

Office of the
CLARK COUNTY LAND USE HEARING EXAMINER

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NOTICE TO PARTIES OF RECORD

CASE: APL #97-004 (Daybreak Resource)

The attached decision of the Land Use Hearing Examiner will become final and conclusive unless a written appeal therefrom is filed with the Board of Clark County Commissioners, 2nd Floor, Franklin Center Building, 1013 Franklin Street, Vancouver, Washington, no later than 5:00 p.m. on **July 15, 1997** (14 calendar days after written notice of the decision is mailed).

All appeals must be written and must contain the case number designated by the County and the name of the applicant; the name and signature of each petitioner for the appeal and a statement showing that each petitioner is entitled to file the appeal as an interested party in accordance with CCC 18.600.100A: the specific aspect(s) of the decision being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error; accompanied by a fee of \$25.00; provided, that the fee will not be charged to a department of the County or other than the first appellant, and the fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

SEPA appeals: For those proposals subject to approval following a public hearing, if the SEPA determination was duly appealed to the examiner at least 3 days prior to the public hearing, a subsequent SEPA appeal to the Board of Commissioners may be made by filing a written appeal with the Board of commissioners within the appeal period of the underlying application. The SEPA appeal will be decided by the Board in conjunction with the decision on the underlying recommendation based on the written record of the original public hearing (s).

The Board of Commissioners shall hear appeals of decisions on the record, including all materials received in evidence at any previous stage of the review, an audio or audio/visual tape of the prior hearing(s) or transcript of the hearing(s) certified as accurate and complete, the final order being appealed, and argument by the parties. No new evidence will be accepted.

The Board may either decide the appeal at the designated meeting or continue the matter to a limited hearing for receipt of oral argument. If so continued, the Board of Commissioners shall designate the parties or their representatives to present argument, and the permissible length thereof, in a manner calculated to afford a fair hearing of the issues specified by the Board of Commissioners. At the conclusion of its public meeting or limited hearing for receipt of oral legal argument, the Board of Commissioners may affirm, reverse, modify or remand an appealed decision.

Mailed on: **July 1, 1997**

PARTIES OF RECORD

APL #97-004 (Daybreak Resource)

MAY 8, 1997

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INTEROFFICE AGENCIES
APL #97-004 (Daybreak Resource)
HEARING DATE: May 8, 1997
DECISION MAILED: July 1, 1997

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BEFORE THE LAND USE HEARINGS EXAMINER
OF CLARK COUNTY, WASHINGTON

Regarding an appeal by Friends of the East Fork of a planning) FINAL ORDER
director's determination that a Shoreline Permit is not required)
for placement of a conveyor belt in the 100-year floodplain of) APPEAL 97-04-1842
the Lewis River in unincorporated Clark County, Washington) (Daybreak Resources)

I. SUMMARY

1. J.L. Stordahl and Sons, Inc., dba Daybreak Resources (the "applicant") applied for Site Plan Review to operate a surface mine for extraction of sand and gravel on approximately 19 acres in the AG-20-S (Agriculture with Surface Mining Combining) District, south of NE J.A. Moore Road and east of NE 61st Avenue (the "site"). The applicant proposed to transport the extracted material via a system of conveyor belts to an existing aggregate processing operation located within the mapped 100-year floodplain. The conveyor belt system also would be within the mapped 100-year floodplain. By written decision dated April 4, 1997, the planning director approved the application subject to certain conditions. See SPR 96-092 (Daybreak Resource Project).

2. Friends of the East Fork appealed the planning director's decision by letter dated February 10, 1997. The appeal letter raised the following issues:

a. Mining the 19-acre parcel is an unlawful segmentation of a larger project subject to the Shoreline Management Act (the "SMA") and shoreline permit requirements;

b. The approved site plan would allow mining in lands under the jurisdiction of the SMA and a shoreline permit is required;

c. Placement of the proposed conveyor system within the boundaries of the 100-year floodplain constitutes mining in the 100-year floodplain;

d. Placement and use of the proposed conveyor system in the boundaries of the 100-year floodplain constitutes "development" under RCW 90.58.030(3)(d) (the SMA). The fair market value of the placement and use of the conveyor belt exceeds \$2500 and/or materially interferes with normal public use of the shorelines of the state and, as such, must have a shoreline management substantial development permit;

e. Failure to require a shoreline management permit violates the Clark County Shoreline Management Master Program; and

f. The county failed to follow its process for making a shoreline management permit determination under CCC 18.330.040 (Shoreline Combining District).

3. A county hearings examiner held a duly noticed public hearing to receive public testimony and evidence regarding the appeal, and held open the record after the hearing to receive additional written testimony and evidence. This final order contains the examiner's findings and conclusions.

4. It is a gross understatement to say that the issues in this case are complex or that the matter will be resolved by this final order. But, having considered those issues to the best of my ability and for the reasons provided herein, the examiner hereby grants the appeal, reverses the planning director's decision and denies the site plan review application.

II. HEARINGS AND RECORD

1. Clark County Hearings Examiner Larry Epstein (the "examiner") received testimony at the public hearings about this appeal on May 8 and 20, 1997. A record of that testimony is included herein as Exhibit A (Parties of Record), Exhibit B (Taped Proceedings), and Exhibit C (Written Testimony). These exhibits are filed at the Clark County Department of Community Development.

2. At the May 8, 1997 hearing, county planner Monty Anderson testified that the applicant requested a continuance due to a personal emergency. The examiner granted that request and continued the hearing to May 20, 1997. No substantive testimony was received.

3. The following testimony was offered at the May 20, 1997 hearing.

a. County planner Gary Fish reviewed the history of the case and the Staff Report and Recommendation to the Hearings Examiner dated May 1, 1997 (the "Staff Report"). He noted that the applicant originally proposed to mine the entire 20-acre site, including areas of the site located within the mapped 100-year floodplain. The applicant subsequently revised the site plan to exclude the areas within the mapped floodplain. He noted that the boundaries of the shoreline management area include areas within 200 feet of the ordinary high water mark or the 100-year floodplain, whichever is greater. He testified that the planning director concluded, based on the opinion of the County Prosecuting Attorney, that the proposed conveyor belt system constitutes "equipment" rather than "development" as defined by the SMA. Therefore a shoreline permit is not required.

b. Diane Murbach, Virgil Barnett, Tom Grindeland, Peter Klingeman, Ray Woodside, John Dentler, and Charles Rowe appeared on behalf of the applicant, J.L. Storedahl and Sons.

(1) Ms. Murbach, an engineering geologist, summarized the existing conditions on the site and the proposed mining operations.

(2) Mr. Barnett introduced several photographs of the proposed conveyor system. Exhibit 31. He testified that the individual sections of the conveyor system are mounted on wheels and are easily transported. The sections weigh about 15,000 pounds and must be transported to the site by truck. The individual sections are not connected together or to the ground. Material is dumped from one section of the conveyor to the next. Each section costs about \$20,000. Four to six sections will be required to transport material from the site to the processing area. He opined that the conveyor system could be setup to transport mined materials to the processing area without placing any of the conveyor sections within the 100-year floodplain. Mined material could be transported to the processing area by trucks. The applicant is not currently preparing or processing plans for additional mining within the 100-year floodplain.

(3) Mr. Grindeland, a hydraulic engineer, argued that the actual 100-year floodplain is smaller than the FEMA mapped 100-year floodplain, based on his analysis of the East Fork of the Lewis River (the "East Fork") after the February 1996 floods. He introduced several maps showing the boundaries of the FEMA-mapped floodplain and what he concluded were the actual boundaries of the 100-year floodplain. FEMA has not altered the delineated floodplain based on his study. He argued that the SMA defines the 100-year flood as a flood event with a 1 percent chance of occurring in a given year. It does not rely on the FEMA-mapped floodplain.

(4) Professor Klingeman concurred with Mr. Grindeland's analysis of the floodplain. He argued that the February 1996 flood far exceeded the 100-year flood. Based on prior flood events, the 1996 flood would be a 1000 year flood. He testified the FEMA map contains several errors based on the actual topography in the area. Several areas within the mapped floodplain are actually higher than the maximum flood elevation.

(5) Mr. Woodside, the owner of the site and other property in the area, testified that he has never granted a public easement over the site. The site does not provide public access to the East Fork. He occasionally allows members of the public to cross his property for recreational purposes. However no one has ever requested permission to cross the 19-acre site to access the river. Nor has he observed anyone doing so without permission. He testified that off-road vehicles have been on his property without permission.

(6) Mr. Dentler argued that the FEMA-mapped floodplain is irrelevant. The SMA uses a probabilistic definition of the 100-year floodplain; a flood event with a 1 percent chance of occurring in a given year. Where, as here, there is a conflict between the map and the criteria, the criteria prevail, citing WAC 173-22.055. He argued that the county ordinance prohibiting mining within the FEMA-designated 100-year floodplain is irrelevant. That ordinance is separate from the shoreline permit requirements. He argued that the proposed transport of extracted material on a conveyor system does not constitute "mining" as defined by the SMA. He argued that the conveyor system is mobile "equipment", not "development" as defined by the SMA and the Code. If the legislature had intended to include "equipment" in the definition of "structure" it could have done so expressly by including "equipment" in the list of things meeting the definition. The broad definition in the statute is overly inclusive. He noted that the Washington Supreme Court determined that removal of a railroad trestle is not "development" as defined by the SMA. He noted that the SMA states that if conditions change so land is no longer in the floodplain the SMA no longer applies, citing RCW 90.58.020. He argued that overall review could occur in the future if DNR determines that an overall reclamation plan is required. Approval of this site plan does not restrict the County's ability to condition or deny future development. He argued that the planning director's interpretation is entitled to deference. He argued that the *Clamshacks* case allows the County to require a permit. It does not require it to do so. He argued that a shoreline permit is not required simply because an activity may affect the shoreline. Almost all activities affect the shoreline in some way. He requested the examiner hold the record open for 10 days to allow an opportunity to respond to issues raised at the hearing.

(7) Mr. Rowe argued that the Department of Natural Resources (DNR) has no special expertise regarding the SMA. DNR's role is limited to reclamation. Where mining is permitted to occur is up to the County.

c. David McDonald, Dan Miller and Richard Dyrland appeared on behalf of the Appellant, Friends of the East Fork.

(1) Mr. McDonald argued that the site is subject to the SMA as "adjacent lands which are integrally related to the shoreline." The site is adjacent to the floodplain, and mining operations on the site will have an impact on the floodplain. Therefore a shoreline permit is required. He argued that the conveyor system and processing area located within the 100-year floodplain are interrelated with the proposed mining site. He argued that the conveyor system is a "structure" as defined by the County Code and WAC 173-14-030. The individual sections are connected, although loosely, are on supports and can only be moved with a truck. The individual sections are not divisible. They act as a single unit. The definition does not need to list "equipment" because

equipment is included within the broad definition of "structure". He argued that the decisions in *Clamshacks* and *Buckle* require the SMA and the definitions therein to be broadly construed. The *Cowiche* case cited by Mr. Dentler involved an interpretation of the term "alteration" not "structure". "Structure" is defined in the SMA; alteration was not. He argued that the conveyor system constitutes "mining" as defined by the County Code and SMA. He argued the County is allowed to designate permitted uses within the jurisdiction of the Shoreline Master Program. Any use that is not a permitted use requires a conditional use permit and a shoreline permit. He argued that state law allows the County to designate the boundaries of the shoreline using the FEMA-mapped floodplain or 200 feet from the ordinary high water mark. Clark County chose to use the FEMA-designated floodplain.

(2) Mr. Miller, a professional geologist, noted that portions of the 19-acre site are located within the mapped 100-year floodplain. The conveyor system is entirely within the 100-year floodplain and crosses portions of the 10- and 50-year floodplains. All processing operations are proposed to occur within the 100-year floodplain. He argued that the County designated the 100-year floodplain as a critical area. He argued that the river has meandered as far south as it can. It is likely to begin meandering to the north, through the processing area and the 19-acre site, in as little as 13 years, based on historic meander rates.

(3) Mr. Dyrland, a professional hydrologist, characterized the historic meander pattern of the East Fork. He argued that the river in the area of the site is very dynamic and subject to extreme meanders. He argued flooding of the wide, shallow river channels in the area of the site are likely to raise the height of the floodplain over time.

d. Rex Hapala appeared on behalf of DNR, under subpoena issued by Mr. McDonald. He testified that DNR issued an operating permit to mine the entire 350 acres owned by Mr. Woodside, including the 19-acre site that is the subject of this application. DNR approved a reclamation plan for the previously mined 71-acre parcel abutting the 19-acre site. He opined that, based on state law, the 19-acre site is "linked" to the 71-acre site for reclamation purposes. Therefore a reclamation plan is required for the combined site. He noted that RCW 78.44.031 defines "surface mine" to include "areas in close proximity" as a single mining operation. He opined that a shoreline permit or an environmental impact statement could be required as part of the reclamation plan.

e. County Chief Deputy Prosecuting Attorney Rich Lowry opined that the potential environmental impacts of the mining operation are irrelevant to the appeal. He testified that the County adopted the FEMA floodplain maps as part of its floodplain ordinance. However the SMA is separate from the County floodplain ordinance. The SMA defines the floodplain based on criteria rather than the FEMA maps. Where the criteria conflict with the map, the criteria control. However the County is not prepared to accept or reject the floodplain as determined by the applicant. He argued that the examiner should assume the FEMA maps are accurate for purposes of this appeal. He argued that there is insufficient evidence of a relationship between this project and other activities subject to SMA requirements to require overall review pursuant to WAC 197-11-060. He conceded that the County Code and the SMA do not distinguish between "equipment" and "structures". He argued that such a distinction is implicit. To hold otherwise would lead to an absurd result of requiring a shoreline permit to park a car in the floodplain.

f. Scott Rose argued that the conveyor will have an adverse impact on wildlife which inhabit the shoreline area. He argued that the conveyor system is generally anchored to the ground and may be difficult to remove in the event flooding occurs.

4. The examiner held the record open four weeks to allow interested parties an opportunity to submit additional written evidence to address issues raised at the hearing. The record in this case closed at 5 PM on June 17, 1997.

III. EVALUATION

1. CCC 18.600.100.C authorizes the examiner to hear appeals of planning directors decisions as a *de novo* matter. The examiner is required to conduct an independent review of the record. The planning director's decision is entitled to considerable weight in this appeal, but it is not binding on the examiner. The examiner can reach a different decision even though the planning director's decision was reasoned, based on substantial evidence, and within his delegated authority.

2. The examiner finds that approval of this proposal to mine a 19 acre portion of the 349 acre site would allow an unlawful segmentation of a larger project subject to the Shoreline Management Act. Such segmentation is prohibited under *Merkel v Port of Brownsville* and subsequent caselaw. However, like most of the issues in this case, this is a close call.

a. The current proposal is limited to mining of a 19-acre upland area. However the applicant claims pre-existing rights to mine the entire 349 acre site, including areas within the floodplain, under an existing DNR permit. DNR has refused to "split" the operating permit and approve a reclamation plan for a portion of the site. DNR insists that the applicant submit a reclamation plan for the entire 349-acre site. The applicant has a pending, although inactive, shoreline permit application to mine the entire 349-acre site. The applicant maintains a contractual agreement with the property owners to mine the entire site. As in *Merkel*, there is "nothing" which "indicates that the contemplated construction has ever been anything but one project." The applicant claims that it "is unlikely" that any further requests for mining in the floodplain will be made. Yet the applicant has taken no actions to relinquish its claims that it has a pre-existing right to do so. Therefore the entire site should be considered as a single project. To hold otherwise would allow mining of the upland portions of this 349-acre site without review and in isolation of future mining activities in the floodplain. To paraphrase the court in *SOIL*, the examiner finds that in this case "the intended use of the adjacent lands should be considered...in order to achieve the coordinated development of the shorelines which is the object of the SMA". Although in this case no action will be taken under the SMA at this time because no mining or other regulated activity is proposed within the floodplain, future mining activities on the 349-acre site will fall within the SMA jurisdiction.

b. The examiner finds that approval of this project will not be "coercive of future expansion." *San Juan County v. Natural Resources*. Unlike *Merkel*, this project is not dependent to any extent on approval of future development within the shoreline area. Mining on this portion of the site can stand alone. The applicant could, in theory, mine all of the upland areas subject to its existing permit and "walk away" without triggering the need for a shoreline permit. However DNR has refused to approve a reclamation plan for less than the entire site. They believe the 19-acre site is part of a larger ongoing project. The examiner agrees. Therefore the examiner finds the application should have addressed the whole 349-acre site or as much of it as may be used for mining. It did not do so. Therefore it must be denied.

3. The examiner finds that approval of the proposed site plan will not authorize additional mining on lands subject to the SMA jurisdiction. Therefore a Shoreline permit is

not required under RCW 90.58.140(2).¹ All extraction operations will occur in the upland portion of the site. The processing area is an existing permitted use, separate from and unaffected by this site plan. Although the extracted materials will be transported from the upland portion of the site to the processing area over lands subject to the SMA jurisdiction, no "mining" will occur within the shoreline.

a. The examiner finds that the "shoreland areas" under the jurisdiction of the SMA includes the FEMA mapped 100 year floodplain. The examiner agrees that where the map and the criteria conflict, the criteria control. Such a conflict may exist in this case. However the applicant has not met its burden of proof to demonstrate that the boundaries of the floodplain are where it claims. FEMA expressly rejected the applicant's determination of the floodplain as inaccurate. See October 2, 1996 FEMA letter to Dave Sturdevant, Clark County Board of Commissioners. The examiner does not expressly find that applicant must obtain a FEMA map amendment to demonstrate the extent of the floodplain. However, based on the examiner relies on FEMA's expertise in reviewing and rejecting the applicant's analysis. The examiner finds the substantial evidence in the record is not sufficient to overcome FEMA's conclusion that the applicant's analysis is inaccurate. Therefore, for purposes of this review, the examiner finds that the "shorelands area" as defined by RCW 90.58.030(2)(f), coincide with the FEMA mapped 100-year floodplain.² A substantial development permit must be obtained prior to any mining within the floodplain.

b. However the location of the 100-year floodplain is not determinative because the examiner finds that the approved site plan will not authorize additional "mining" in the floodplain as that term is used in the SMA.

i. The examiner finds that the applicant's current processing operation is "mining" as defined by the Shoreline Management Program Handbook (the "handbook") which states that:

Mining is the removal and primary processing of naturally occurring materials from the earth for economic use. For purposes of this definition, "processing includes screening, crushing, stockpiling...

¹ RCW 90.58.140(2) provides that

A substantial development shall not be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter

RCW 90.58.030(3)(d) defines "development" as "[A] use consisting of ...removal of any sand, gravel or minerals..."

² RCW 90.58.030(2)(f) defines "shorelands" or "shoreland areas" as

[T]hose lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology. Any county or city may determine that portion of a one-hundred year-floodplain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom...

However, based on a separate determination by the County, this operation is currently permitted in the shoreline area as a legal non-conforming use. If the processing operation is permitted as a nonconforming use it is irrelevant whether the processed material is extracted from the 19 acre parcel or imported from somewhere else. The issue of whether the processing operation is permitted as a nonconforming use is currently the subject of a pending Notice and Order action. However the outcome of the Notice and Order is irrelevant to this decision as approval of the site plan will not authorize any *new* mining within the floodplain. Therefore the examiner finds that a shoreline permit is not required to process material from the 19 acre site at the applicant's existing processing operation located in the floodplain.

ii. The examiner finds that transport of extracted materials by conveyor system is not "mining" as that term is used in RCW 78.44, and as incorporated by reference, in CCC 18.329.010. Although the term "mining" is not expressly defined, the statute clearly distinguishes between "mining" and "transport" of mined materials. RCW 78.44.031(8) defines "operations" to include:

- (a) The *mining* or extraction of rock, stone, gravel, sand, earth and other minerals...
- (b) *Transporting* materials to and from the mine... (emphasis added).

Therefore the examiner finds that the transport of mined materials across the floodplain is not "mining" as the term is used in the statute.

(iii) The examiner finds transport of mined materials does fall within the definition of "surface mine". "Surface mine" means any area or areas in close proximity to each other...where the extraction of minerals from the surface results in...[m]ore than three acres of disturbed area..." RCW 78.44.031(17)(a)(i). The transport system will create "disturbed area" defined by RCW 78.44.031(5) as placement and operation of the conveyors will physically disrupt, cover, compact or otherwise alter the characteristics of soil and vegetation. Therefore the proposed transport system is part of the "surface mine". However the examiner finds that "surface mine" is not the same thing as "mining" as those terms are used in the SMA.

4. The examiner finds that the proposed conveyor system is not "development" as defined by the SMA.³ Therefore a shoreline substantial development permit is not required for it.

a. The examiner finds that the conveyor system is a "structure" as that term is broadly defined in the WAC and in CCC 18.104.715. The conveyor system as a whole and the individual sections are "[w]ork artificially built or composed of parts joined together in some definite manner..." This is an extremely broad definition. There is no indication that the definition was intended to be less inclusive.

b. However the examiner finds that placement and use of the system of conveyor "structures" within the boundaries of the 100-year floodplain does not constitute "development" as no "construction or exterior alteration" of the structures will occur within the floodplain. The individual conveyor sections will be constructed elsewhere, outside of

³ "Development" is defined as "[a] use consisting of the *construction* or exterior alteration of structures..." RCW 90.58.030(d). (Emphasis added).

the floodplain area. The applicant proposes to tow the sections onto the floodplain area and park them in a line.⁴ No construction is proposed in the floodplain.

5. The examiner finds that placement and operation of the conveyor system does require a conditional use permit. The Clark County Shoreline Management Master Program (the SMMP) provides that

Any activity proposed within a shoreline environment in which such activity is not identified as a permitted use shall require a conditional use approval.... (SMMP Chapter VI, page 62.)

The proposed placement and use of a system of conveyors to transport mined materials across the floodplain is not identified as a permitted use in the SMMP. Therefore a conditional use permit is required.

IV. CONCLUSION AND DECISION

1. Based on the above findings and discussion, the examiner concludes that the site plan review application cannot be approved because:

a. The proposal to mine a 19 acre portion of the 349 acre site constitutes an unlawful segmentation and piecemeal review under the SMA; and

b. A conditional use permit is required under the SMMP before a site plan can be approved for the conveyor system.

Therefore the examiner should reverse the decision of the Planning Director in this matter.

2. In recognition of the findings and conclusions contained herein, the examiner hereby grants Appeal 97-04-1842 and reverses the decision of the Planning Director in this matter. The proposed site plan is hereby denied.

DATED this 1 day of July, 1997.



Larry Epstein, AICP
Clark County Hearings Examiner

⁴ The examiner assumes the applicant will use the wheeled conveyor system shown in the photographs submitted by Mr. Barnett. Exhibit 31. This is a different style of conveyor system than is shown in the advertisement submitted by the appellants.

HEARING EXAMINER EXHIBITS

APPLICATION: APL #97-004 (Daybreak Resource)

HEARING DATE: May 8, 1997

Continued to 5-20-97

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1		CC Planning	Aerial map
2		CC Planning	Vicinity map
3		CC Planning	Zoning map
4		CC Planning	Comp. Plan Map
5		Applicant	Preliminary plat maps
6	2-10-97	David T. McDonald	Ltr: Appeal of Decision: Lack of Necessity for Shoreline Permit
7	2-11-97	Richard Dyrland, Supervisory Hydrologist	Ltr in response to the determination of the necessity of a Shoreline Permit w/ attached photos
8	2-11-97	Scott & Carol Rose	Ltr in favor of the appeal
9	2-13-97	Richard Lowry, Chief Civil Deputy	Ltr to David T. McDonald confirming phone conversation re: CCC 18.505.005
10	2-13-97	David T. McDonald	Amended Notice or additional grounds for the appeal
11	2-13-97	David T. McDonald	2nd appeal letter w/ attachments
12		CC Planning	Notice of Public Hearing
13		CC Planning	Certification of Mailing / Posting
14		CC Planning	Chapter 173-14 WAC
15		CC Planning	Chapter 90.58 RCW Shoreline Management Act of 1971
16	4-18-97	DOE	Comments
17	4-18-97	Dept. of Natural Resources	Comments
18		CC Planning	Shoreline Management Master Program
19	4-4-97	CC Planning	SEPA / Staff Report for SPR #96-092
20	4-18-97	Scott Rose	Comments and concerns
21		Applicant	Proposed area expansion
22		Applicant	Photos
23	4-21-97	David T. McDonald	Mining Operation at or new 100 year flood plain of East Fork of the Lewis River
24	5-1-97	Gary Fish	Staff Report

25	5-5-97	Richard Lowry, Chief Civil Deputy	Summary
26	5-16-97	David McDonald	Memorandum w/ attached exhibits
27	5-19-97	WA State Dept. of Natural Resources	Ltr re: Potential impacts
28	5-19-97	Perkins Coie	Brief of J.L. Stordahl & Sons Inc. Applicant and party of record
29	5-20-97	David McDonald	Ltr: Supplementing & correcting his letter of May 16, 1997
30	5-20-97	Diane Murbach	Resume
31	5-20-97	Virgil Barnett	9 Pictures of Conveyer Belts
32	5-20-97	Diane Murbach	Existing Condition Plan
33	5-20-97	Diane Murbach	Proposed Landscape Plan
34	5-20-97	Thomas Grindeland	Resume
35	5-20-97	Virgile Barnett	100 yr flood plain map
36	5-20-97	Tom Grindeland	Aerial Photo
37	5-20-97	David McDonald	Aerial Photo
38	5-20-97	Peter Klingeman	Resume
39	5-20-97	Peter Klingeman	Letter: re Analysis & Conclusions
40	5-20-97	Peter Klingeman	Summary of Analysis
41	5-20-97	David McDonald	Aerial Photo w/ plane wing
42	5-20-97	Rex Hapala	Aerial Photo Acetate
43	5-20-97	Rex Hapala	Chapter 78.44 Surface Mining
44	5-20-97	John Dentler	Ltr from DNR RE: Reclamation Permit No 70-011236 Date 9-13-97
45	5-20-97	John Dentler	Ltr from DNR dated 5-25-90
46	5-20-97	Dan Miller	Ltr of comments & concerns w/ attachments
47	5-20-97	Richard Dyrland	Ltr asking what is the flood plain
48	5-20-97	John Dentler	Updated topo map
49	5-20-97	Scott Rose	Comments and concerns
50	5-20-97	Lane & Marshall	Response to Motion to Produce for Pacific Rock

