



P.O. Box 9810
Vancouver, WA 98666-9810
1300 Franklin Street
Phone: (360) 397-2375

Application Summary Appeal/Post Decision

Accepted Date:

APD-2019-00007

Project Name: **Yacolt Mountain Quarry Expansion**
Site Address: **No primary address specified**
Review Type: **Type I**

Parcel: **230061000, 230301000**

Description:

Project entails expanding the current Yacolt Mountain Quarry to include portions of two parcels recently added to the County's Surface Mining Overlay (SMO). See attached narrative for a full discussion of the project.

Applicant: **J.L. Storedahl and Sons**
Address: **2233 Talley Way Kelso, WA 98626 USA**
Phone: **Work - (360) 636-2420**
Email: **bo@storedahl.com**

Owner: **STOREDAHL PROPERTIES LLC**
Address: **2233 TALLEY WAY
KELSO WA 98626**

File Notes

- 1.) **May 30, 2019 09:04:08 AM Holly Tinker-Peabody**
File Location - Land Use Bin



Property Fact Sheet for Account 230301000

May 30, 2019

General Information

Property Account	230301000
Site Address	
Owner	STOREDAHL PROPERTIES LLC
Mail Address	2233 TALLEY WAY KELSO WA , 98626 US
Land Use	UNUSED LAND TIMBERED.
Property Status	Active
Tax Status	Regular
1st Line Legal	#37 SEC 5 T4N R3EWM 20A
Area (approx.)	871,200 sq. ft. / 20 acres

Assessment (2018 Values for 2019 Taxes)

Land Value	\$195,283.00
Building Value	\$0.00
Total Property Value	\$195,283.00
Total Taxable Value	\$3,210.00

Most Recent Sale

Sale Date	11/30/2016
Document Type	D-B&S
Sale Number	758239
Sale Amount	\$314,156.00

Administrative

Zoning Designation	Forest-80 (FR-80)
Zoning Overlay(s)	Surface Mining Overlay District
Comprehensive Plan	Forest Tier 1
Comp. Plan Overlay(s)	Mining
Census Tract	401.02
Jurisdiction	Clark County
Fire District	FD 10
Park District	n/a
School District	Battle Ground
Elementary	Yacolt
Middle School	Amboy
High School	Battle Ground
Sewer District	Rural/Resource
Water District	Clark Public Utilities
Neighborhood	East Fort Alliance
Section-Township-Range	SE 1/4,S05,T4N,R3E
Urban Growth Area	County
C-Tran Benefit Area	No
School Impact Fee	Battle Ground
Transportation Impact Fee	Rural
Transportation Analysis Zone	598
Waste Connections	Monday
Garbage Collection Day	
Last Street Sweeping	n/a
CPU Lighting Utility District	0
Burning Allowed	Yes
Wildland Urban Interface/Intermix	Yes



Wetlands and Soil Types

Wetland Class	No Mapping Indicators
Wetland Inventory	No Mapping Indicators
Flood Hazard Area	Outside Flood Area
Shoreline Designation	none
Soil Types / Class	Non-Hydric / CnD Non-Hydric / CnE Non-Hydric / KeC Non-Hydric / CrE Non-Hydric / CrG
Critical Aquifer Recharge Area	
FEMA Map / FIRM Panel	53011C0275D
Watershed	East Fork Lewis River
Sub Watershed	East Fork Lewis (r.m. 15.75)

Geological Hazards

Slope Stability	Severe Erosion Hazard Area
Geological Hazard	<u>Slopes > 15%</u>
NEHRP Class	B
Liquefaction	Bedrock

Forest Practice Moratorium

none

Cultural Resources

Archaeological Probability	Low Low-Moderate Moderate
Archaeological Site Buffer	No
Historic Site	No Mapping Indicators

Habitat and Species Impacts: No Mapping Indicators



Property Fact Sheet for Account 230061000
May 30, 2019

General Information

Property Account	230061000
Site Address	
Owner	STOREDAHL PROPERTIES LLC
Mail Address	2233 TALLEY WAY KELSO WA , 98626 US
Land Use	UNUSED LAND TIMBERED.
Property Status	Active
Tax Status	Regular
1st Line Legal	#5 SEC 3 & #2 SEC 4 T4NR3EWM 120A
Area (approx.)	5,227,200 sq. ft. / 120 acres

Assessment (2018 Values for 2019 Taxes)

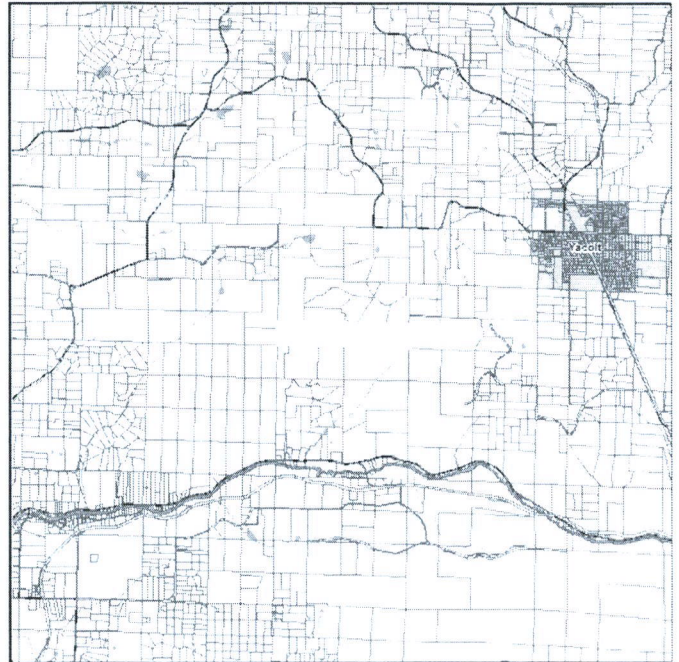
Land Value	\$509,004.00
Building Value	\$0.00
Total Property Value	\$509,004.00
Total Taxable Value	\$19,777.00

Most Recent Sale

Sale Date	11/30/2016
Document Type	D-B&S
Sale Number	758238
Sale Amount	\$471,385.00

Administrative

Zoning Designation	Forest-80 (FR-80)
Zoning Overlay(s)	Surface Mining Overlay District
Comprehensive Plan	Forest Tier 1
Comp. Plan Overlay(s)	Mining
Census Tract	401.02
Jurisdiction	Clark County
Fire District	FD 13
Park District	n/a
School District	Battle Ground
Elementary	Yacolt
Middle School	Amboy
High School	Battle Ground
Sewer District	Rural/Resource
Water District	Clark Public Utilities
Neighborhood	East Fort Alliance
Section-Township-Range	SW 1/4,S04,T4N,R3E SE 1/4,S04,T4N,R3E SW 1/4,S03,T4N,R3E
Urban Growth Area	County
C-Tran Benefit Area	No
School Impact Fee	Battle Ground
Transportation Impact Fee	Rural
Transportation Analysis Zone	598
Waste Connections	Monday
Garbage Collection Day	Monday
Last Street Sweeping	n/a
CPU Lighting Utility District	0
Burning Allowed	Yes
Wildland Urban Interface/Intermix	Yes



Wetlands and Soil Types

Wetland Class	PFOW
Wetland Inventory	Presence
Flood Hazard Area	Outside Flood Area
Shoreline Designation	Rural Conservancy Resource Land
Soil Types / Class	Non-Hydric / CnB Non-Hydric / CnD Non-Hydric / CnE Non-Hydric / KeC Non-Hydric / CrG
Critical Aquifer Recharge Area	
FEMA Map / FIRM Panel	53011C0256D 53011C0275D
Watershed	East Fork Lewis River
Sub Watershed	Yacolt Creek East Fork Lewis (r.m. 15.75)

Geological Hazards

Slope Stability	Severe Erosion Hazard Area
Geological Hazard	<u>Slopes > 15%</u>
NEHRP Class	B
Liquefaction	Bedrock

Forest Practice Moratorium

2929659, 6 Year FPA Parcel Hold	Feb 02, 2015 - Jan 31, 2021
2929657, 6 Year FPA Parcel Hold	Feb 02, 2015 - Jan 31, 2021

Cultural Resources

Archaeological Probability	Low Low-Moderate Moderate
Archaeological Site Buffer	No
Historic Site	No Mapping Indicators

Habitat and Species Impacts:

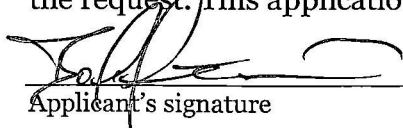
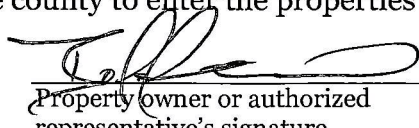
Yes

Development Application

Project name: Yacolt Mountain Quarry Expansion		
Type(s) of application (see reverse side): Appeal of Final Report following Pre-application conference (Case No. PAC-2019-00052)		
Description of proposal: Project entails expanding the current Yacolt Mountain Quarry to include portions of two parcels recently added to the County's Surface Mining Overlay (SMO). Applicant is appealing specific conclusions from the Final Report prepared after a pre-application conference. See attached letter explaining the appeal.		
Applicant name: J.L. Storedahl and Sons, Inc.	Address: 2233 Talley Way, Kelso, WA 98626	
E-mail address: bo@storedahl.com	Phone and fax: (360)-636-2420	
Property owner name (list multiple owners on a separate sheet): Storedahl Properties LLC	Address: 2233 Talley Way, Kelso, WA 98626	
E-mail address: bo@storedahl.com	Phone and fax: (360)-636-2420	
Contact person name (list if not same as applicant): Bo Storedahl & Erick Staley	Address: GeoDesign, Inc. 9450 SW Commerce Circle, Suite 300 as above and: Wilsonville, OR 97070	
E-mail address: bo@storedahl.com; estaley@geodesigninc.com	Phone and fax: as above and: 503-968-8787	
Project site information: Site address: near 18601 NE Yacolt Mountain Rd, Yacolt, WA 98675	Comp plan designation: FR-1	
Cross street: n/a	Zoning: FR-80	Parcel numbers: 230301000, 230061000
Overlay zones: SMO	Legal: SE 1/4, S05; SW1/4, S03; and SW1/4 & SE1/4, S04, T4N, R3E	Acreage of original parcels: 140
Township: 4 North	Range: 3 East W.M.	1/4 of section: primarily SW

Authorization

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request. This application gives consent to the county to enter the properties listed above.

	05/29/2019		05/29/2019
Applicant's signature	Date	Property owner or authorized representative's signature	Date

For staff use only	Case number:	Work order number:
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Revised 6/14/12



Community Development
1300 Franklin Street, Vancouver, Washington
Phone: (360) 397-2375 Fax: (360) 397-2011
www.clark.wa.gov/development



For an alternate format, contact the Clark County ADA Compliance Office.
Phone: (360)397-2322
Relay: 711 or (800) 833-6384
E-mail: ADA@clark.wa.gov

Application types

If you have any questions regarding the type of application being requested, our Permit Technicians will be happy to assist you.

- Annual Review
- Appeal
- Boundary Line Adjustment and Lot Reconfiguration
- Conditional Use

Environmental/Critical Areas

- Critical Aquifer Recharge Area (CARA)
- Columbia River Gorge
- Forestry + (Moratorium Waiver, Moratorium Removal, Class I, Class IVG or COHP)
- Floodplain
- Geological
- Habitat
- Habitat Monitoring
- Historic
- SEPA
- Shoreline
- Wetland
- Wetland Monitoring

Land Division

- Binding Site Plan
- Final Plat
- Plat Alteration
- Short Plat (___ Infill)
- Subdivision (___ Infill)

Miscellaneous

- Addressing
- Accessory Dwelling
- Covenant Release
- Home Business
- Legal Lot Determination and Innocent Purchasers Determination
- Non-Conforming Use Determination
- Sewer Waiver
- Shooting Range
- Sign

Planning Director Review

- Post Decision
- Pre-Application Conference
- Pre-Application Waiver
- Public Interest Exception
- Similar Use
- Temporary Use
- Planned Unit Develop/Master Plan
- Road Modification
- Site Plan
- Variance
- Zone Change

NOTICE OF APPEAL

Yacolt Mountain Quarry Expansion

PAC-2019-00052

This Appeal is filed by J.L. Storedahl and Sons and Storedahl Properties LLC to challenge the County's decision in the Pre-Application Final Report issued May 16, 2019 as to the above-referenced application. This appeal is filed under Clark County Code Section 40.510.020E. The appealing parties have an interest in the matter as JL Storedahl & Sons is the applicant and operator of the mine, and Storedahl Properties LLC is the owner of the subject property. The specific matter being appealed is the County's statement on page 3 of the Report that it "will not accept an application" that includes future mining on this site because of a recorded covenant executed at the time the Comprehensive Plan was amended to designate the property with the Surface Mining Overlay. However, while the Covenant prohibits extraction of material from the property for a period of 10 years from December 7, 2018, it does not prohibit the application for mining during that 10-year period or even mention an application. More specifically:

1. There is no prohibition in the Covenant or elsewhere against making application for a Conditional Use Permit that would allow mining;
2. By imposing a 10-year limitation on excavation, the County impliedly agreed to accept a mining application prior to that time since it would take a substantial effort and time to process an application for mining. If the applicant were precluded from even making application until the 10-year period expired, the prohibition against mining would be an 11, 12- or 13-year prohibition, contrary to the express language of the Covenant;
3. Other provisions of the Clark County Code including those cited in the application, specifically allow the application;
4. The activities allowed by the Covenant also require a Conditional Use Permit. Requiring 2 separate application processes, each with its own notice, environmental review and public hearing process on the same process is wasteful of public and private resources and does not serve any public interest.
5. It is not practical to plan or permit material storage as allowed by the Covenant separate from excavation. The DNR will recognize this as an integrated mine and mining, stockpiling, managing overburden and reclamation are interrelated and interdependent.
6. Any application for mining is essentially an application for mining to occur in the future. That is always the case because of the long-term nature of permitting and the mining operation itself. The time frame is further extended by the fact that this mine and others have limitations on the amount of material that can be withdrawn in any year because of transportation restrictions.

7. The decision is arbitrary and capricious and contrary to law.
8. The decision denies the Appellants the due process of law.

The filing fee in the amount of \$1,260.00 is filed with this Notice of Appeal. If anything further is needed to perfect this Appeal please notify the undersigned parties and their representatives immediately.

DATED this 29TH day of May, 2019.

JL Storedahl & Sons

Storedahl Properties LLC



By: BO J. STOREDAHL

Its: MEMBER



By: BO J. STOREDAHL

Its: MEMBER