



Clark County Planning Commission

Karl Johnson, Chair
Ron Barca, Vice Chair
Aldo Lampson Veranzo
Bryant Enge
Steve Morasch
Bryan Halbert
Matt Swindell

PLANNING COMMISSION MINUTES THURSDAY, DECEMBER 16, 2021

Public Service Center
Council Hearing Room, 6th Floor
1300 Franklin Street
Vancouver, Washington

6:30 p.m.

I. CALL TO ORDER

Planning Commission Rules of Procedure

WISER: Ron, we're ready to start the hearing.

BARCA: Okay. We're ready to start the hearing. Let's go ahead and call the hearing to order. Good evening, gentlemen, members of the public and staff. I would like to call this online public hearing to order for Thursday, December 16th, 2021. My name is Ron Barca and I am the Vice Chair of the Clark County Planning Commission.

The role of the Planning Commission is to review and analyze comprehensive plan amendments, zoning changes and other land use related issues. We follow a public process including holding hearings during which the public has opportunities to provide additional perspectives and information. In legislative matters, the role of the Planning Commission is advisory. The County Council will hold a separate hearing considering our recommendation and make a final determination.

The Planning Commission Rules of Procedure are: The Planning Commission will hold this public hearing tonight, take testimony regarding the matters being considered. If any public comments were received before tonight's hearing, they have been sent to the Planning Commission members and entered into the public record.

Our staff will go first tonight and present information on the agenda items to the Planning Commission. The Planning Commission can then ask questions of staff. Next, we will invite the applicants to speak. Then members of the public who wish to provide comment.

When we get to the public comment portion of the agenda, we will provide more detailed

information on how to do that at that time. You will have three minutes to speak and remarks should be directed to the Planning Commission only. Please do not repeat testimony that has already been provided.

At the conclusion of the public testimony, the applicant may take up to three minutes to respond, and the public portion of the hearing will at that time be closed. Staff may respond to testimony from the applicant and the public. The Planning Commission will then deliberate and make recommendations to the County Council.

Before we begin tonight's hearing for the virtual members of the Planning Commission and staff, please ensure that your microphones are turned off or muted unless you are speaking. Also remember to turn your video on and for -- turn your camera on throughout tonight's hearing. For virtual audience members, you are all on mute. You will only be unmuted if you wish to speak during the public comment period.

If any of the PC members have questions, I will call upon each of you individually for your first, with your first and last name and you can respond to those questions. I will do the same during our discussion period. When you make a motion, please state your first and last name and then make a motion. Also, when you second the motion, state your first and last name for the motion.

So, we would like to start tonight by talking to the Planning Commission specifically, would anyone on the Planning Commission like to disclose any conflicts of interest before we begin tonight's hearing?

HALBERT: Yeah, thank you, Ron. Bryan Halbert here and I will recuse myself from the New Heights application.

BARCA: Thank you, Bryan. Seeing no other Planning Commission members coming forward, we will move on. We will start with roll call, please. Sonja.

II. ROLL CALL & INTRODUCTION OF GUESTS

ROLL CALL

BARCA: I am here
ENGE: I'm here
HALBERT: Here
VERANZO: Here
MORASCH: Absent
SWINDELL: Here
JOHNSON: Absent

WISER: Steve and Karl are both absent tonight.

Staff Present:

Chris Cook, Senior Deputy Prosecuting Attorney; Jacqui Kamp, Planning Manager II; Jose Alvarez, Planner III; Sonja Wiser, Program Assistant, and Cindy Holley, Court Reporter.

III. GENERAL & NEW BUSINESS

A. Approval of Agenda for December 16, 2021

BARCA: Thank you, Sonja. Okay. Well, I would like to move on to approving the agenda for this evening. Do I get any motions for approval?

HALBERT: Ron, Bryan Halbert here. I'd like to I make a **Motion** that we approve the agenda with changing the order around that Chelatchie. I believe it's correct, Chelatchie will go first and then New Heights second.

SWINDELL: I'd **second** that motion. This is Matt Swindell.

BARCA: Okay. The motion has been for moving the Chelatchie hearing portion in front of the New Heights Church. It's been motioned and seconded. Can I go ahead and get a roll call, please, Sonja.

ROLL CALL VOTE

ENGE: YES
HALBERT: YES
VERANZO: YES
SWINDELL: YES
BARCA: YES

B. Approval of Minutes for November 18, 2021

BARCA: Okay. So, we have the agenda approved and the changed order. And now we are looking for motions to pass the minutes of November 18th. Can I get a motion and a second to approve those minutes?

SWINDELL: Ron, Matt Swindell, I make a **Motion** we approve our minutes from November 18th.

VERANZO: Yeah, this is Aldo Lampson Veranzo, I second that motion.

BARCA: Very good. November 18th minutes have been motioned for approval, first and seconded. Roll call.

ROLL CALL VOTE

BARC: AYE
ENGE: AYE
HALBERT: AYE
VERANZO: AYE
SWINDELL: AYE

C. Communications from the Public

BARCA: Okay. This is the part of the hearing in which we would be taking communication from the public. This is for communication for those items that are not on tonight's hearing agenda. And, Sonja, please tell the public how they can communicate on items not related to the agenda.

WISER: Good evening members of the public. For attendees using their computer or WebEx application, if you would like to speak, please utilize the raised-hand icon which is up on the screen. You can do this by opening the participant window which is the round participant icon at the bottom of the screen and selecting the hand icon in the lower right-hand portion of the screen. Staff will only acknowledge those attendees during the public comment period who have raised their hand by selecting the hand icon.

For attendees using the telephone, which is the audio only option, you need to press star 3 on your phone's number panel to raise your hand. Please provide your name before making public comment. When you have finished your comments, please press star 3 to lower your hand. Public comments are limited to three minutes per person in order to accommodate all speakers. Again, this portion of tonight's hearing is only for items not listed on tonight's agenda.

Jacqui, are there any members of the public with their hands raised wishing to provide public comment?

KAMP: There are no hands raised.

WISER: Okay. Ron, we can close public comment and go to the hearing items.

BARCA: All right. Very good. Then we are now closing public comment and we will start off with hearing Item CPZ2021-0006, Chelatchie Bluff Mineral Lands. Jose, are you ready to take it away?

IV. PUBLIC HEARING ITEMS

2021 Annual Review amending the 20-Year Growth Management Comprehensive Plan Map and Zoning Map:

- A. CPZ2021-0006 Chelatchie Bluff Mineral Lands:** A proposal to amend the Comprehensive plan and Zoning maps to add a surface mining overlay with a current zoning designation of FR-80 and comprehensive plan designation of Forest Tier - 1 on four parcels (283420000, 283422000, 274346000, 283421000) totaling 330 acres. The parcels are located southeast of the intersection of NE Healy Rd and NE 424th St.

Staff Contact: Jose Alvarez, Jose.Alvarez@clark.wa.gov or (564) 397-4898

ALVAREZ: Thanks, Ron. Just about. I'm going to start sharing presentation here. Okay. Can you all see that well? All right. Okay. Good evening, Councilors, Commissioners, my name is Jose Alvarez with Clark County Community Planning.

The first item in front of you this evening is the Chelatchie Bluff Surface Mining Overlay Annual Review, CPZ2021-00006. This request is for to expand, extend a surface mining overlay on four parcels that total about 330 acres and it's located south of the Chelatchie Prairie Railroad Rural Center southeast of the intersection of N.E. 419th Street and Yale Bridge Road. This is an overlay of the site.

The four dots represent the four parcels that the surface mining overlay is being proposed to be added to. There is a parcel that's abutting three of the lots that are triangularly shaped and that is also owned by applicant's representative and that has an existing surface mining overlay, I believe that came up as a question at your work session, and that's been on the property since 1994, and that's the parcel highlighted in yellow in the map there.

So, the current comp plan designation is Forest Tier I with a Forest 80 zoning. The proposal would add a surface mining overlay, both comp plan and zoning to those four parcels. As I mentioned, three of the four parcels are contiguous with that parcel just to the north.

The request is to add the surface mining overlay and all five parcels are under the same ownership. There are two adjacent and nearby surface mining overlays. The one I mentioned earlier that is under the same ownership again has been in place since 1994. Just to the northeast there's a surface mining overlay that was added as part of the surface mining overlay update in 2015. And then in the blue there have been an existing surface mining overlay and I believe that's been, that has been terminated by DNR.

So, the Growth Management Act, GMA, counties are required to identify, to designate and protect mineral resource lands. Clark County has adopted a surface mining overlay map, code, and policies since 1994. The map on this slide shows the map from the 2005 Department of Natural Resources aggregate resource inventory map and identified the parcels in this location that are being considered as hypothetical bedrock resource.

In order to evaluate the proposal, the County is looking at five different criteria for all comprehensive map amendments and with surface mining overlay there's an additional criterion and I'll go through those and to give you an overview of how we made our determination.

So, the burden of proof is on the proponent to demonstrate that the proposed amendment is consistent with the applicable requirements of the Growth Management Act and the Washington Administrative Code, the County Comprehensive Plan, County Code, and official population growth forecasts.

We found that the proposed action is consistent with Economic Development, Natural Resource Industries and the Environment of the State GMA goals, WAC 365-190-070(2) the Mineral Resource Land provisions and the comprehensive plan. So, we find that Criterion A has been met.

Criteria B, the proponent shall demonstrate that the designation is in conformance with the appropriate locational criteria identified in the plan. Found that the expansion of the surface mining overlay is consistent with the surrounding land uses and is in conformance with both locational criteria in the comprehensive plan and the purpose of the proposed zoning districts.

The proposed site meets the location, the locational criteria, adjoins an existing surface mine overlay and can provide needed mineral resources. Also, there's conformance with the criteria and State law in Clark County Policies and Code. So, we find that Criteria B has been met.

The map, Criterion C, the map amendment, or site is suitable for the proposed designation and there's a lack of appropriately designated alternative sites within the vicinity. The applicant submitted studies that indicates the need for future supply of aggregate resources in the county.

The proposed overlay area is adjacent to two formerly permitted mine sites, Chelatchie Rock and Karbon Rock, both of these permits have been terminated by DNR. The 2015 surface mining overlay update added approximately 30 acres that were abutting Chelatchie Rock, that was the parcel I showed to the south, that was in forest designation, that's currently not being mined.

There are no other appropriately designated alternative sites in the vicinity and there's not sufficient area within the existing surface mining overlay to provide a long-term mineral resource needs of the county. And, again, the parcel adjoins an existing surface mining overlay. So, we find that Criterion C has been met.

Criterion D, the plan map amendment either responds to a substantial change in conditions applicable to the area within which the subject property lies; it better implements applicable comprehensive plan policies than the current map designation or corrects an obvious mapping error. This is not a mapping error.

We find that the proposal better implements the applicable comprehensive plan policies than the current map designation and the applicant indicates that there is a need for additional surface mining overlay opportunities. So, we find that Criterion D has been met.

Criterion E, where applicable the proponent needs to 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.

Services may include water, sewage, storm drainage, transportation, fire protection and schools. Adequacy of services only, applies only to the specific change site. The full range of urban public facilities and services do not apply to this applicant's proposal, and we find that the existing transportation system is able to accommodate the proposed change. So, we find that Criterion E has been met.

Criterion F, there's additional criterion for surface mining overlay changes and these all have to be met. That the designation criteria in the comprehensive plan have been met; that the quantity and the characteristics of the resource include the size, including the size of the deposit, the overburden and distance to market, the cost of transport and resource availability suggest that mining is economically viable; that 60 percent of the area within 1,000 feet of the proposed mineral resource land is characterized by parcels of five acres or larger, and that the area has been either been brought into an urban growth boundary or adjacent land uses or developments are incompatible with mineral extraction.

We find that the applicant has demonstrated in the proposal that it's consistent with the additional criteria for designating surface mining overlay changes. And we find that Criterion F has been met as well.

So, the staff recommendation is for approval for the Planning Commission to recommend approval to the County Council to add the surface mining overlay to these four properties.

In terms of public process, we had a work session with the Planning Commission on December 2nd. The hearing is this evening. There's a Council work session that will look at all of the 2021 annual reviews and dockets and that's set for January 19th. County Council hearing is to be determined, but probably going to be in the middle of February. And a tentative date for Council adoption would be March of 2022.

Would just like to make a comment about that we did publish SEPA, Determination of No significance, on December 1st and the comment period for that ended on December 15th. We've received many comments that have been forwarded on to the Planning Commission.

In addition, an appeal. The process for the appeal will be considered by the County Council in conjunction with their review of this item. So, I just wanted to let you know what that process is. If you have any questions or comments, I'd like to take those now.

BARCA: Questions of staff? All right. We'll start with Bryant Enge.

ENGE: No, I don't have any at this time.

BARCA: Bryan Halbert, questions for staff?

HALBERT: Yeah. No questions at this time.

BARCA: Aldo Lampson Veranzo, questions for staff?

VERANZO: Not at this time.

BARCA: And Matt Swindell, questions for staff?

SWINDELL: Yes, I do have one question. If we could go back to was it E, can we go back to E and look at that real quick. My question on E is I need to look at it so I can remember what it's on.

When it talks about existing transportation, I know that there's a lot of comments and concerns about existing transportation, everybody's hesitant about trucks running up and down this road, you know, constantly and whatnot, when we're just putting lines on a map, when this actually, when things move forward and progress, there's other things that are going to have to come into play at that time to accommodate more trucks. Is that accurate?

ALVAREZ: There's going to be a more detailed I think analysis of the transportation infrastructure just to get more concrete for what the demands are and what the actual trips are going to be and so there's going to be another level of review regarding transportation.

SWINDELL: And if any improvements need to be made, they'll tell them at that time --

ALVAREZ: Right.

SWINDELL: -- like things need to be, you know, like adding stop signs or stop lights or, you know, whatever?

ALVAREZ: Right. And from previous experience one of the issues is the impact to the road. The roads out there and, you know, sharing the cost for maintaining those roads, there's usually some cost sharing agreement that's part of that. So those are some of the types of things that sort of mitigate the impacts for this type of development.

SWINDELL: Yeah. Okay. And then on Criterion F if you could go over to that one. So, in looking through this and reading and trying to understand, we have really put a very narrowed description on where this surface mining overlay can go in Clark County.

When you narrow this down, there's only certain areas that this can happen and there's very

few opportunities for us to do this in Clark County. Is that -- would that be an accurate statement because of the way we've, because of what we've done we purposely did it so we can't just do it anywhere?

ALVAREZ: Right. Yeah. So, one of the big things is surface mining overlays are not allowed on residential areas and most of the land in the county is zoned residential.

SWINDELL: Okay. All right. Thank you. Thank you.

BARCA: Okay. Jose, let's stick here on F for a second. Can you explain to me the criteria that is 1.d.

ALVAREZ: Okay. So urban growth boundary is not an issue. I think the idea is that that the land uses we don't want to locate them in areas where there are, where there's going to be an incompatibility with mineral extraction. So, as part of c where you don't want to have a lot of residential homes around a site that could be mining.

So, the idea is to Forest Ag where there's not a whole lot of people in the immediate vicinity, I think is the, is what criteria d is getting or 1.d. is trying to get to, not locating in places where there's going to be incompatibilities.

I know we've had some areas where there's been forest designations but a lot of development occurred because of the transition when we adopted the 1994 comp plan where a lot of vesting happened, and so while the parcels were zoned for forest, a lot of five-acre lots were developed.

The Chelatchie Rock area just north of here, remember the owner wanted to, when they were done mining, put in a, keep that body of water there as a lake and develop, redevelop, it was residentially with view lots, but there were still surface mining overlay existing outside of that area and so that would be incompatible. I think that's what we're trying to get at with that.

BARCA: Okay. I'm a little confused in the idea that says, "Designation of additional areas with the surface mining overlay shall only occur if," and then we go down to "d. If the area has been brought into an urban growth boundary or if adjacent land uses or developments are incompatible with mineral extraction." It seems like the opposite of what we're really trying to get at there.

ALVAREZ: Right. Let me see if I can make it -- yeah, I understand what you're saying. Let me take a look at that. Let me see if I can find the code section.

SWINDELL: Hey, Ron, it's Matt. It looks like it should say "The area has not been brought into an urban growth boundary or adjacent land uses or developments." I think it's missing the word "has not been brought into," but...

ALVAREZ: Let's see. Okay. So, d in this is, should not be here. This is -- there's two sections in

the code, the second section is dealing with the County removing the surface mining overlay only if one of the following conditions is met and that d there is "If the area has brought in -- been brought into an urban growth boundary or adjacent land uses or developments are incompatible with mineral extraction," so that's just wrongly cited and it should not be there. It should have, the code only goes to c, so it should just be a, b, and c, not d.

BARCA: Okay. Well, that makes more sense to me. All right. Can we move back to I believe it's D then, Criteria D. No, maybe it's C. Sorry.

ALVAREZ: No problem.

BARCA: Okay. So, in the fourth bullet where it says, "no other appropriately designated alternative sites in the vicinity," you stated that the I believe the applicant already has a parcel that has the surface mining overlay on it, is it active?

ALVAREZ: No.

BARCA: No. So, we're saying that they need more when they aren't working what they have currently.

ALVAREZ: I think it's more to do, I think there's a difference in scale that may be the rationale for the applicant to be able to make this pencil, but I think that's, that that would be the issue that I see.

Again, and also the other property that was added in 2015, the idea was to add it to an existing mine but those -- that mining operation has been terminated and it was under different ownership and so there hasn't been any activity there.

BARCA: Okay. But those were viable. I guess I'm a little concerned about us saying that there's no other appropriately designated alternative sites when we've basically pointed out two of them.

ALVAREZ: Well, I guess there would be, this is in conjunction with the one that's existing which hasn't been actively used, so...

BARCA: Right. Okay. All right. I'm not quite sure about, you know, how we're going to rationalize the idea of an alternate site in the vicinity when we have them almost, I believe they're bordering each other, but I wanted to be clear about that.

Now, a lot of the public comments were made were in opposition to this application and many of them cited the SEPA, Determination of Nonsignificance. I believe I heard you say that there's an appeal and now and the appeal will only be handled for SEPA when the County Council hears this application, is that what I heard you say?

ALVAREZ: That's the process, yes, they will -- they will make a determination on the appeal as

part of their reviewing of this item when it comes before them, it's done in conjunction.

BARCA: Okay. So, the SEPA being appealed doesn't have any, any kind of stop on the action of going forward with the application itself, the SEPA appeal is handled as if it's a separate matter. But if the appeal is held up as legitimate, does that mean the application goes on hold?

ALVAREZ: It depends what the I guess the determination is and if there's going to be additional environmental work that's going to be needed before the Council can make a decision on that. Because of the nature of the once, you know, once a year cycle, it would have to go in, wait for another -- the change whether it ever was to happen in the future after the environmental analysis were or whatever additional work would need to be done, it would, the amendment would be done in conjunction.

Like the comp plan can only be amended once a year, so it would have to fall into a future cycle where that future amendment is done if that makes sense. If it can't be done, the issue to comply --

COOK: So, okay, Jose.

BARCA: Oh, I hear Chris. Please, Chris, step on in and give us some counsel.

COOK: You can hear me?

ALVAREZ: Yes.

COOK: That's amazing. I can hear you; I can't see anything. Things have -- our new Internet provider issue has caught me. But I think it depends, Jose, on, on how long the environmental analysis would take. This current application is for the annual review that will probably become effective in March, so that's, that's the deadline for this year.

Council would have to be able to consider the application and then to make a determination on it with, you know, then ten days to go before the effective date, so it, it might be okay for this year, it might not. That's the extent of my wisdom on that issue.

BARCA: Okay. So just for my own clarification then, should the appeal be upheld, it would force a more discreet Environmental Impact Statement and then that --

COOK: Well, no.

BARCA: No.

COOK: No. It would not necessarily force an Environmental Impact Statement. The decision that is being challenged is a DNS, a Determination of Nonsignificance, and if the appeal is upheld, then the responsible official, who is the head of the Planning Department, would go back and look at the reasoning for upholding, or I'm sorry, for overturning the DNS which the

Determination of Nonsignificance, see what is cited as the reason why that's not a correct decision and would attempt to correct it. So there, there is no Environmental Impact Statement now because of the DNS. So, I don't know whether there would be or not, it would depend on the reasoning.

BARCA: Okay. That clears it up for me. Thank you.

COOK: Well, that's good.

BARCA: Okay. Are there any other questions from Planning Commission now that we've had this portion of the discussion? You can just shake your head yes or no without me calling on you. It looks like no, no, no and we have lost Bryan Halbert. Jacqui, can you see whether Bryan Halbert is still with us or not.

KAMP: I do not see him on my list of panelists anymore.

BARCA: Okay. All right. Well, we're going to go with our quorum of four at this moment in time and let the record show that Bryan Halbert has at least temporarily fallen off. Okay. That being said, I guess it's time for the applicant. So, if staff will magically have the applicant appear, we are ready.

KAMP: Jose, do you know if any of the applicants are in the attendee list that I can move or unmute?

ALVAREZ: Let's see. James Essig and Jamie Howsley.

HOWSLEY: Okay. Good evening, Planning Commission. For the record Jamie Howsley, 1499 S.E. Tech Center Place, Suite 380, Vancouver, 98663, attorney for the applicant, Granite Construction. With me tonight from Granite is James Essig and Steve Hitzel who will be available for technical questions and we also have Adam Clark who represents the mineral rights owner, Natural Resource Partners, and their attorney Ramona Monroe with Stoel Rives.

First of all, we listened to the Planning Commission work session a couple of weeks ago and we submitted a letter into the County today touching on some of the topics raised in that work session. I want to touch on the highlights in that letter as it is responsive to some of your questions, but first a couple of general matters.

First of all, we support the staff recommendation of approval here. Again, this is for a non-project action under SEPA, and because this is an application for a comprehensive plan and zoning map amendment, to expand the SMO onto these properties. The site out there is already located in an area characterized by historic mining activity as well as heavy industrial with International Paper Mill.

One of the first questions that you raised that you also briefly touched on tonight as well that Jose expanded upon was the procedural posture of what the Planning Commission is being

asked here to review which is essentially a request to place the surface mining overlay onto these properties.

And, again, the Growth Management Act requires that Clark County designate mineral resource lands that are of long-term commercial significance that aren't already characterized by urban growth. Fundamentally this is a scientific and planning exercise, and again, the County is required to consider where potential lands will be located.

The concern here is that the designation of an SMO is both a notice and conservation tool. It preserves the mineral resource land from being developed with other land uses, but also provides future developers and nearby residents with notice that the mineral resources may be occurring in the future. Clark County achieved this with implementation of the SMO and again we're asking that it does so in this case. We believe that the County has a need for the availability of this material, this will allow for that.

Going to some of the questions that Council Member Swindell had asked regarding the impacts, I think you're absolutely right, there's a very narrow place to place this. The applicant appreciates the forethought on the issue in the past with the potential land use conflict between rural and residential uses; however, mining is one of the most regulated, heavily regulated industries in the State of Washington.

We will have to get review, not only from Clark County, but the Department of Ecology Sand and Gravel, Southwest Washington Clean Air Agency, Department of Natural Resources, MSHA and many other reviews for, to get an actual mine opened here, that comes later in the process, not for tonight. Again, we are here to ask just for the implementation of the SMO to this property so that we can proceed forward with a potential application to do mining activity here.

Most of the other comments that we've seen come into the record here, the opponents do not address relevant approval criteria, they argue in future hypothetical harms and they threaten to evolve this GMA planning process into a site-specific land use hearing which clearly that's not before the Planning Commission tonight. As I said, future application will come forward with these very heavily regulated agencies weighing in on that.

With that, I know my time is up. I'll ask to see if there's any questions of the Planning Commission, but we ask that the Planning Commission support the recommendation and I'll be available for rebuttal and questions.

BARCA: Could we hear from the rest of the applicants if they are planning on testifying and then we can do a question round at the end.

ESSIG: Hello. This is James Essig with Granite Construction. I don't have any further comments at this time.

BARCA: Thank you, James. Anybody else from the applicants interested in speaking?

CLARK: This is Adam Clark with Natural Resource Partners and BRP. I don't have any comments at this time.

BARCA: Thank you, Adam. And anybody else?

GRANITE: This is Steve Hitzel with Granite Construction and I don't have anything else either.

BARCA: All right. Thank you, Steve. And if that's it for the applicants and their testimony I'm going to go back to the Planning Commission and see if there are questions for the applicant. So, I'm going to start with Aldo, do you have any questions for the applicant?

VERANZO: No, I do not, not at this time.

BARCA: Bryant Enge, do you have any questions for the applicant?

ENGE: Not at this time.

BARCA: Thank you. Matt Swindell, do you have any questions for the applicant?

SWINDELL: No, not at this time.

BARCA: Thank you. And Bryan Halbert, you've bounced in and now you're gone again. Are you here, brother?

HALBERT: Well, I turned off my video. We're having some Internet connection issues here, so I've been intermittent on hearing the testimony and so I don't have any questions at this time.

BARCA: Okay. Very good. And then if that is the case, we are ready to open it up to the public --

KAMP: Ron.

BARCA: -- for public testimony.

KAMP: Ron, just one quick question, we didn't quite catch the name of the last applicant that spoke, Cindy needs it for the record.

BARCA: All right. Thank you. Steve, can you please give us your name, your organization, and the spelling of your name.

HITZEL: Yes. This is Steve Hitzel, last name H-i-t-z as in zebra e-l, and I'm with Granite Construction.

KAMP: Thank you.

BARCA: Thank you. Okay. So, take it away on the public testimony.

KAMP: All right. For those who would like to provide a comment, please raise your hand now. And please if you could also speak slowly and spell your last name so we have that for the record. So, we will unmute you once your hand is raised and when it's your turn to speak, public comment is limited to three minutes and we will be timing. Okay. I'm going to go ahead and unmute the first public commenter here. Richard, you're unmuted.

Public Testimony

DYRLAND: Can you hear me? Okay. My name is Richard Dyrland, I'm a retired federal regional hydrologist, I'm on the Board of Directors of Friends of Clark County and Friends of the East Fork.

I've done professional analysis and project work on the Cedar Creek and on the tributary stream of Chelatchie and the sub-tributaries over 15 years and I have to say right upfront after going through the DNS I concluded it was deeply flawed. There's even no hints or mention of the T&E species in the headwaters of Cedar Creek and Chelatchie Creek and we have maps from the Washington Fish and Wildlife showing that there are any species up in these areas.

These two creeks as they are related to the parcels and have been rebuilt through over living in-stream projects and other related T&E fish habitat restoration and streams and watershed restoration projects to their present level of highly, of high state of productivity, and there are Washington Fish and Game ongoing fish traps that verify this. They're important to the hatchery at the Merwin Dam as they provide fish eggs.

Cedar Creek flow is highly dependent on the upper one-third of the watershed that has a high drainage density, and the Ecology LIDAR maps that show this clearly. This dependency is documented in detail in the U.S. Geological Service Supply Paper 1600. Fisheries on the North Fork of the Lewis River and the Columbia also depend on the contribution in the Cedar Creek system.

The watershed of the Cedar Creek and the other streams associated with are in a class known as irreplaceable assets because of what they provide to the community, to the river, to the Endangered Species Act and the interests, social economic interests of the community itself, particularly in the Woodland area and other areas. Degradation of the T&E salmon stream for quarry construction and operation would be a highly flawed decision, a serious risk of long-term social economic and environmental consequences.

There are other sites zoned for quarries but only a few streams that have responded salmonid recovery efforts like Cedar Creek. Old sport and commercial fishery businesses are limited to Cedar Creek -- are linked to Cedar Creek. A Bonneville Power Columbia River system study spells out this in its analysis of tributaries to the Columbia River and shows how important these tributaries are while sustaining the Columbia River system.

Disturbing the upper watershed of Cedar Creek for mining would have and an unmitigable, mitigatable consequence series, a Critical Aquifer Recharge Area, CARA, analysis, and designation needs to be done immediately on the headwaters of Cedar Creek and its Chelatchie Creek tributaries. Both of these streams drain through the proposed zone changed lots to or for mining overlay including (inaudible) Creek tributary which goes on the south side of the proposed four lots.

The water quality degradation potential on such steep slopes and the water flow reduction to the pre-T&E species in the system, changing the zoning to a mining overlay would be an unsuitable decision and it would conflict with the just released Washington governor new salmon recovery program. Thank you for your time.

BARCA: Richard, I'm going to ask you to wrap up.

DYRLAND: That's it. Thank you very much.

BARCA: All right. Thank you, Richard. Any questions for Richard? Looks like no questions at this time. Thank you.

BARCA: Next.

KAMP: Okay. And, Ron, I just want to make sure we stated for the public just so they understood to be a party of record, you must submit written testimony before, during or prior to the close of tonight's hearing, provide oral testimony at the public hearing, request in writing to be a party of record.

And no person shall be a party of record who has not furnished their full name, e-mail address or Post Office mailing address. I just wanted to make sure we included that. And also, for those that have called via phone, just so you know to raise your hand, it's star 3.

Okay. I'm going to move on to the next public commenter. Mark, I'm going to unmute you now.

LEED: Thank you. My name is Mark Leed, my spelling of my last name is L-e-e-d. I am former chair and current vice chair of Loo Wit Group of Sierra Club.

We find that the DNS is flawed because it fails to adequately evaluate risks associated with groundwater quality, stream water quality, fish habitat as well as the traffic impacts of the great increased traffic in the area and we would recommend that this be re-examined closely and that you take a close look at the materials that have been submitted by Friends of Clark County, Friends of the East Fork, and other organizations and that's all I had to say. Thank you for your time.

BARCA: Thank you, Mark. Next, Jacqui.

KAMP: Okay. Next, we have Bruce, I'm going to unmute you now. And for those could you, those of you who have already made public comment, if you could click on the raised-hand icon again to lower your hand. Thank you.

Bruce, here we go. Bruce, can you hear us? Bruce Chattin? Okay. I'm going to mute him again and we'll just move on to the next person and try him after. Lucy, I'm going to unmute you.

BROOKHAM: Hi, this is Lucy Brookham. I'm the policy manager for Cascade Forest Conservancy.

KAMP: Lucy, can you speak up. We're having a hard time hearing you. Could you start --

BARCA: And a little bit slower.

BROOKHAM: Can you hear me now?

KAMP: Yes. And make sure you spell your last name.

BROOKHAM: I'm Lucy Brookham, B-r-o-o-k-h-a-m, I'm talking on, for just Cascade Forest Conservancy, CFC. We have over 12,000 members and our mission is to protect and sustain forest, streams and wildlife and communities in the heart of Cascade, of the Cascades through conservation, education, and advocacy.

CFC has concerns with how this rezone from Forest Tier I to an SMO in this location would impact federally listed threatened and endangered species, as groundwater pollution issues and slope instability. The SMO would impact Chelatchie Creek and Cedar Creek. Cedar Creek with its associated fish salmonid, fish hatchery provides a significant amount of steelhead, Coho, and chinook salmon to the North Fork River.

Cedar Creek and the Chelatchie Creek drainage system has a high density of sub-tributaries and mining activities on this proposed project area would directly impact these groundwater systems and adversely impact the salmonids present in these aquatic systems.

Given that the applicant is requesting a rezoning change for the purpose of a future mining project, the actual impact of mining on this fragile ecosystem need to be considered before rezoning this forest to allow for future mining use. CRC requests that the application for the SMO is not approved until adequate environmental analysis has been conducted. Thank you.

BARCA: Thank you. Questions? Looks like none from the Commission. Let's go to the next one, Jacqui.

KAMP: Okay. I'm going to try Bruce again. Bruce, I'm going to unmute you. Bruce, can you hear us? Bruce? Well, he seems to be having an audio issue and there are no other hands raised.

BARCA: Well, Bruce's hand is raised at this moment in time?

KAMP: Excuse me?

BARCA: I said is Bruce's hand raised at this moment in time?

KAMP: Yes, it is.

BARCA: Okay.

KAMP: It looks -- you want to -- why don't we give him just a minute or two, he might be trying to reconnect to audio.

BARCA: All right. Go ahead and set the timer for a minute and we'll see what happens at that time. Very difficult, sometimes the technology can't be good for our ratings.

KAMP: Okay. I see his audio back so I'm going to try to unmute again. Bruce, can you hear us?

CHATTIN: Yes, I can hear you. Can you hear me?

KAMP: Yes. All right. We got you.

CHATTIN: Excellent. I called in, I'm not exactly sure what happened. Thank you very much for your patience. My name is Bruce Chattin, C-h-a-t-t-i-n, I'm the Executive Director for the Washington Aggregates & Concrete Association.

And I want to thank you for this opportunity to provide comments regarding the application for the designation of mineral resource lands for a comprehensive plan amendment in North Clark County, the area is also known to be in the vicinity of a Chelatchie Bluff and I've also provided written comments previously.

I don't often get a chance to see county or staff comments as often as the result of mineral land applications; however, this report is about as responsible, thorough, professional, and complete a staff report as I've seen.

Based on the quality of the analysis and the report's objective determinations, we support adopting staff recommendations and the recommendation to the Board of County Council to approve the surface mine overlay to designate mineral lands of long-term commercial significance and incorporate these mineral resource lands into the comprehensive plan amendment in North Clark County. Thank you very much for adopting the County staff's recommendations.

BARCA: Thank you, Bruce.

CHATTIN: Thank you, sir.

BARCA: And, Jacqui, has anybody else come forward with their hand raised or on the phone?

KAMP: No, that is all.

Return to Planning Commission

BARCA: Okay. Well, if that's all then, we will close the public testimony portion of the hearing and I will bring it back to the Planning Commission for some discussion and deliberation. So, I'm going to go ahead and poll the Planning Commission one at a time and I'll start with Bryan Halbert.

HALBERT: Ron, Bryan here. And it looks like I just got Internet connection back but I have really missed a huge chunk of this hearing so I'd like to just abstain from further questions at this time.

BARCA: Okay. That's fine. Aldo, are you ready?

VERANZO: Yes, sir. There are -- I'll make a couple of observations. After reading all of the material it seems that we're almost at odds here. We have a great opportunity for this mineral resource, yet not all of the, as I read it, the deep level research has been done around the environmental impact should the SMO be granted.

And complicating the issue is nearby housing, which while some of the parcels may be 1,000 feet or more away, mining activity is loud and it will definitely have an impact, you know, on a variety of natural resources.

Additionally, as I read through all the material everyone seems to be, you know, bringing forth their evidence to substantiate the side that they're taking on this issue. I think what's missing here, I saw no one mention or be open to the opportunity that we may need to come up with a compromise on such a treasured environmental resource that we have here in Clark County. So, at the moment I have no questions. I'm just stating my observations.

BARCA: All right. Thank you, Aldo. I'm going to go to Matt Swindell next.

SWINDELL: I don't have any questions. It seems pretty straightforward. Right now, we're just looking at putting lines on an overlay on a map. There's nothing happening from that, everything has to be through SEPA, everything's got to go through the process before anything ever gets started out there.

Right now, in looking at Clark County and seeing where we already have this designated and this is now adjacent to and it just seems to make sense to me that this is the right spot to put this and this is what we need to do for to meet our GMA requirements and I think it's what we need to do for our future of Clark County, we need those resources.

And I just, I don't think right now at this time we need to be, the SEPA and all that, that's not what we're here to do, we're just here to put lines on a map, so that's my thoughts.

BARCA: Okay. Bryant.

ENGE: Thank you, Ron. The crux of the issue seems like a lot, at least to me, what I thought I heard is the findings of the impact, environmental impact. So, the question I have and, Ron, you asked this question and just put and, I was trying to get my arms in terms of Christine's response, but if, if the appeal is successful, what happens to our decision tonight?

COOK: Are you looking for me to answer that?

ENGE: Yeah. And, Chris, I get it that, you know, we're not making a decision, this would be Clark --

COOK: Right.

ENGE: -- this is going to be the Council members, but if you can just carry it forward that if the Council moves forward with rezoning this, right, with the overlay.

COOK: Well, if the appeal is granted, I believe that that would postpone the Councils' decision-making process. Your decision, your recommendation would stand as it is, but the Council would take it up later.

ENGE: Gotcha.

COOK: Now, the Council presumably could return it to you if they decided to overturn the DNS, but I don't think they would have to.

ENGE: Okay. Okay. That was my question. Thank you, Chris.

COOK: You're welcome.

BARCA: All right. Thank you, Bryant. Yeah. So, I guess where I stand on this right now is it feels like there is a lot of weight from the community members looking at the idea that the Determination of Nonsignificance was an error and that the concern, although not stated clearly, is that once you agree to the overlay without any kind of environmental impact being mitigated in the beginning is that those critical habitats are going to be unable to be supported in any fashion as far as protection goes.

I think the idea of the overlay, for the surface mining overlay, more or less validates the idea that from an industrial standpoint it should go forward because that's basically our recommendation, we're saying these appear to be valid and appropriate.

Matt brought up the consideration of transportation earlier and we had virtually no discussion about the idea of 3.1 million pounds of rock on an annual basis going out from here or what condition the railroad is in and what the worst case scenario is being that that would all become truck traffic coming through the county.

I'm concerned about it having the appearance of it being an agreeable function without us talking at least about these potential hazard some. And so, I think it's probably worth a little bit of discussion saying, you know, what does this validate for us from a surface mining overlay, once the overlay is in there, what does that put, what does that do for us as far as the follow on actions go.

And I think what Matt said earlier, you know, about transportation and then what the people who are appealing the designation of nonsignificance, that's -- those are the same styles of concerns that we're going to be unleashing an impact that we won't be able to control after the fact. Any thoughts from anybody else on that?

SWINDELL: Ron, this is Matt Swindell. And I guess my point to the bringing up the roads and the traffic was more of, I mean our job as the Planning Commission right now tonight as it stands is to look at whether or not we feel that is the right place to put and designate that overlay.

Beyond that, the SEPA, the roads, everything else has to be approved in the 19 different agencies that has to agree that everything's going to be safe and clean and environmentally protected, all that is part of the process after we as the Planning Commission designate this area protected so other people don't come in and go, oh, I want to build a house here or they, they do other things to take those resources away from all of the citizens of Clark County and all of the people that want to move to Clark County because this is a resource for our future. Building five, six homes out there, no, this is our future, we need to protect this.

I just all of these issues of whether or not it's hurting streams and all those things, I get it, I don't want to hurt the environment, I don't want to destroy the salmon habitat, I don't want it doing that and I believe in the process and that process is that's not for us to decide tonight, that is for other people to decide after this. Our job is to say we want to protect this for our future.

And I want to make sure I'm clear on that that I don't have a concern on the road, that road will be addressed, that road will be taken care of, they'll make sure. I believe in our staff and I believe in, and all the citizens up there will make sure their voices are heard to make sure that all those roads are taken care of and there's equity from the applicant and when they use this in the future. So, anyways, that's just my thoughts and I just, I think we're going too deep in the weeds on this, this stuff at this time.

ENGE: Ron, this is Bryant. I just want to piggyback on what Matt just said, I concur with him. I think that, and this is my opinion, that what we've been asked to do is if this action or the request here is consistent with the scope and the intent of the GMA. And so, you know, like

Matt, I think we're getting too far deep into this.

There is some natural built up conflict whether you look at it in terms of the County has a requirement to protect these mineral resources, and then on the other side of it the County has the, is required to protect the environment, so there's going to be this built in conflict.

But to the extent that this particular request meets the conditions and terms of what we're being asked to do, I think staff has been through the scope and the intent and has met that requirement. And I'm with Matt in terms of the environmental piece. The environmental piece gets met on the other side when it, you know, they do their in-depth analysis.

I'm confident in terms of the process and that process will happen, you know, but we haven't been -- that's not our role to assess the level of that analysis, that's got to be done by somebody else. Just my two cents.

HALBERT: Ron.

BARCA: Okay.

HALBERT: Yeah. Ron, Bryan Halbert here. And the applicant did a fairly extensive study on the rail line that hasn't really been mentioned tonight, or at least I didn't hear it, the Vancouver/Portland junction railroad, and really just looking at that study it looks very, there's repairs that are needed to the railroad to support the transportations aggregate, but it could be a substantial relief of trucks on the road if the rail line could take the brunt of the tonnage being moved off of this area so, and in a very safe manner on top of it.

So, I appreciate that the applicant really has looked at that as an alternative as opposed to trucks going down to I-5 or through Woodland which would be a chain of trucks every day. So, thanks, Matt, for the, Matt and Bryant both for the concerns about the environment and about the rock supply at the same time.

BARCA: Okay. Well, that's the kind of discussion that I was hoping for us to be able to get on the table. It looks like Aldo is holding up a finger.

VERANZO: Ron, this is Aldo, I have a follow-up question after hearing some of my fellow Commissioners express their perspective. I have two questions. One is those who have come forward that are not in support of this redesignation, when is their next opportunity that their voice can be heard, is it at the appeal or is it actually when it goes right to County Council, when's their next opportunity?

ALVAREZ: So that will be the same time. So, the appeal will be heard by the County Council before their hearing on this issue.

VERANZO: Okay. All right. I wanted to make sure that we were not their only opportunity, that they will have at least one or two more opportunities to state their position. And knowing that

they have other opportunities to bring their voice forward, then I actually am a bit in alignment with Matt Swindell and Bryant Enge in that if we simply look at highest and best use of this resource, it seems to be that the location that has been identified is the best location in the county given the size of this resource provided that there is no other alternative locations I think as staff has identified in their report out.

So, understanding that there is a separation around, you know, our task here is to look at the rezoning and the location that's the highest and best use or and to peel away the part that deals with the environmental impacts as long as those who are concerned about that that there are other opportunities coming forward in the calendar timeline for them to make their voice known again, then our job is clear here. Thank you.

BARCA: Okay. So, everybody has put their voice forward. I'm open to anybody else that has anything else that they want to say on the matter or we can work towards a motion.

SWINDELL: Ron, hey, this is Matt Swindell. I'd like to propose CPZ2021-00006, the Chelatchie Bluff Mineral Lands, I'd like to make a **Motion** that we go with the staff recommendation.

ENGE: Ron, this is Bryant Enge. I **second** that motion.

BARCA: Okay. We've had a motion to accept staff recommendation and it has been seconded. So, let's go ahead and go to roll call.

ROLL CALL VOTE

ENGE: AYE
HALBERT: AYE
VERANZO: AYE
SWINDELL: AYE
BARCA: AYE

WISER: 5 yes.

BARCA: Okay. Well, that will move on to the Council for the appeal and the discussion at that level then. So, at this point in time, we're ready for our second agenda item and Bryan had said that he was going to recuse himself at this time.

HALBERT: Yes. So, gentlemen, have a good evening and I will sign off at this time. Thank you.

BARCA: Good night, Bryan. And, Jose, you're on.