



**CLARK COUNTY WASHINGTON**  
**COMMUNITY PLANNING**

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**Staff Report**

TO: Clark County Council  
FROM: Karl Johnson, Planning Commission Chair  
PREPARED BY: Jose Alvarez, Planner III  
DATE: March 15, 2022  
SUBJECT: CPZ2021-00006 CHELATCHIE BLUFF SURFACE MINING  
OVERLAY EXPANSION

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**PLANNING COMMISSION RECOMMENDATION**

On December 16, 2021, the Planning Commission voted 6 to 0 to recommend to the County Council that it approve the proposal to amend the comprehensive plan designation and zoning map to expand the surface mining overlay (SMO) on four parcels (274346000; 283420000; 283421000; 283422000) totaling 330 acres.

**PROPOSED ACTION**

The applicant is requesting to amend the comprehensive plan designation and zoning map to expand the surface mining overlay (SMO) on four parcels totaling approximately 330 acres.

**BACKGROUND**

The parcels are zoned Forest-80 (FR-80) with a Forest Tier I comprehensive plan designation. The four parcels (274346000; 283420000; 283421000; 283422000) are contiguous to parcel number 230067000 that is zoned Forest-80 (FR-80) with a Surface Mining Overlay with a Forest Tier I comprehensive plan designation and Mining Overlay. The proposed amendment would extend the mining overlay to the four parcels identified above. All five of the parcels are under the same ownership.

The parcels have severed mineral interests. In 1985, International Paper Company, as owner of both the surface and the minerals, conveyed the subject property to IP Timberlands Operating Company, reserving all minerals and minerals rights, including sand, gravel, aggregate, and other mined or quarried stone or rock materials, together with full rights of access and use of the surface for mining, including open pit, surface or strip mining. The applicant, Granite Construction, is leasing the rights to mine the site from BRP, LLC, a wholly owned subsidiary of Natural Resource Partners (NRP). (Applicant Submittal, Exhibit K and Exhibit 1 Ownership)

Counties planning under the Growth Management Act (GMA) are required to identify, designate, and protect mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals [RCW 36.70A.170]. Clark County adopted a SMO map, code standards and mineral lands policies in 1994.



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In October 2005, the Washington Department of Natural Resources Division of Geology and Earth Resources produced an aggregate resource inventory map of Clark County (Applicant Submittal, Exhibit F). The updated inventory identified parcel numbers 274346000; 283420000; 283421000; 283422000 as a hypothetical bedrock resource.

In 2009, the Washington Legislature amended RCW 36.70A.170 and provided additional guidelines for classifying and designating mineral resource lands.

In 2011, the Board of County Commissioners appointed a Mineral Lands Task Force to make recommendations to the SMO map, comprehensive plan policies and development standards based on the new inventory map and GMA regulations. The task force did not make a recommendation to include on the parcels that are part of this request. They did make a recommendation to add a parcel about 30 acres that abuts the Chelatchie Rock quarry however that quarry's permit was terminated by the Department of Natural Resources.

### **GENERAL INFORMATION:**

Parcel Numbers: 274346000; 283420000; 283421000; 283422000

Location: The site is located south of the Chelatchie Prairie Rural Center, south east of the intersection of NE 419<sup>th</sup> St. and Yale Bridge Road.

Area: Approximately 330 acres

Owner(s): Holten Andersen Per  
BRP, LLC – Mineral Rights Owner

Existing land use:

Site:	Forest Tier I (FR-80)
North:	Forest Tier I and Mining Overlay, (FR-80, Surface Mining Overlay)
South:	Forest Tier I (FR-80)
East:	Forest Tier I (FR-80)
West:	Forest Tier I (FR-80) Rural Industrial (IH), Rural Center (RC2.5)

### **SUMMARY OF PUBLIC INVOLVEMENT PROCESS**

Sixty-day notice notification was sent to the Department of Commerce on November 4, 2021, under RCW 36.70A.106. A Notice of Determination of Non-Significance and SEPA Environmental Checklist was published in the Columbian newspaper on December 1, 2021. A legal notice was published for the Planning Commission hearing on December 1, 2021. A notice of application and hearing was posted on the property on December 1, 2021. Public Hearing Notice was published in the Reflector and the Columbian newspapers on Wednesday, December 1, 2021. A postcard was mailed, and hearing notices posted on December 1, 2021. A legal notice was published in the Columbian newspaper for the Council hearing on February 25, 2022. A notice of application and hearing was posted on the property on February 25, 2022. A postcard was mailed, and hearing notices posted on February 25, 2022. The Planning Commission Recommendation and additional project information is posted on the following link.

<https://clark.wa.gov/community-planning/cpz2021-00006>

## **APPLICABLE CRITERIA, EVALUATION AND FINDINGS**

### **CRITERIA FOR ALL MAP CHANGES**

- A. The proponent shall demonstrate that the proposed amendment is consistent with the Growth Management Act (GMA) and requirements, the countywide planning policies, the Community Framework Plan, Comprehensive Plan, City Comprehensive Plans, Applicable Capital Facilities Plans, and official population growth forecasts. [CCC 40.560.010(F)(1)].**

### **Growth Management Act (GMA)**

The GMA goals set the general direction for the county in adopting its framework plan and comprehensive plan policies. The GMA lists thirteen overall goals in RCW 36.70A.020 plus the shoreline goal added in RCW 36.70A.480(1). The goals are not listed in order of priority. The GMA goals that apply to the proposed action are Goals 5, 8 and 10. The applicable Washington Administrative Code (WAC) section is WAC 365-190-070 Mineral Resource Lands.

Goal 5 Economic Development. "Encourage economic development throughout the state that is consistent with the adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities."  
[RCW 36.70A.020(5)].

Goal 8 Natural Resource Industries. "Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses."  
[RCW 36.70A.020(8)].

Goal 10 Environment. "Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water." [RCW 36.70A.020(10)].

WAC 365-190-070(2) Mineral Resource Lands states "Counties and cities must identify and classify mineral resource lands from which the extraction of minerals occurs or can be anticipated. Counties and cities may consider the need for a longer planning period specifically to address mineral resource lands, based on the need to assure availability of minerals for future uses, and to not inadvertently preclude access to available mineral resources due to incompatible development. Other proposed land uses within these areas may require special attention to ensure future supply of aggregate and mineral resource material, while maintaining a balance of land uses." WAC 365-190-070(3) identifies criteria to be used in classifying mineral resource lands as follows:

- (a) Counties and cities classify mineral resource lands based on geologic, environmental, and economic factors, existing land uses, and land ownership. It is expected that mineral resource lands will be depleted of minerals over time, and that subsequent land uses may occur on these lands after mining is completed. Counties and cities may approve and permit land uses on these mineral resource lands to occur after mining is completed.

(b) Counties and cities should classify lands with potential long-term commercial significance for extracting at least the following minerals: Sand, gravel, and valuable metallic substances. Other minerals may be classified as appropriate.

(c) When classifying these areas, counties and cities should use maps and information on location and extent of mineral deposits provided by the department of natural resources, the United States Geological Service and any relevant information provided by property owners. Counties and cities may also use all or part of a detailed minerals classification system developed by the department of natural resources.

(d) Classifying mineral resource lands should be based on the geology and the distance to market of potential mineral resource lands, including:

- (i) Physical and topographic characteristics of the mineral resource site, including the depth and quantity of the resource and depth of the overburden;
- (ii) Physical properties of the resource including quality and type;
- (iii) Projected life of the resource;
- (iv) Resource availability in the region; and
- (v) Accessibility and proximity to the point of use or market.

(e) Other factors to consider when classifying potential mineral resource lands should include three aspects of mineral resource lands:

- (i) The ability to access needed minerals may be lost if suitable mineral resource lands are not classified and designated; and
- (ii) The effects of proximity to population areas and the possibility of more intense uses of the land in both the short and long-term, as indicated by the following:
  - (A) General land use patterns in the area;
  - (B) Availability of utilities, including water supply;
  - (C) Surrounding parcel sizes and surrounding uses;
  - (D) Availability of public roads and other public services; and
  - (E) Subdivision or zoning for urban or small lots.
- (iii) Energy costs of transporting minerals.

WAC 365-190-070(4) provides criteria for the designation of mineral resource lands as follows:

(a) Counties and cities must designate known mineral deposits so that access to mineral resources of long-term commercial significance is not knowingly precluded. Priority land use for mineral extraction should be retained for all designated mineral resource lands.

(b) In designating mineral resource lands, counties and cities should determine if adequate mineral resources are available for projected needs from currently designated mineral resource lands.

(c) Counties and cities may consult with the department of transportation and the regional transportation planning organization to determine projected future mineral resource needs for large transportation projects planned in their area.

(d) In designating mineral resource lands, counties and cities must also consider that mining may be a temporary use at any given mine, depending on the amount of minerals available and the consumption rate, and that other land uses can occur on the mine site after mining is completed, subject to approval.

(e) Successful achievement of the natural resource industries goal set forth in RCW [36.70A.020](#) requires the conservation of a land base sufficient in size and quality to maintain and enhance those industries and the development and use of land use techniques that discourage uses incompatible with the management of designated lands.

Finding: The proposed expansion of the surface mining overlay would help meet future aggregate demands for building homes and roads in the county, which in turn would support economic development by creating employment opportunities in the mining and construction sectors.

The 2005 Department of Natural Resources Rock Aggregate Resources Land Inventory Map (see Applicant Submittal, Exhibit F) identifies the site as having Hypothetical Resource which is defined as "...aggregate resources postulated to exist on the basis of general geologic information and aggregate test data and production history. We map hypothetical resources where available data appear to satisfy most of the elements of our threshold criteria." There is a letter from the DNR Geologic Survey confirming that the site "appears to have potential as an aggregate resource of long-term significance." (Applicant Submittal, Exhibit H) The applicant submitted a geologic analysis (Applicant Submittal, Exhibit F) that included outcrop inspection, aerial photo interpretation, subsurface drill hole advancement, and 3-D geologic modeling. "Initial indications suggest a resource volume of 200 million tons of construction grade aggregate that can safely and reasonably be extracted."

The area proposed for surface mining overlay is just south of the Chelatchie Prairie Rural Center, which is one of seven limited areas of more intense rural developments (LAMIRDs). The former international paper mill site which is zoned Heavy Industrial abuts the parcel with the existing mining overlay and northeast of that site is the former Chelatchie Quarry. The site is primarily surrounded by forest area with the exception that the western most parcel of the proposed surface mining expansion area is within 1000' of a dozen tax lots less than five acres. Eleven of the twelve lots were created by two subdivision in 2006 and 2008, respectively. However, the overall site is made up of more than 60% of the land being in lots greater than or equal to 20 acres.

The site is accessed by NE 424<sup>th</sup> St and NE Blevins Road, both private roads (through the former International paper mill site). NE 424<sup>th</sup> St connects to the public road NE Healey Road and onto SR-503. The site abuts the terminus of the County-owned short line railroad, which the applicant has expressed interest in exploring as a possible method for transporting the majority of material excavated from the site. (See Exhibit 2, Transportation Analysis)

A 2017 analysis of aggregate reserves in Clark County (Applicant Submittal, Exhibit J) indicates that there is aggregate capacity of 39,071,000 cy being produced by nine mines. Based on per capita consumption estimates would yield between eight<sup>1</sup> and twenty-one<sup>2</sup> years of aggregate capacity. The proposed mine would be the largest in the county with the potential to produce 105,000,000 cy and extend aggregate capacity by 260%.

A summary of comments from the Wetland and Habitat review (Applicant Submittal, Exhibit C) during the Pre-application conference are as follows: County GIS indicates mapped hydric soils and modeled National Wetland Inventory wetlands and multiple Type F (fish bearing) and Type Ns (non-

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<sup>1</sup> Annual per capita demand of 12 cubic yards per person from Washington Division of Geology and Earth Resources Information Circular 87 (1992)

<sup>2</sup> Annual per capita demand of 4 cubic yards per person derived Clark County aggregate industry research and producer information

fish bearing) streams. Per the Habitat Protection Ordinance, streams are considered priority riparian habitat and are afforded a riparian conservation zone (HCZ) to protect ecological habitat and water quality values for the stream resource. The project area has a priority non-riparian habitat overlay identified by the Washington Department of Fish and Wildlife as caves/cave-rich area. These features are mapped at a township scale in order to protect the resource. There are a lot of steep slopes and topography in the project area which could potentially harbor caves. Parcels 281134-000, 283420-000, 283421-000, and 283422-000 also have species overlays identified by the Washington Department of Fish and Wildlife for Western pond turtle and Northern spotted owl.

The applicant is responsible for the identification of priority habitat on the parcels in future plans and reviews to help ascertain impacts. All future development applications must comply with both the Wetland Protection Ordinance CCC40.450 and the Habitat Conservation Ordinance CCC40.440. In addition, any future development proposal will require a SEPA, an environmental assessment to determine if the project will have significant adverse environmental impacts.

The applicant would need to comply with the Surface Mine Reclamation Program to restore vegetation, soil stability, and proper water conditions after mining takes place.

The Mineral resource lands classification criteria established in WAC 365-190-070 (3) have been met.

### **Community Framework Plan**

The Community Framework Plan (Framework Plan) provides guidance to local jurisdictions on regional land use and service issues. The Framework Plan encourages growth in centers, urban and rural, with each center separate and distinct from the others. The centers are oriented and developed around neighborhoods to allow residents to easily move through and to feel comfortable within areas that create a distinct sense of place and community. Community Framework Plan policies applicable to this proposal include the following:

Goal 3.0 states that the Rural and Natural Resource element “ensures the conservation of agricultural, forest, and mineral resource lands, and protect these lands from interference by adjacent uses...” [Framework Plan, Page 14].

The following Rural and Natural Resource policies apply to the proposed action:

“3.1.2 The county and its jurisdictions at a minimum are to consider mineral resource lands based on WAC 365-190-070.

3.1.6 Establish standards for compatible land use on land designated for agriculture, forest and mineral resource uses.

3.1.8 Mineral, forestry and agricultural operations are to implement best management practices to minimize impacts on adjacent property.” [Framework Plan, page 15].

Goal 9.0 states that the Economic Development Element is to “...contribute to maintaining and improving the overall quality of life in the county.” [Framework Plan, page 21].

“9.1.3 Encourage businesses which pay a family wage to locate in Clark County.” [Framework Plan, page 21].

**Finding:** Although Goal 3.0 states that the Rural and Natural Resource element “ensures the conservation of agricultural, forest, and mineral resource lands, and protects these lands from interference by adjacent uses,” WAC 365-190-070(2) states that the county “must identify and classify mineral resource lands from which the extraction of minerals occurs or can be

anticipated...to assure availability of minerals for future uses, and to not inadvertently preclude access to available mineral resources due to incompatible development. Other proposed land uses within these areas may require special attention to ensure future supply of aggregate and mineral resource material, while maintaining a balance of land uses.”

The subject parcels are located adjacent to an area with the surface mining overlay designation. The proposed expansion of the surface mining overlay would increase the supply of existing aggregate resources by 330 acres to meet the local needs. The mineral operation would provide employment opportunities in the mining and construction sectors. Best management practices would be established and implemented through the conditional use permit process that would follow the proposed designation as a Surface Mining Overlay. In addition, the applicant would need to comply with the Surface Mine Reclamation Program to restore vegetation, soil stability, and proper water conditions after mining takes place. The proposal is consistent with the policies in the Community Framework Plan.

### **Countywide Planning Policies (CWPP)**

The GMA, under RCW 36.70A.210, requires counties and cities to collaboratively develop Countywide Planning Policies (CWPP) to govern the development of comprehensive plans. The WAC 365-196-305(1) defines “the primary purpose of CWPP is to ensure consistency between comprehensive plans of counties and cities sharing a common border or related regional issues. Another purpose of the CWPP is to facilitate the transformation of local governance in the urban growth areas, typically through annexation to or incorporation of a city, so that urban governmental services are primarily provided by cities and rural and regional services are provided by counties.”

Policy 3.0 in the Rural and Natural Resource element states the following:

“3.0.1 The county shall recognize existing development and provide lands, which allow rural development in areas, which are developed or committed to development of a rural character.” [CWPP, page 89].”

#### **“Mineral Lands**

Goal: To protect and ensure appropriate use of gravel and mineral resources of the county and minimize conflict between surface mining and surrounding land uses.”

- 3.6.1 Support the conservation of mineral lands for productive economic use by identifying and designating lands that have long-term commercial significance for mineral extraction and that are not already characterized by urban growth.
- 3.6.2 Designate mineral resource lands based on the following:
  - Geological, environmental and economic factors;
  - surrounding land uses, zoning and parcel size; and
  - the suitability of public access roads to be used as haul roads.
- 3.6.3 Ensure that mineral extraction and processing operations minimize and mitigate any significant adverse impacts on water, fish, wildlife and nearby land uses.
- 3.6.4 Ensure that the use of adjacent lands will not interfere with the continued use of designated Mineral Resources lands for the extraction of minerals in the accustomed manner and in accordance with best management practices.
- 3.6.5 Establish notification standards whereby developments on lands in the vicinity of designated mineral resource lands are given notice that they are locating in or adjacent to a potential mining area.

- 3.6.6 The Surface Mining Overlay shall not be designated within Rural (R) zones except to allow the expansion of an existing mining site.
- 3.6.7 Surface mining other than Columbia River dredging shall not occur within any 100-year floodplain except for projects with an approved Habitat Conversation Plan.” [2016 Plan, pages 95- 96].

Finding: The proposed plan map amendment and expansion of the surface mining overlay recognizes existing development in the rural area. The parcels are zoned FR-80 and are surrounded by parcels zoned FR-80 minimizing impacts to Rural zones. The subject parcels have been identified on the Washington Department of Natural Resources Division of Geology and Earth Resources inventory map of Clark County. The expansion of the Surface Mining Overlay for the subject parcels would support the conservation of mineral lands for productive economic use.

This proposal would provide a significant increase to the supply of aggregate resources in Clark County. Environmental resources will be protected through the project SEPA, future conditional use permit, DNR’s Reclamation Permit, and DOE’s Sand and Gravel Permit. The proposed amendment is consistent with Countywide Planning Policies.

### **Comprehensive Growth Management Plan 2015-2035 (2016 Plan)**

The 20-Year Comprehensive Growth Management Plan contains many policies that guide urban form and efficient land use patterns. The most relevant goals and policies applicable to this application are as follows:

“Goal: Compatible with maintaining rural character and rural (level of service) (services), ensure that lands outside of urban growth areas are viable places to live and work.” [2016 Plan, page 90].

“3.1.1 Clark County shall maintain and protect the character of rural lands defined as those lands outside of urban growth areas by promoting:

- Economic development activities consistent with the preservation of rural character;
- Agriculture, forestry and mining activities...

3.1.2 Land use designations shown on the Clark County Comprehensive Land Use Map includes areas that are in rural character and meet one or more of the following criteria:

- Generally characterized by a larger lot size;
- Do not require urban levels of public services;
- Opportunities exist for farming and mineral activities;
- The area is contiguous with other rural lands or can serve as a buffer between large-lot residential development and resource activities or urban areas;
- The area is not needed to provide capacity for population or employment growth in the 20-year forecast; and,
- The area has outstanding scenic, historic, environmental, resource or aesthetic values.” [2016 Plan, page 91].

“Goal: To maintain and enhance the conservation of productive forestlands and discourage incompatible uses associated with forestry activities.

3.4.2 Primary land use activities on forest lands are commercial forest management, agriculture, mineral extraction, public recreation uses and other non-forest related economic activities relying on forest lands.” [2016 Comp Plan, page 94].



“Goal: To protect and ensure appropriate use of gravel and mineral resources of the county and minimize conflict between surface mining and surrounding land uses.

- 3.6.1 Support the conversion of mineral lands for productive economic use by identifying and designating lands that have long-term commercial significance for mineral extraction and that are not already characterized by urban growth.” [2016 Plan, page 96].

Finding: The subject parcels have minerals in commercially viable quantities. The proposal is consistent with surrounding land uses.

Conclusion: The proposed amendment demonstrates consistency with the Growth Management Act (GMA), Washington Administrative Code (WAC) criteria for the classification and designation of mineral resource lands, the countywide planning policies, the Community Framework Plan, Comprehensive Plan, City Comprehensive Plans, Applicable Capital Facilities Plans, and official population growth forecasts. Criterion A has been met.

**B. The proponent shall demonstrate that the designation is in conformance with the appropriate locational criteria identified in the plan and the purpose statement of the zoning district. [CCC 40.560.010(G)(2) and CCC 560.020.(G)].**

“Surface Mining Overlay. This designation is implemented with an overlay zone and recognizes existing mining areas and is to allow for the future mining of minerals in an economically feasible way. Other land use controls which flow from 20-Year Plan policies or state or federal law apply to development proposals that are identified on zoning or other adopted maps but are not specifically identified on the 20-Year Plan Map”. [2016 Plan, page 38].

CCC40.250.022 Surface Mining Overlay District states that “the purpose of the surfacing mining overlay district is to ensure the continued availability of rock, stone, gravel, sand, earth and mineral products without disrupting or endangering adjacent land uses, while safeguarding life, property and the public welfare”.

CCC 40.210.010 Forest, Agriculture and Agriculture-Wildlife Districts (FR-80, FR-40, AG-20, AG-WL) states that “the purpose of the Forest 80 district is to maintain and enhance resource-based industries, encourage the conservation of productive forest lands and discourage incompatible uses consistent with the Forest 1 policies of the comprehensive plan. The Forest 80 district applies to lands which have been designated as Forest Tier 1 on the comprehensive plan. Nothing in this chapter shall be construed in a manner inconsistent with the Washington Forest Practices Act.”

Finding: The proposed comprehensive plan map amendment and expansion of the surface mining overlay is consistent with the surrounding land uses and is in conformance with both the locational criterion in the comprehensive plan and the purpose of the proposed zoning districts. The proposed site is suitable because it meets the locational criteria, adjoins an existing surface mine overlay and can provide needed mineral resources.

The zoning district purpose statement is to enhance and allow resource based industries. RCW 36.70A.170 demonstrates that mineral resource land is a resourced-based industry. Clark County Comprehensive Growth Management Plan, Chapter 3 Rural and Natural Resource Element include Mineral Lands. “The Growth Management Act (RCW 36.70A.040 (3)(b)) requires Clark County and each city within it to designate mineral resource lands and to adopt development regulations

conserving those resource lands from which the extraction of minerals occurs or can be anticipated. Surface Mining is allowed in the Surface Mining Overlay District, Clark County Code 40.250.022.

Conclusion: The proponent has demonstrated that the proposed SMO designation is in conformance with the appropriate locational criteria identified in the plan and the purpose statement of the zoning district. Criterion B has been met.

**C. The map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity. [CCC 40.560.010(G)(3)].**

Finding: The applicant submitted a study entitled “Summary: Study of Permitted Aggregate Reserves of Clark County, Washington” (Applicant Submittal, Exhibit J). The study indicates that the future supply of aggregate resources in Clark County must be expanded to meet demand because existing mines do not have sufficient mineral resources.

The proposed overlay area is adjacent to two former permitted mine sites (Chelatchie Rock and Karbon Rock) both have had their permits terminated by DNR. During the most recent SMO update in 2015 approximately 30 acres were added to an area abutting the Chelatchie Rock property. There are no other appropriately designated alternative sites in the vicinity and there is not sufficient area within the existing surface mining overlay to provide for the long-term mineral resources needs of the County.

The four parcels are suitable for the proposed designation because it adjoins an existing surface mining overlay and meets the criteria for additional SMO changes in F below and the classification and designation criteria addressed in Criteria A above.

Conclusion: The proposed map amendment is suitable for the proposed designation (Surface Mining Overlay with Forest 80 (FR-80) zoning) as it is adjacent to an existing surface mining overlay and the four subject parcels can provide needed mineral resources for future mining. There are no other appropriately designated alternative sites in the vicinity for mining operations and there is not sufficient area within the existing surface mining overlay to provide for the long-term mineral resource needs of the County. Criterion C has been met.

**D. The plan map amendment either; (a) responds to a substantial change in conditions applicable to the area within which the subject property lies; (b) better implements applicable comprehensive plan policies than the current map designation; or (c) corrects an obvious mapping error. [CCC 40.560.010(G)(4)].**

Finding: The proposal (b) better implements applicable comprehensive plan policies than the current map designation. Based on the findings in Criteria A above.

Conclusion: The proposed change to add a surface mining overlay designation better implements applicable comprehensive plan policies. Criterion D has been met.

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

**Adequacy of services applies only to the specific change site. [CCC 40.560.010(G)(5)].**

Finding: The subject parcels are not in the urban area and do not require the full range of urban facilities and services; this criterion is not applicable. The transportation analysis demonstrates that expanding the Surface Mining Overlay (SMO) is consistent with county transportation policies. The proposed land use change would not significantly impact the transportation system. Staff has worked with Washington Department of Transportation, and they do not see any impacts or mitigation to SR 503 at this time. See the attached traffic impact analysis by Gary Albrecht, Clark County Public Works, Transportation Planner to review the findings [Exhibit 2].

Conclusion: A full range of urban public facilities and services do not apply to the applicant's proposal of adding an SMO to four parcels adjacent to an existing mine. The existing transportation system is able to accommodate this proposed comprehensive plan and zone change. Criterion E has been met.

**F. Additional Criteria for Surface Mining Overlay Changes.**

1. Designation of additional areas with the surface mining overlay shall only occur if:
  - a. The designation criteria in the comprehensive plan have been met;
  - b. The quantity and characteristics of the resource including the size of the deposit, the depth of overburden, the distance to market, and the cost of transport and resource availability in the region suggest that mining is economically viable; and
  - c. At least sixty percent (60%) of the area within one thousand (1,000) feet of the proposed mineral resource land is characterized by parcels of five (5) acres or larger. **[CCC 40.560.010(S)].**

Finding: Regarding F.1.a, the comprehensive plan designation criteria have been met as explained above in Criterion A through E. Criteria F.1.b is addressed below from the study of permitted Aggregate Reserves of Clark County, Washington [Applicant Submittal, Exhibit J].

“Surface outcrop and core recovered from drilling indicates the deposit on the property mainly consists of bluish gray to dark gray andesite and basaltic andesite. The site ranges in elevation from approximately 535 feet above mean sea level (AMSL) to 1,560 feet AMSL in the far southeast corner of the property. It is bound between two northeast trending normal fault scarps. This series of faults are mapped on the 7.5-minute Amboy geologic quadrangle and known as the Chelatchie Prairie Fault Zone. Overburden thickness based on the data available ranges from 17 feet to 23 feet. Preliminary indications can presume approximately 200 million tons of an extractable resource is present based on limited interpreted geology, subsurface information, and outcrop investigation.”

The transportation analysis indicates that the applicant intends to transfer the resource to off-site use via a combination of rail and truck shipment. Based on the quantity and demand of resource, the dwindling supply, and the potential use of the railroad as an additional shipping alternative the applicant asserts the site is economically viable.

Finally, the area within 1,000 feet of the parcels to be included in the expansion is characterized by five acre or larger parcels. See attached map showing actual parcel size of the surrounding properties [Exhibit 3].

2. Removal of the surface mining overlay shall only occur if one (1) of the following conditions is met:
  - a. The mineral resources have been depleted;
  - b. There is evidence that the mining of the mineral resource is not economically feasible based on the factors listed in Section 40.560.010(S)(1)(b);
  - c. Environmental or access constraints make it impractical to mine the resource; or
  - d. The area has been brought into an urban growth boundary or adjacent land uses or developments are incompatible with mineral extraction.

Finding: This criterion is not applicable. This proposal is a request to expand the surface mining overlay to four adjacent parcels, not a request to remove the surface mining overlay.

Conclusion: The applicant has demonstrated that the proposal is consistent with the additional criteria for designating surface mining overlay changes. Criterion F is met.

## RECOMMENDATION AND CONCLUSIONS

Based on the information and the findings presented in this report, the Planning Commission forwards a recommendation of **APPROVAL** to Clark County Council. The following table lists the applicable criterion and summarizes the findings of the Planning Commission Recommendation for CPZ2021-00006.

COMPLIANCE WITH APPLICABLE CRITERIA		
Criteria for Policy/Text Amendments	Criteria Met?	
	Staff Report	Planning Commission Findings
A. Consistency with GMA & Countywide Policies	YES	YES
B. Conformance with Locational Criteria	YES	YES
C. Site Suitability and Lack of Appropriately Designated Alternative Sites	YES	YES
D. Amendment Responds to Substantial Change in Conditions, Better Implements Policy, or Corrects Mapping Error	YES	YES
E. Adequacy/Timeliness of Public Facilities and Services	YES	YES
F. Additional Criteria for Surface Mining Overlay Changes	YES	YES
<b>Recommendation:</b>	<b>Approve</b>	<b>Approve</b>