



**CLARK COUNTY** WASHINGTON

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**SURFACE MINING ADVISORY FORUM: YACOLT MOUNTAIN**

**May 30, 2019**

**6:00pm – 7:30pm**

**Public Service Center, 6<sup>th</sup> Floor Conference Room**

Mitch Nickolds, Clark County Community Development Director, began the meeting by having all forum attendees introduce themselves.

Nickolds reported he received several emails with comments from the last meeting.

Five comments: concerns with truck traffic (the number of trips made).

Three comments: concerns with ground water and environmental issues.

One comment: fish habitat.

Five comments: in support of quarry operations.

Since the last meeting, Clark County performed a public survey. The purpose of the survey was to reach out to the community, bring others to the forum, and hear from people who weren't able to attend the meeting.

Marilee McCall, Clark County Neighborhood Program Coordinator, passed out copies of the survey and explained the survey results. Nickolds indicated as a result of the survey findings he would invite the Southwest Washington Clean Air Authority (SWCAA) to talk at the next meeting. The county would like more feedback in the form of emails from forum members in order to be prepared to address the issues with SWCAA.

Bo Storedahl presented a list of customers that rely on each of his quarries and a list of jobs they had bid and been awarded. The bid process starts once the property owner obtains a permit. Once the permit has been obtained, the lowest bidder is awarded the job. They bid jobs two to three months in advance. For the last three years it has been at peak demand. They currently have seventy-five jobs and overall, 225 jobs this past year. Sometimes they have to push out jobs.



For other formats, contact  
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**Questions directed to Storedahl from Forum members:**

Q: With bids, who is your competition?

A: Cadman, Elrock, barge material coming off the river.

Q: How do you market your materials?

A: We have a higher quality product.

Q: What are your operational needs? The way the CUP is written, there is a clause of peak operations.

A: This is highly flawed. The growth has expanded but the supply or the availability to move rock is limited.

Q: Can we use the CUP to manage the trips during school hours?

A: Contractors can't wait for school hours; they need the rock as soon as possible.

Storedahl also cleared up an accusation stating 60% of mountaintop products go to Oregon. He said there is less than 2% that goes to Portland.

Q: How many feet have been mined down?

A: The mine began at 1,800 elevation. Elevation is 1,650 now.

It was suggested that the supply of rock should determine the growth rate in the county.

Q: Have you looked into barging?

A: Barging is very expensive and not desirable. Just because it comes off the river, it's still getting it from the river to the job site.

Q: If you build a \$300K house, how much is the cost of rock?

A: DNR and USGS estimate consummation of 7.5-10.5 cubic feet per person (asphalt, concrete, etc.).

A citizen was concerned about dust clouds from blasts and the length of time the material is in the air affecting the overall health of individuals that come into contact with them.

Storedahl replied there was a test performed based on a sample from someone's kitchen counter. Storedahl has reached out to Southwest Clean Air. The problem lies in the fact that there isn't a standard or accepted testing method. The results will not show how harmful it is, because there is no standard. There is no limitation on certain materials.

It was discussed how CUPs in the future will be different from the past. A new improved tracking system is needed. There is a way to manage CUPs from the past which means we need to look at how we design CUPs in the future.

Storedahl explained they currently tarp smaller size materials. If dust is blowing off the trucks, he will consider tarping every truck, but it takes time and is expensive.

Storedahl also stated they were accused of having contaminants in their pit. They had it tested and the testing was wrong. He talked to toxicologists and was told there is not a set testing method specific to what is being talked about today. Storedahl would like to see that information. Nickolds suggested reaching out to SWCAA.

### **CUP Process Presentation – Susan Ellinger and Jan Bazala**

A Conditional Use Permit (CUP) is normally a Type II Review.

The process begins with a Pre-application Conference to meet with staff to do a Preliminary Review. Once deemed fully complete, nearby property owners are sent a notice. The Preliminary Review process continues and a staff report is prepared. A Public Hearing is conducted for Type III reviews. The Yacolt proposal will be considered through a Type III proposal.

The preliminary review stage is important as it sets up all requirements (conditions) that the applicant will have to do in the future.

Type III applications are heard by a Hearing Examiner. After the notice has been sent to surrounding property owners, there is a fifteen day comment period. Comments received within the 15 day time period, will be included in the staff report.

A graph of the timetable will be posted on the website.

A Hearing Examiner is an attorney hired by the county tasked to make a decision based on county code. He may also add a condition if he chooses to do so.

Anyone who comments prior to and at the Public Hearing will receive a copy of the Hearing Examiner's report.

### **Questions about the CUP process:**

Q: The process would be the revocation process, which means they aren't doing what the CUP says. What if they want more truckers, for example?

A: They may apply to change the conditional use and open it up.

Q: Can citizens come in and say we would like a change to the CUP?

A: Legal counsel would need to weigh in on this. The neighbors would have to make the argument that the operator was not complying with the requirements in the CUP. The revocation process is the only process that would handle something like that from the neighbors.

There are concerns about a lot of changes, (i.e. housing, technology) and the existing CUP's conditions are not up to date with today's technology. There must be a reasonable solution to that. We will ask for legal counsel. We hope to have answers next meeting.

The Preliminary Review process is the most important part to be involved in. Some of the conditions are reviewed to insure that those conditions are met.

There isn't a step for resourcing monitoring activities. The real step we need to take is to resource it. We are obligated to do that. We have hired another code enforcement officer to make regular visits.

If we did the same thing in the CUP environment, the monitoring component will be the responsibility of the owner.

There was an advisory group that monitored the CUP in the past. It was discussed to reinstate that group to solve real problems. This is a great time to get a five member advisory group together.

Nickolds stated that the enforcement process is very cumbersome. He is working on changing that as well. Having a strong reporting requirement on the CUP could be one of the most effective things we could do.

### **Questions about the current Conditional Use Permit**

Q: Is it a lawfully binding document?

A: There was an initial examiner's report that went to the board. Almost all the conditions were approved, but they still denied the rezone. That decision was appealed. The board overturned the decision. There were some very minor tweaks made. It was appealed to superior court. These conditions are what are ruling the quarry. The hearing examiner is the final decision maker. The council used to be involved in the appeal process but that has changed. Only the court may have the final decision if it is appealed.

### **Summary**

Nickolds concluded the meeting by stating the framework is already there. The reports will be placed on the website. He has hired a code enforcement officer. He will attend the next meeting and also attend the neighborhood meetings with the operators. The objective is to give everyone fair opportunity, fair representation and fair responsiveness. He reiterated the forum is making progress and he sees this continuing for a very long time.