identify natural resources. Originally this site was expanded about five, six times larger than the current quarry. They reach all the way over to CC Bolin Road almost to the extent of Yaacolt. I fought back then with the Planning Commission to have that removed, to have the entire surface mining overlay removed for the pure fact of the requirement was identification of natural resources.

This area has historically been timberland which is a protected natural resource by the State of Washington, it has been that way, it set precedence for time and time again of being historic timberland. For us to redesignate a secondary natural resource just didn't make sense, we've fulfilled our requirement. So that was the original reasoning behind it.

Additionally, we keep on hearing that we don't have enough gravel when the original assessment was concluded we had enough gravel. We had enough gravel for the growth plan. We knew back in 2013 earlier on we were forecasting for a population growth of up to 450,000 people by 2035 I believe it was. We knew all those numbers. We were looking at our natural resources and we still had enough during that time period.

So we have to look back as to why are those numbers changing so drastically even though our growth is maintaining where we're estimating. Is it being sold outside? And that's where this time around with the Planning Commission they looked at it saying we're not here to identify a natural resources for Clark County for everybody else, we're here to identify and protect our natural resources for us, not for per se a corporation to identify and then sell elsewhere, our job is to maintain for us.

My worry, and this is why I'm against the expansion, is once we allow it to start happening, it's going to go to that original mandate. He does own all of the acres. I own, me and my family has owned this land since 1934. Other than Pomeroy's we're the next oldest. They own all of going over and around us, and the original expansion actually included 20 of my acres in that, and the minute we start saying, okay, yes, you do, you are now setting precedence for the entire expansion because all of you end up getting replaced at some point and votes do change and that's why I'm here to stop and almost try to put a moratorium.

We don't want this in our backyard. You have spent millions of dollars on Lucia Falls Park and Moulton Falls Park and making this area a tourist vitalized resource and why are we going to destroy that. Thank you so much.

BOLDT: Thank you. Clint, is it Frahler? Afternoon.

FRAHLER: Clint Frahler, 26700 N.E. 96th Court, F-r-a-h-l-e-r. So I live off of 269th Street and we hit 503 there at 269th Street at the Lewisville Market and I drive my kids to school on a regular basis.

This fall we've noticed an increased number of gravel truck traffic, and as a game with the kids, we've started to keep track of the gravel trucks. And then for the three and a half mile drive from 269th Street to 199th Street or Eaton Boulevard in the City of Battle Ground, normally we pass 8 to 12 trucks a day.

Granted, we do go past Lewisville Pit and there's very little traffic going in and out of Lewisville Pit. A couple of days or a couple of weeks ago we counted 22 gravel trucks in that three and a half mile drive. So in that six, seven-minute window we passed 22 gravel trucks. I don't have pictures of all of them, I don't have any of your facts, but you can ask my kids I guess.

So at that time I went home and I said that just seems extreme. So I sat down to write you guys all a letter and it was during that that I found out about this proposal and this hearing and so I canceled my letter and this is my first time showing up to a Council meeting.



So I guess what I'm after is we've heard from people who live directly in the area and we've heard from people who represent the applicant, and the people who live in the area have all stated their address and how they've been directly impacted by it, and then you've heard from the applicant wherever they live and however it affects them.

So I would say if you find it necessary to vote yes on this and approve this that you consider how that's going to affect everybody that has sat here today and fought their nerves to come up here and face you. And if it does need to be approved, then maybe you can meter it so it's not an overbearing amount of traffic. We have a scar on the land at the Lewisville Pit and at the Daybreak Pit that we'll live with for the rest of the generations, do you want another one? Thank you.

BOLDT: Thank you. Sarah Webster. Okay. Tracey --

FRAHLER: I'm his wife.

BOLDT: What?

FRAHLER: I'm his wife. I'm just opposed. Thank you.

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BOLDT: Okay. Very good. Brian Dunn.

DUNN: I'm here on behalf of the applicant, but I'm going to make myself available for questions later.

BOLDT: Oh, okay. Bo Storedahl.

STOREDAHL: Bo Storedahl.

BOLDT: Afternoon.

STOREDAHL: Afternoon. S-t-o-r-e-d-a-h-l. I've heard a lot of testimony regarding our company's actions up there and I feel like we're accused of doing whatever we want, whenever we want.

This industry, trucking and mining, is very heavily regulated for those reasons, the exposure. Poor mining practices throughout the country created this regulation.

MSHA regulates the pit, Department of Ecology regulates water quality standards, there's daily, weekly, quarterly monitoring inspections that are done routinely by Ecology. The DNR regulates all things surface mining. Southwest Clean Air regulates air quality standards, limits the amount of dust, requires fog nozzles, so we are being watched. DOT for the trucking.

There's been accusations to these agencies where they've come and inspected and found that we weren't doing what we were accused of. I think that's important to understand that we are regulated, we are watched closely, there is a microscope. I get the nuisance of it all, hearing it.

We should have an opportunity to mitigate that and I think this area of expansion allows us or gives us that opportunity. Currently, there is zero buffer or restrictions for noise going to the south, this would allow that. Originally when we bought the property, we had zero intention of expanding anything.

Weyerhaeuser put a bunch of for sale signs in the ground and the property and it spooked us that potentially there would be a bunch more homes built around it and I don't want to be seen, I don't want to be heard, I don't want to put the burden on anybody to listen to what I do for a living, so we bought that as a buffer to protect the quarry.

We also had a problem in the pit with the overburden pile that you've heard about today. Mr. Alvarez was there, I showed up and asked for a fill and grade permit to store the dirt there, that was my only intention, but because it's outside of the boundary and the dirt originated inside the boundary it had to be expanded through

the DNR and I had to get the zoning changed to expand that boundary onto areas outside of that permitted area.

It's expensive and I looked at it like if we're going to go through the whole process like we're looking to mine it, we might as well potentially look at it as a business. There might be down the road 30 years from now when the current mine's done an opportunity to expand the longevity of it. Not necessarily the size, but just the longevity.

I mean, are there any questions or something that I can respond to or issues that as far as the criteria?

BOLDT: We're fine. Okay. Thank you.

QUIRING: Maybe later.

BOLDT: Yeah, maybe later.

STOREDAHL: Okay.

BOLDT: Okay. Thank you. Morry Goff. Afternoon.

GOFF: Good afternoon. Morry Goff, G-o-f-f, 15019 N.E. Gabriel Road. We have 95 acres there at Gabriel Road and 503. I have my

own business. I haul rock. I log. I build roads. There is a definite shortage of rock in this county.

Everybody keeps referring back to this Amboy Pit, the Amboy Pit is unreliable in their production and they are just about done. I know the owners very well and they are into the reclamation process now. Lewisville Pit is just about done, I've worked at that pit too. Worked for the landowners and that one's just about mined out. There's a definite need.

If we're going to keep trying to build any infrastructure in the county or, you know, with the development that's going on, they're going to have to have rock and it's not viable to bring it down the Gorge, they looked at that before, it is a good source and it's right there close.

BOLDT: Okay. Thank you.

GOFF: Appreciate your time.

BOLDT: Anyone else? How are you doing? You want a rest? Keep going.

HOLLEY: Yeah.

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BOLDT: Yeah. Okay. Returning it to the Board. Thank you everybody for coming. Does somebody want to start?

QUIRING: Mr. Chair, what I, I ask that we have a map placed for, up here so that we can see some of the surface mining overlay areas, and I can see this is, you know, a little bit south of Yacolt and north. I was particularly interested in an area that I've been told about near Chelatchie Prairie, where would that be?

ORJIAKO: Jose, can you zoom, is there any way you can bring that, zoom it up or bring it down. Okay. That's the Chelatchie Prairie area.

QUIRING: Okay.

OLSON: I have a question. Could we -- in the staff report for the Planning Commission there's a couple of really good maps that are on the -- that I'm looking at that are online, I think it would get to your question.

QUIRING: About this?

OLSON: Yeah.

QUIRING: While he's doing that, I guess I have another question

then, Mr. Chair. This, the area that's being expanded, I see on this map where it looks like there's some land north of the pit, is that true, or is it just this piece?

ALBRECHT: So what you're looking at is existing surface mining overlay, that's the hatched mark --

QUIRING: Yes.

ALBRECHT: -- that's the existing.

QUIRING: What about this red stuff?

ALBRECHT: Well, that's just the parcel.

QUIRING: Okay. It's just part of the -- but it's not an expansion, it's existing?

ALBRECHT: It's not included in it.

QUIRING: Okay. Thank you.

ALBRECHT: You're welcome.

OLSON: Are you finding that, Jose? I have a question as well.

So when we've, we've heard a lot about expanding the mining operation and we're talking about the overlay right now and the applicant is requesting the overlay so that they can store overburden from the site; is that correct?

ALBRECHT: Yes.

OLSON: Do they have to have the overlay in order to use their land to store this product?

BOLDT: Question for the applicant maybe?

OLSON: You know, they're looking for the opportunity, based on what the staff report says what the application is, they're saying they want to store this overburden, do they have to have a mining overlay in order to store this product?

STOREDAHL: I would be required to expand the permit to store the dirt because I can't move the dirt from inside the original permitted boundary to outside of it and I can't expand the permit onto areas that aren't included in the SMO, that's why I'm trying to get the SMO added so that I can expand the permit to a particular area.

OLSON: So the answer's, yes, then you need that in order to --



ORJIAKO: Yes. The answer is yes. And then in addition to that, as the applicant has testified, the application of the surface mining overlay would, if they so choose, if there is aggregate resource on the property, they can mine it.

BOLDT: Okay. Thank you.

QUIRING: So is it would they need a condition, any further conditional use permits on that particular area? For instance, we've heard about this area being perhaps geologically sort of a slide area, if that were the case, would that be allowed later?

ORJIAKO: They will have to come in through the conditional use permit process to apply for a mining and any other activities including crushing. At that particular time, and I know Mitch is here, they may require them to do additional SEPA work or review through the conditional use permit process, yes.

QUIRING: But right now you're not looking to mine this area, you're looking for overburden there; is that correct?

STOREDAHL: For storage of that. So the way, once it's stored there and it exposes the aggregate in the current permit area, once the mining is complete, all the overburden would be used for

reclamation and then the trees would be planted on.

So at that time the dirt would be removed and then the potential bedrock that's underneath it would be exposed at that time, 30 years from now if I'm still interested in even being in the mining business, you know.

To answer the question, if the surface mining overlay gets added, I can't go move the dirt there without applying for a permit to expand the boundary and it goes SM-6 level with Clark County, SEPA will be undoubtedly notified, and if I can't mitigate the issues, I won't be able to get the permit.

OLSON: What advantage does moving that product off, what are you trying to accomplish by moving it?

STOREDAHL: To have the room to get to the rock that's underneath it. There's way more rock --

OLSON: More additional rock.

STOREDAHL: There's way more dirt there than we anticipate, and it's a glaring pile. I mean, you can see it from Google Earth. There's nowhere else to move it. There's a cell tower there, there's a home on the other side, there's nowhere I can put it.

I thought it would be an opportunity to create the sound barrier to the south and the noise that people are hearing where they didn't hear it three years ago had nothing to do with our operation. There was a bunch of logging that was done up there by Weyerhaeuser before they sold it and that the trees at that time served as some sort of mitigation to sound, but that's gone now, but my sole intention is to move that dirt, that's the most important thing.

OLSON: How long have you owned this adjacent property?

STOREDAHL: Two years. As soon as it came up for sale we jumped on it. We purchased land up the haul road, so we own the property going up that private haul road into the pit because we didn't want to, you know, somebody could get it zoned R-5 and we'd be battling kids and tricycles on a private road and --

OLSON: I doubt they'd get it zoned R-5.

STOREDAHL: -- it spooked us. Well, somebody could apply for a zone change to build homes and that's the reason that we purchased it. We have zero intention, I want to make that clear, to continue expansion anywhere on that property, none.

QUIRING: I have a question about the --

BOLDT: Okay. Thank you.

QUIRING: Well, he might need to answer it.

BOLDT: Okay.

QUIRING: -- about the particulate of this mordenite and erionite. You stated that Southwest Clean Air is one of the entities that regulates you, do they come and test this?

STOREDAHL: They monitor dust as it goes up. As it pertains to the blast, when the blast happens, there's MSDS forms that are required to show dust suppression. On every transfer point of the crusher, there's fog nozzles that just spray water down to suppress the dust as it's transferring through the crusher itself. They show up quarterly to inspect us to make sure we're in compliance, unannounced, make sure that we're not releasing a bunch of dust.

I would like each Councilor to come to the pit and see the operation while we're crushing and see that we're not releasing a bunch of dust, and it is a windy area up there and wind carries dust, I don't think it necessarily means it came from the quarry itself, but these agencies do monitor those things.

And if there is I guess an accusation that we are releasing carcinogens, like there has been in the past, I've defended myself in court on those accusations and they were found to be unsubstantiated. I would welcome somebody to come up and test it for carcinogens, I'm willing to prove that we're not doing that.

OLSON: So how do you respond to the truck traffic question and if this overburden is off and you're mining, are you then generating, I mean are you going to be generating more trucks, are you going to be moving more rock --

STOREDAHL: I couldn't do that without --

OLSON: -- off the mountain on a daily basis?

STOREDAHL: I could not do that without permission.

HOLLEY: One at a time.

OLSON: Sorry.

STOREDAHL: Oh, I'm sorry.

HOLLEY: I missed the end of her question.

STOREDAHL: Sorry.

OLSON: Are you anticipating additional traffic as you are mining more rock if you move this other product off?

STOREDAHL: I can't get more traffic. I can't impose more traffic unless it's given to me. I am currently restricted by load counts up there. So, in other words, if this area gets expanded, I can't generate more truck traffic because I'm not allowed to, I'd be operating under the current conditions of the pit.

OLSON: And that's a Clark County conditional use permit?

STOREDAHL: Yep. Yes.

BOLDT: I guess since you're up here and we're kind of in the weeds now, one of the things I think with the Council and maybe the County and with you is to some degree over I think the last few years, probably too many to count, you'd probably say the same thing, is that we to some degree we talk too much in silos, we're talking over here and you're talking over here and, you know, the neighbors are kind of right in the middle, you know, and there's a lot of things, I mean I'm familiar with your pit because I drove it a lot, but there's a lot of things of, you know, back-to-back trucks and, you know, things that we could figure out, I know I did it through

Rinker, we can get through this.

I think there could be an opportunity where we come back together and we have a good conversation of all of us, the County, you, the neighbors, you know, to get to some agreement of pretty common, you know, sense.

STOREDAHL: I agree. Yes. I'm up for that. You know, if there's a solution that we can all come to that's reasonable, I'm all for that, you know. I want to be a good neighbor. I'm a Clark County resident. I'm not some out-of-town guy that doesn't care about the people here, but more often than not I think the conversations that happen and against, that are against us, I mean they just want the pit shut down.

BOLDT: Okay. Thank you very much.

STOREDAHL: Thank you.

STEWART: I have a question so, and this will kind of put you on the spot a little bit, so... If the only purpose of the request to expand the overlay is to hold overburden, would you be willing to sign a condition that that's what it would be used for for a certain number of years --

STOREDAHL: Yeah.

STEWART: -- with an expansion?

STOREDAHL: Absolutely.

STEWART: And would you -- so I've been here four years and I have heard concerns about the rock trucks for the entire four years, and the first two years it was very intensive public testimony. A loaded aggregate truck weighs a lot of tons and the drivers are professional drivers, that those, the vehicle can getaway from them, there's no question about that.

So the speeds of the trucks, I'd like to also look for some emphasis, maybe not in a condition specifically, but effort to monitor the trucks and to reinforce and restate the importance of those trucks maintaining lower speeds on those roads. I think some of the roads it's 40 and some it's 50, but they're -- you know the responsibility of driving heavy truck --

STOREDAHL: Yes.

STEWART: -- it's a huge responsibility.

STOREDAHL: Yes.



STEWART: And I know the guys are trying to get as many loads in as possible. I am concerned that if we unnecessarily restrict, if we do unnecessary restrictions, I am concerned about the quality and amount of aggregate we have to use locally for job creation, for buildings, for industry, for housing, for all those roads.

STOREDAHL: Yeah. Your original question, I would absolutely sign something of a condition that until the current mine is depleted, I have zero intention of going after the materials that are underneath there. I can't limit that to a number of years because I don't know how long it would take for the county to consume that, but...

STEWART: I see. Thank you.

BOLDT: Thank you.

LEBOWSKY: For the record, Laurie Lebowsky, Clark County Community Planning, I just want to provide some information. My name is spelled L-e-b-o-w-s-k-y.

Currently the County does have, under the conditional use permit, does have a Memorandum of Understanding with the mining company that limits the trips and the truck traffic. And correct me if

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I'm wrong, is you're currently under that Memorandum of Understanding, I know that it expires soon.

STOREDAHL: We operate under the conditional use permit.

LEBOWSKY: Right. And that's one of the conditions of that permit.

STOREDAHL: I didn't understand that that was an MOU. Between whom?

LEBOWSKY: The County and the mining company.

STOREDAHL: Okay. What expires?

LEBOWSKY: It's going to be expiring soon. It was based on volume or whatever happens first whether you had a certain volume of truck traffic or within the time period.

STOREDAHL: Okay. It was a road impact fee that has already expired, it didn't expire, it was fulfilled. It was a condition put in that either you pay this much per ton for this many years or you pay this much per ton for the first three million ton and we hit that three million ton a long time ago, so it's not necessarily expired, but we fulfilled the obligation.

BOLDT: Okay. Thank you. Thank you.

QUIRING: I do have a question. Laurie may, either of you may answer this question, I'm sorry to belabor this but I just think it's important. Is there a time of day that the pit operates?

STOREDAHL: Yeah. The Clark County, the pit itself there's different conditions with trucking as it concerns to pit operations and maintenance. So the pit operations operate under County code which is supposed to be 6:00 a.m. to 8:00 p.m. Monday through Saturday, no Sundays.

The trucks -- it's seasonal too, it's 7:00 a.m. to 5:00 p.m. I believe in the fall, 7:00 to 6:00 p.m. during summertime, and it's based on months, but then there's 18 days a year that you can operate trucking from 6:00 a.m. to 8:00 p.m. for extended hauling hours.

So it's kind of a convoluted set of based on if you're doing maintenance or if you're doing crushing or if you're trucking, there's different standards for each.

QUIRING: Okay. Thank you.

BOLDT: Okay. Thank you very much.

OLSON: I was just going to ask staff. So I was digging through in 2014, this same issue came before the Commission at the time and it was and the Planning Commission and the Clark County Commission and it was denied at the time.

ORJIAKO: Yes.

OLSON: And I don't have a lot of background on it except that they said no and that there's some reason to believe when it went to the Planning Commission this time that we likely wouldn't be having this conversation had it not changed ownership, so...

ORJIAKO: That's correct. And that's what I was referring to and all those dates or year are on Page 2 of the staff report, yeah.

BOLDT: Okay. So who wants to, anybody want to start?

STEWART: So regarding 2014, since I came right at the end of that year, that is when the whole restructuring of the mining overlay was being changed, it was being amended by the Council and I wasn't a sitting member yet, but I remember I was in the audience and there was a lot of interest in developing a code that would deal with mining and mining overlay, and you worked on that also, Oliver.

So there were mines that were under the pre-existing regulations and then newer expanding mines would be under the new regulations and that could be why the Council paused on this at that time. I wasn't a sitting member so I don't know that.

BOLDT: Okay. Does anybody want to -- well, I'll go.

OLSON: Okay.

BOLDT: Okay. Somebody's got to go.

OLSON: Well, I'll go, I just didn't know if you were asking for a motion.

BOLDT: Yeah, I'm not sure what the motion would be, but... I'll make a stab at it, but it's, it is a, I think has been said by a lot of people, it is a extremely, rock is an extremely hard issue since there's two places to find rock, it's either up in the mountain or by the creek, by a river and either one of them is, you know, has its challenges.

As I look at what we're here today, as I think expressed, it is our job, two things, is to implement GMA just like we implement GMA with the other 14 goals and it is also within to give permission or to deny permission to go forward.

There's a lot of talk, and I know it's warranted for the development and operation of gravel pits, but as I read the record, and the hard thing about this job is you read the record and you go by GMA goals and a lot of times they don't, they don't fit what how we would like it, but the fact is we protect agriculture, we protect forest and the goal is to protect mining to our best ability, at the same time make it livable.

I think we have failed making a lot of development of this operation to meet the needs and I think it can be done and I think we have a good person that is head of Community Development that will help us do that.

So as I, again as I read the record, and that's why I asked if the Planning Commission decided one-by-one on the steps to prove the record, and the sheet that we got says, yes, they denied it all, by reading the record I only find one person in the Planning Commission with any relevance to any part of any record, the other ones only was development regulations or things like that.

So because of that I am inclined to abide by the original staff recommendation and I appreciate the owner's acceptance to say that it will only be overburden for a certain amount of time and I will be voting in favor of it.

OLSON: So I'll follow up. So I don't disagree with really much of what you're saying. I do think that we, I do agree with one thing that we've not done a very good job in this county of enforcing the conditional use permits that currently exist, that's one of the biggest. Other than permitting issues, this is the biggest issue that we have here since I've been on the Council in three years.

Expanding the overlay now, considering I don't believe we have our house in order, I have a problem with that. If this was a decision that couldn't be revisited at some point down the road, that might be another story, but it can be revisited down the road. I don't think that we've done our job at the County for the citizens that live up at Yacolt Mountain, frankly, many of our quarries right now.

The 2014 Commission that declined it at the time, I think that's something that we need to take into consideration. We still have I think 30 years of rock at Yacolt Mountain I think is what I heard you say, so I don't know that it's an emergency right now unless there's some other compelling information. I, just we have opportunities to mitigate, we've not done a very good job.

I read through the 2002 Hearings Examiner's decision way back when,

we just have not done a good job of mitigating the impacts of mining here, and until we do that, until we show that we can do that, I have a problem expanding the overlay. And I know it's just step one, but it's the step one that we know is the next step which is expanding the mining, so...

Today, and I understand the economic opportunities, I understand the issue with rock, but we have a responsibility to our community and I don't believe that we've lived up to that responsibility so far, so I'm not going to be able to support it today for those reasons.

STEWART: Well, what specifically do we need to do better? Well, is your suggestion that the County do a better job doing something?

OLSON: Yes. Yes.

STEWART: And would you outline that again.

OLSON: Enforcing our existing conditional use permits would be one. I think we've sat here year after, over the last three years and early this year and we get e-mails from constituents all the time about, in fact we get public records request weekly on issues around the quarry.



Our Community Development Director is here and he's nodding his head as I speak because we know we have work to do and we can outline all of those specific issues today, but I think we know what they are, we get the e-mails, we have the information, so...

STEWART: So what are we doing, Mr. County Manager, to improve our response? And I think Mitch may have to answer this as well.

HENESSEE: Well, obviously I don't want to get into specifics, I think we all know what the issue, one of the issues that we've been facing a lot in regards to some of the other quarries and whatnot, we'll be discussing that again this week.

I think what the Councilor may be referring to is at least in the past our keeping track of trips accurately, making sure that the enforcement of that. I think also there's been some concerns expressed by the public in regards to the County enforcement of noise ordinances and other things, I can't say exactly what the extent of that is, but I think there has been some current, certainly in regards to the trip counts there has been I think there needs to be a lot more effort.

I think that Mitch is trying to take the steps that we really need to do to make sure that we follow through on these requirements. Historically there hasn't been the effort that I think that

everyone would like to have seen in keeping these requirements being fulfilled.

NICKOLDS: Good afternoon. I'm Mitch Nickolds, Community Development Director, N-i-c-k-o-l-d-s. Frankly, I'm encouraged by the applicant and their comments today about their willingness to work with the neighborhood and the folks in the, that are receiving the recipients of all of these environmental and nuisance concerns that they have.

One of the things that we lost track of in the economic downturn was the ability to monitor these. We had someone who's, that was a position that was dedicated to serving this need, and when that went away, of course so did the accountability. I think over time it's evolved to its current condition and I think it can be restored.

I think there is an opportunity for us to work directly with all parties concerned as was suggested to find a common ground and find a very comfortable medium within which we can do a really robust job of monitoring the compliance, and at the same time ensuring that the economic viability of the gravel pits is maintained, but at the same time ensuring that the community is their best needs and their concerns are also mitigated so there is no -- we really do minimize the impacts of the mining operations. There is a

commonality somewhere and it's just a, it's up to us to find it.

We do have a lot of rules and regulations, they are subject to a lot of oversight by both locally and by the State and even Federally in some instances. We can work within those organizations and those regulators to find ways to ensure that there's reports that we receive periodically so we know exactly what's been, what they're looking at, what they're monitoring, if there's air quality issues, we can certainly get involved with that as well.

STEWART: You have a belief that with our stepping up on truck trips, on all that is related to all the mining operations, not specifically this mining operation, but all the mining operations, are you satisfied that we're making progress on conditional use permits and so on and so forth?

NICKOLDS: Yes, I am. I work very closely with the Prosecuting Attorney's Office on a lot of these issues, a lot of them going through the responses for the public records requests, we have been doing a very deep dive into these conditions and how they're -- how our actions are impacting the successful mitigation of these issues that are arising.

We do have challenges within our processes, but at the same time it also gives us an opportunity to improve and find better ways

to do things that we need to do. Our oversight has been lax in the last say decade, we can definitely step up and I think we're working toward that very, very, very well.

STEWART: I see some progress, but it was let go for a long time --

NICKOLDS: Yes.

STEWART: -- and so now we're sort of behind the curve trying to catch up and develop the relationship and the respect with the mines --

NICKOLDS: Right.

STEWART: -- where that can be done, so...

NICKOLDS: Exactly.

STEWART: Thank you.

NICKOLDS: With your support and obviously our credibility is dependent on your support, so the more we hear from you.

BOLDT: Thank you.

QUIRING: Yes, Mr. Chair. I wasn't on the Council at the time that this was decided; however, I was on the Planning Commission and I recognize a lot of people that even have come forward today.

I think it is important, I've always thought it's very important that we identify surface mining, that we identify this resource and by identifying it then, the GMA also requires that we use it. Just like, as Chair Boldt said in the newspaper I read, you know, we're required to identify ag land, other resource land, this is one of those factors we need to identify.

At the time that we heard from so many people because it's really a concern to hear from so many residents about the problems that they see and yet I know that what five or so organizations are regulating these people so, but at the time that I was on the Planning Commission what I heard from everybody is there's nobody they can go to.

So for a short period of time here at Clark County, I think maybe six months, we had somebody who was a liaison to help, help the constituents that we have, the residents here, and to take some of these complaints to the proper entity that is regulating it and I would like to see that come back, we need to have somebody here at the County that can answer that.

And perhaps, Mitch, you have something going on now that would help to mitigate sort of the scatter of this because people will contact the DNR, they'll contact probably Southwest Clean Air, ODOT, or I mean not ODOT, DOT and the Department of Environmental Quality, those kinds of things, but they don't get the right answers from them, it has to be really from here.

I appreciate that the applicant has said that he would abide by this whole storage thing before he, before he mines it. I would like to see a part of that agreement that actually some other action needs to be taken, some other conditions need to be met at that point if in 30 years it's decided that more mining needs to take place. I'm not even sure that mining could take place if it's in a slide zone, so geologically it may not even be allowed at some point when that's looked at.

To me this is a really hard decision because I know that we need rock, and people can say, no, half of it's going out of Clark County. I just know that we're growing and we can't grow effectively, we can't even plan effectively without having this resource denoted and being able to use the resource.

And our construction industry, you know, ebbs and flows. Right now we've had a real high activity and I suspect that's one of the reasons that we hear from our constituents about it because of the

activity, because there's a lot of construction activity too.

As far as, you know, this whole thing that we were supposed to set aside rock until 2035 or 450,000 people, I think we've met that. I mean, we already have that population, 2035 is going to be a much higher population, but we need to grow in the right way, we need to grow carefully, so...

NICKOLDS: We do, and I appreciate your comments. I think I apprise really high quality communication between the legislative body of any organization, of a county or a city and the constituents and the people that live in this community and the people that work in the community, and if we had that high quality communication and have mutual understanding of what a successful mining operation is, when it's mutually considerate of all the needs of the community, I think we get to that place where there's that early and often and frequent communication to help mitigate these challenges.

So there's no problem when a neighbor has an issue with a truck that goes by their place too quick, they can immediately pick up the phone and call the mining operator and say, hey, I just saw truck number X traveling down my driveway, you know, or through my neighborhood at a high rate of speed or using their compression brakes or passing a bus or whatever the case may be and have

something happen as a result of that phone call instead of bringing it to the Commission or to the Councilors or to the or even to the staff. I mean, the earliest opportunity to mitigate can be part of that successful relationship and operation of the mine. We know it's an environmentally sensitive area.

Now, we know the value and the value of just having this area for our own recreation and for tourism and everything else the county enjoys. Not having the ability to do anything in advance is the worst case scenario, but if we can sit down with the operators and with the community and come together on what a successful operation looks like and model that, we can have the best and most successful mining operations in the country, it's all possible.

OLSON: So I would say if there's anybody that could do it it would be you, so thank you, but I also would say that we haven't done that yet and that we've made a lot of promises over a lot of years that we've not kept, and until we can actually show that we can do what we say we're going to do, that's where I'm at right now.

Right now we have a, you know, a constituency that says, yeah, I've heard that before, thanks, and we haven't proven that we can do that. So I still sort of stick with where I am. And the other thing would be even though, even if we expanded this overlay for this burden or this --



QUIRING: Overburden.

OLSON: -- overburden, he already said he's not going to be able to take more rock out than he's taking out right now. So even though we're growing and we need rock, he's already said we're maxed at where we can take it out on there.

QUIRING: If he doesn't have this extra land to put the overburden on so that he can get the rock.

OLSON: He's maxed on his trucks right now. He's maxed on his trucks. Well, anyway.

QUIRING: So he can get their rock.

OLSON: So I hope that we can develop a track record. I hope with your leadership we can actually start to address some of these issues and we can work with the system that where we are right now and make some progress, and so that if we, if this comes before us again, and maybe it will be done today, I don't know, but we'll have the ability to say, see, this is what we're doing for you.

NICKOLDS: Sure.

BOLDT: Okay. So --

STEWART: I want to come back to this point though.

BOLDT: We need to be out of here by 2:00.

STEWART: Don't worry, I won't take that long. I'm looking for a commitment from both the County Manager and from you, Mitch, that you understand how important it is to us that when we get calls from the public, we take them seriously, we don't just blow them off.

That when those complaints come in to us, we communicate with, and this I'm using this mine potentially as an example, I'm talking about all the mines, everybody has to have the same set of rules, and we have to be responsive when people call us and we need to figure out how to do that. I'm looking for that bigger picture remedy.

And once we start doing that, the people will realize that we're serious about this, and when they have a problem, we have a problem, when we have a problem, the mine is going to have a problem.

BOLDT: Okay. So we have a yes and a no and we have two -- we don't have a motion yet.

QUIRING: I think he's counting votes.

BOLDT: I'm counting votes. It's caucus time, so...

STEWART: So I'll clumsily try to make one and then we can do a little tinkering if necessary.

In the matter of CPZ2018-00001, Yacolt Mountain Surface Mining Overlay Expansion, I move that we approve the surface mining overlay expansion with the condition that the mine owner/operator agree that the expansion area will only be used for overburden for a specified period of time, and I'm thinking of saying like five-years minimum, I think it would probably end up being longer, and I don't know if legally we can put that restriction on so I'm looking for legal advice too.

And with the -- I don't know if I can tie this condition also to it but I would like to, and that the mine operation work with drivers on speed control and road safety because I think a lot of those drivers are private contractors.

BOLDT: Okay.

STEWART: So that is my recommendation.

BOLDT: Could we make that?

COOK: First, Chris Cook for the Prosecutor's Office. I don't think that that, specifically that those two conditions can be approved, so I will tell you why.

There is no potential agreement that has been written that you can point your finger to and say, well, conditional upon the, because this is part of the proposal we can approve it, so that is the, that's my concern about the first part.

BOLDT: Well, I have a question with that.

COOK: Yeah.

BOLDT: But if the motion goes through and we approve that on next week, by then you have time to work with the applicant to get that done.

COOK: That is a possibility. And tell me again what the first part was. The first part was the --

STEWART: The first condition would be that the expanded area could be used for, only for overburden from the existing mine for a period

of say five years.

COOK: Our office and planning could certainly seek to, seek to do that. This would have to be an agreement that would be --

QUIRING: Mutually agreed upon.

COOK: -- mutual at the very least, and so there's certainly no guarantee that such an agreement would be reached, but that given that those -- that what you're talking about is relatively objectively ascertainable, that could be part of an agreement, you know, it's either five years or it isn't. One wonders then what happens if someone breaks the agreement, but I guess we could put that into the agreement, so that's first.

Second is the working with truck drivers and that's going to be something that's very difficult to write into an agreement because you don't, I mean --

BOLDT: It sounds like you're dogging on truck drivers.

COOK: I'm sorry?

BOLDT: It sounds like you're dogging on truck drivers.

COOK: Not me, no. No, sir. I would not do that and I am not doing it. It's just that it's not objectively ascertainable what has happened.

STEWART: So I'll withdraw that condition, that second condition about working with truck drivers on speed and road safety.

COOK: So my recommendation is if you want, if the Council wishes to impose a condition or consider a condition that includes an agreement, that you need to continue this hearing to a date and time certain at which point you will be able to consider something that is before you.

QUIRING: So you're saying that we continue this hearing based upon what conditions might be placed and agreed upon?

OLSON: A potential agreement.

COOK: Yes, Councilor, if that is the Councils desire.

QUIRING: Yes.

BOLDT: So if we could, if we could next week is budget hearing, so if we could continue this for two weeks, then I think we would have the spot to talk more about it because I think Shawn would

like to --

HENESSEE: I think, and correct me if I'm wrong, is what the PA's Office is suggesting is, is you take at least a two-week continuance of this issue, firm up the draft agreement, then when you come and to consider the complete proposal, you have something concrete rather than basically nebulous term right now.

OLSON: Do we need a motion to continue?

BOLDT: Yeah, we do.

OLSON: I'll move that we continue this hearing for two more weeks.

QUIRING: I'll second it.

COOK: So what's the date? We should say date and time.

OLSON: The 11th.

BOLDT: December 11th.

QUIRING: December 11th.

COOK: At 10:00 a.m.

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BOLDT: At 10:00 a.m. Clerk, call the roll.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

QUIRING: AYE

BOLDT: Motion approved.

STEWART: And, Mr. Chair, before we go, there are different ways to handle semi-trucks and safety on the road, it's always better if they're destination origin. Work hard to make sure that the road is safe for everybody, there are different ways we can do that, I'd rather do it the easy way.

BOLDT: Okay. Thank you. Meeting adjourned.



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CLARK COUNTY COUNCIL

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Eileen Quiring, Councilor

ATTEST:

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Rebecca Messinger, Clerk to the Council

Minutes Transcribed by:  
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