



GENERAL APPLICATION FORM

FINAL
Revised 6/05/2019

Yakima County Public Services
128 North Second Street · Fourth Floor Courthouse · Yakima, Washington 98901
(509) 574-2300 · 1-800 572-7354 · FAX (509) 574-2301 · www.co.yakima.wa.us

(Staff Use Only – Fill In / Circle As Applicable)

Zoning District: AG R1d5 Reviewed By: [Signature] Date Submitted: 12/16/21
Proposed Land Use: Mine & Landfill Case #(s): LRN 2021-05
Overlay: Airport / Greenway / Floodplain
UGA: CAO/Shoreline: SEP 2000-04
Sewer: Septic Clearance / As Built
Potable Water: N/A or Exempt
Purveyor: YCWRS Well: EPAC 19-94
FAAR: WUI-FD: M / H / E
Occupancy: A B E F H I M R R1 R2 R3 S U
Type of Construction: IA IIA IIIA IB IIB IIIB IVA IVB VA VB
Name of Short Plat, Subdivision or Manufactured Home Park: Lot or Space #
Planning Forms for Project:

Please Tell Us About Your Proposal: (If you need assistance call us at (509) 574-2300 or come into the office)

Parcel Numbers(s): A. Various - see Attached C. Various - see Attached
Property Owner's Name: Various - see Attached
Day Phone: 509-930-1702 Company (if any):
Mailing Address: P.O. Box 4136 City: Yakima State: WA Zip: 98904
Subject Property Address: (if Different) 1500 Naches - Werners Rd.
E-mail Address: Kent@Mchenry.us.com
Scope of Work: Comprehensive Plan Amendment

Are you requesting the Optional Consolidated Permit Review Process as provided under YCC 16B.03.060? Yes ☐ No ☐

Applying For A Building Permit? Please Fill Out The Following:

Number of Bedrooms: Existing: Total: Size/Dimensions: Square Footage:
Number of Bathrooms: Size/Dimensions: Square Footage:

Construction Valuation (Contractor Estimate) \$

How will you provide legal domestic water for your project? Please check one below: None Required

- ☐ Water right permit from Department of Ecology (Please attach a copy to this application), or
- ☐ Letter from an approved water purveyor stating the ability to provide water, or
- ☐ A Yakima County Water Resource System (YCWRs) domestic well within the Agriculture zoning district, or
- ☐ A Yakima County Water Resource System (YCWRs) domestic well outside of the Agriculture zoning district, or
- ☐ Other adequate evidence of interest in a suitable water right held for mitigation proposed by an existing water bank, or
- ☐ Yakama Nation Water Code permit for properties located within the exterior boundaries of the Yakama Nation, or
- ☐ Documentation that the well site is located outside the Yakima River watershed.

Please note that evidence of an adequate water supply must be submitted to Yakima County prior to the issuance of the permit.

By signing this form, I agree to the following:

- I hereby state as true that all ownership interests of the property have reviewed the proposal as presented in the application materials and support the proposed change(s).
- I hereby give Yakima County permission to enter my property during this review to inspect my property as needed.
- I hereby agree to pay all additional fees associated with the processing of this application including but not limited to the Hearing Examiner fees, Transportation fees or any other fees that may be associated with the proposed project.

CONTINUE ON BACK

- I hereby acknowledge that the application with the Yakima County Permit Services Department has been filled out completely.
- I hereby acknowledge that verification of an approved potable water supply is a requirement and part of the procedure to obtain a permit from Yakima County.
- I shall provide Yakima County with proof of an adequate water source as indicated in Ordinance 13-2017 or obtain a YCWRS domestic well permit.
- I understand that Yakima County shall be held harmless for misinterpretation or misrepresentation of documents to obtain my permits.
- I am aware my Permit WILL NOT be issued until I provide proof of an approved source of potable water and associated documentation.

(If the property is owned by a corporation or LLC please attach documentation showing that the person signing has the authority to sign on behalf of the corporation or LLC.)

Please Fill Out This Section In Blue or Black Ink. (Please check the box to indicate the primary contact person)

☒ **Property Owner Signature:** Kent L. McHenry (required) Date: 12-17-21

☐ Check If You Are Acting As Your Own Contractor -- (Signature required at declaration at bottom of page)

☒ **Applicant/Agent:** Kent L. McHenry

Day Phone: 509-930-1702 Company (if any) Reclaim Company

Mailing Address: P.O. Box 436 City: Yakima State: WA ZIP: 98904

E-mail Address: Kent@McHenryus.com

Signature: Kent L. McHenry Date: _____

☐ **Contractor Name:** _____

Day Phone: () _____ Company (if any) _____

Mailing Address: _____ City: _____ State: _____ ZIP: _____

E-mail Address: _____

Contractor License Number: _____

Signature: _____ Date: _____

If there are additional owners, provide an attachment in the same format and with the same declarations

This Section To Be Completed For Construction Permits Only

Pursuant to RCW 19.27.095 (2)(i-ii) The requirement for a fully completed construction application shall include:

i. The name, address, and phone number of the office of the lender administering the interim construction financing, if any; OR

ii. The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than 50% of the total amount of the construction permit.

If for any reason the information requested below is not available at the time of application, the applicant shall provide the information as soon as it can be reasonably obtained.

☐ Lending Agency Name: _____ Phone: () _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

☐ I acknowledge by checking this box that this project has no lending agency for construction financing.

Bonding Agency Name: _____ Phone: () _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

☐ I acknowledge by checking this box that this project has no bonding agency.

If you are the Property Owner and Acting as Your Own Contractor, Please Complete the Following Declaration:

- I acknowledge that I am applying for a permit thru the Yakima County Public Services Department.
- I also acknowledge that I am not a licensed contractor, specialty or general, or that I am not acting as a contractor and wish to be exempt from the requirements of the Washington State Contractor's Act, per RCW 18.27.090, and will abide by all provisions and conditions of the exemption as stated.
- I agree that if I use the assistance of any person(s) to provide labor and/or assistance, I will retain only contractors registered and currently licensed as required under the laws of the State of Washington.

I (print name) _____ certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Owner Signature: _____ Date: _____

Yakima County will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service or activity of Yakima County, should contact the Yakima County ADA Coordinator at 509-574-2210 as soon as possible but no later than 48 hours before the scheduled event.

- I hereby acknowledge that the application with the Yakima County Permit Services Department has been filled out completely.
- I hereby acknowledge that verification of an approved potable water supply is a requirement and part of the procedure to obtain a permit from Yakima County.
- I shall provide Yakima County with proof of an adequate water source as indicated in Ordinance 13-2017 or obtain a YCWRS domestic well permit.
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☒ **Applicant/Agent:** Kent L. McHenry

Day Phone: 509 930-1702 Company (if any) Reclaim Company

Mailing Address: P.O. Box 4136 City: Yakima State: WA ZIP: 98904

E-mail Address: Kent@McHenry.us.com

Signature: Kent L. McHenry Date: _____

☐ **Contractor Name:** _____

Day Phone: () _____ Company (if any) _____

Mailing Address: _____ City: _____ State: _____ ZIP: _____

E-mail Address: _____

Contractor License Number: _____

Signature: _____ Date: _____

If there are additional owners, provide an attachment in the same format and with the same declarations

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☐ I acknowledge by checking this box that this project has no lending agency for construction financing.

Bonding Agency Name: _____ Phone: () _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

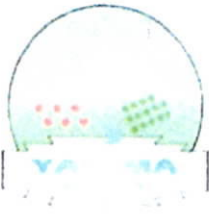
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- I acknowledge that I am applying for a permit thru the Yakima County Public Services Department.
- I also acknowledge that I am not a licensed contractor, specialty or general, or that I am not acting as a contractor and wish to be exempt from the requirements of the Washington State Contractor's Act, per RCW 18.27.090, and will abide by all provisions and conditions of the exemption as stated.
- I agree that if I use the assistance of any person(s) to provide labor and/or assistance, I will retain only contractors registered and currently licensed as required under the laws of the State of Washington.

I (print name) _____, certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Owner Signature: _____ **Date:** _____



COMPREHENSIVE PLAN MAP AMENDMENT SUBMITTAL FORM AND CHECKLIST

1. The applicant requests that the subject property be re-designated
From: _____ To: Mineral Resource Overlay
2. The applicant requests that the subject property be rezoned
From: _____ To: _____

Required Attachments Checklist: Include the following information with your application. Applications without the required information will not be accepted.

3. ☒ Fee per adopted schedule YCC Title 20, Table 20.01.070-5.
4. ☒ Map(s) of the subject parcel(s) including the following information clearly indicated:
(Maps are to be 8.5x11 or 11x17 landscape, color, legend with applicant name and parcel number, features properly labeled, to scale, with a North arrow. Yakima County GIS can provide you with all the required maps.)
 - a. Features such as: roads, existing structures, and infrastructure (i.e. driveway, wells, septic drain fields, etc.)
 - b. Vegetation (include general types and areas)
 - c. Known critical areas (wetlands, streams, rivers, lakes, drainages, steep slopes, wildlife habitat areas, floodplains)
 - d. Current Plan Designations and Zoning of the subject and adjacent properties
5. ☒ WRITTEN NARRATIVE (Site Specific) to include the following:
 - a. Existing and historic land use
 - b. Soil types (general description)
 - c. Current sewage disposal and water supply
 - d. Suitability of the site as resource lands (if currently designated as such)
 - e. Any known cultural, archaeological or historic resources
 - f. Any previous land use permit activity (under current ownership)
 - g. The availability of public facilities, such as roads, sewer, water, and other public services
6. ☒ WRITTEN NARRATIVE indicating the reason for the proposed plan amendment and addressing the plan amendment (16B.10.095) approval criteria indicated below:
 Amendments to Comprehensive Future Land Use Map may only be approved after all of the following criteria are considered:
 - a. The proposed amendment is consistent with the Growth Management Act and requirements, the Yakima County Comprehensive Plan - **Horizon 2040**, applicable city comprehensive plans, applicable capital facilities plans, and official population growth forecasts and allocations;
 - b. The site is more consistent with the criteria for the proposed map designation than it is with the criteria for the existing map designation;
 - 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;
 - d. For map amendment, substantial evidence or a special study has been furnished that compels a finding that the proposed designation is more consistent with comprehensive plan policies than the current designation;
 - e. To change a resource designation, the plan map amendment must be found to do one of the following:

- (i) Respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies; or
 - (ii) Better implement applicable comprehensive plan policies than the current map designation; or
 - (iii) Correct an obvious mapping error; or
 - (iv) Address an identified deficiency in the plan. In the case of resource lands, the applicable de-designation criteria in the mapping criteria portion of Chapter 5 - Land Use Element of **Horizon 2040**, shall be followed. If the result of the analysis shows that the applicable de-designation criteria have been met, then it will be considered conclusive evidence that one of the four criteria in paragraph (e) has been met. The de-designation criteria are not intended for, and shall not be applicable when resource lands are proposed for re-designation to another Economic Resource land use designation;
- f. A full range of necessary 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;
- g. The proposed future land use map amendment will not prematurely cause the need for, nor increase the pressure for additional plan map amendments in the surrounding area.
- (2) The following criteria shall be considered in any review and approval of changes to Urban Growth Area (UGA) boundaries:
- a. Land Supply:
 - (i) The amount of buildable land suitable for residential and local commercial development within the incorporated and the unincorporated portions of the Urban Growth Areas will accommodate the adopted population allocation and density targets;
 - (ii) The amount of buildable land suitable for purposes other than residential and local commercial development within the incorporated and the unincorporated portions of the Urban Growth Areas will accommodate the adopted forecasted urban development density targets within the succeeding twenty-year period;
 - (iii) The Planning Division will use the definition of buildable land in YCC [16B.02.045](#), the criteria established in RCW [36.70A.110](#) and .130 and applicable criteria in the Comprehensive Plan and development regulations;
 - (iv) The Urban Growth Area boundary incorporates the amount of land determined to be appropriate by the County to support the population density targets;
 - b. Utilities and services:
 - (i) The provision of urban services for the Urban Growth Area is prescribed, and funding responsibilities delineated, in conformity with the comprehensive plan, including applicable capital facilities, utilities, and transportation elements, of the municipality;
 - (ii) Designated Ag. resource lands, except for mineral resource lands that will be reclaimed for urban uses, may not be included within the UGA unless it is shown that there are no practicable alternatives and the lands meet the de-designation criteria set forth in the comprehensive plan.
- (3) Land added to or removed from Urban Growth Areas shall be given appropriate policy plan map designation and zoning by Yakima County, consistent with adopted comprehensive plan(s).

7. ☒ Completed and signed SEPA ENVIRONMENTAL CHECKLIST, including Supplemental Sheet for Non-Project Actions (including required fee)

Mineral Resource Overlay

INTRODUCTION

The owners of the listed properties are requesting that their properties be placed in a Mineral Resource Overlay (MRO). The area requested to be placed in the MRO is approximately 744 acres currently owned by Charlotte Caton, Harvest View Estates, and Kristoffer and Jessica Strutner (See Attachment 1). These properties have been proven to contain topsoil that is below the Washington State Department of Ecology contamination levels for lead and arsenic in addition to sands and gravels of commercial value. The placement of these lands in an MRO is consistent with RCW 36.70A.060, which requires Cities and Counties to adopt regulations that assure the conservation of mineral resource lands. The County is required to protect these lands as required in RCW 36.70A.040(3)(b) states that "... the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands and mineral resource lands and protecting these designated critical areas under RCW 36.70A.170 and RCW 36.70A.060;..."

Soils

The Washington State Department of Ecology (DOE) has identified that lands that were used for fruit production in the 1950's were subjected to the use of pesticides that contained high levels of lead and arsenic. These are naturally occurring elements that do not break down over time and will remain in the soils. The DOE has developed mapping for lands that were used for fruit production during this time period and have identified lands within Yakima County that will require remediation.

The DOE Publication "Model Remedies for Cleanup of Former Orchard Properties in Central and Eastern Washington – Sampling and Cleaning up Arsenic and Lead-Contaminated Soils", Publication 21-09-006 was published in July 2021. Table 1 states that soils with more than 20 parts per million of arsenic and/or 250 parts per million of lead need to be remediated. Table 2 identifies 4 model remedies for the cleanup of these soils; 1. Excavate and remove contaminated soils; 2. Mix with clean soil to reduce contamination concentrations; 3. Cap contaminated soils in place; 4. Consolidate contaminated soils and cap. All of these remedies may require clean soils for remediation.

The lands proposed for the MRO have thick lenses of soils that have not been used historically for fruit production or processing and not have been contaminated by lead or arsenic that were used as part of those operations. These soils have been tested by Cascade Analytical, Inc. and found to have less than 2.5 parts per million of arsenic and 3.0–4.8 parts per million of lead (See Attachment 2). These measurements are well below the cleanup levels identified in Table 1 therefore these soils can be used for soil remediation.

Sands and Gravels and other minerals

A portion of these properties are currently being used as a Limited Purpose Landfill. As part of the operations of the landfill cells are excavated for the placement of debris. The excavation of these cells has revealed that there are sands, gravels and other minerals within this area. Additional exploration of the site has found that there are minerals throughout the proposed MRO area. A geotechnical engineer was hired to examine that site. He has documented that there are sands and gravels of commercial significance throughout the entire area requested to be placed in the MRO (See Attachment 3).

Mineral Resource Overlay

The Washington State Growth Management Act required Cities and Counties to protect resource industries within their jurisdiction (RCW 36.70A.020). The resource lands include timber, agriculture, and mineral resources. WAC 365-190-040(e) states that mineral resource lands especially should be located as close as possible to the likely end users to avoid losing access to valuable minerals by developments, and to minimize the costs associated of production and transport. This WAC also states that the purpose of designating natural resource lands is to enable industries to maintain access to lands with long term commercial significance for agricultural, forest and mineral resource production. The purpose is not to confine natural resource production activity only to designated lands nor to require designation as the basis for a permit to engage in natural resource production.

These properties have the ability to become a source of clean soils and a long-term source for sands and gravels. They are located within 15-20 minutes of the likely end users and can be productive for many years. Both proposed uses require the protection of these lands consistent with RCW 36.70A.170 (c). The protection of these lands requires that these properties be placed in a Mineral Resource Overlay as part of the Yakima County Comprehensive Plan.

SEPA

A Determination of Non-Significance was issued on November 18, 2020, for the Comprehensive Plan Map Amendment to include these properties in a Mineral Overlay Zone (See Attachment 4). The inclusion of these properties in a Mineral Resource Overlay does not have any environmental impacts.

Setbacks

The establishment of a Mineral Resource Overlay requires the implementation of a 500-foot resource setback. This setback is normally imposed on the adjacent properties. The proponents are proposing that the setback not be applied to adjacent private properties not owned by the applicants and to keep the setbacks on their properties in these areas.

EXISTING AND HISTORIC LAND USE

Historically much of this land has been used for dry land wheat farming. This use was halted in the 1970's due to the poor crop yields. In the 1990's the property owner applied for and was granted the permits to operate a Limited Purpose Landfill (LPL) on a portion of the site. The operation of the LPL requires the excavation of materials to create stable "cells" to place the debris in prior to being covered. This operation generates an excess of usable material. The excavation of the cells produces material that can be used as clean soils for remediation and produces sands and gravels of commercial value. Conversations with the Washington State Department of Natural Resources indicates that these mineral resources should be accessed and utilized prior to being covered with landfill materials.

SOILS

There are four main soil types on the property. Soil type designation 164, Torriothents Steep is found on the ridges and hillsides. It is comprised of gravely sandy loam, gravely sand and clay and weather bedrock. Soil type designation 98, Renslow silt loam is found on the hill slopes. It is comprised of silt loam on top

of unweathered bedrock. Soil type designation 27, Cowiche Loam, 15 to 30 percent slopes, is found on the hillsides. It is comprised of loam, loamy fine sand and very fine sandy loam. Soil type designation 26, Cowiche Loam, 8 to 15 percent slopes, is found on the hillsides. It is comprised of loam, loamy fine sand and very fine sandy loam.

CURRENT SEWAGE DISPOSAL AND WATER SUPPLY

There are currently no structures located on the properties owned by Harvest View Estates. There are two structures located on parcel 171535-44404. These are the office and scale house for the operations of the approved landfill. The office has a septic system and drain field located on the northside of the office building. Water is provided from a private well. The scale house does not have any water or sewer. There is an agricultural building located on parcel 171535-41401 owned by the Strutner's. This building does not currently have any water or sewer.

SUITABILITY OF SITE AS RESOURCE LANDS

A portion of the properties are designated as Agricultural Resource Lands. As stated earlier, historically this land has been used for dryland wheat farming. However, due to the low wheat productivity and that irrigation water is not currently available, these properties are not good candidates to continue to be included in the Agricultural Resource designation.

The existence of sands and gravels in quantities of long-term significance in close proximity to the end users and the clean soils establishes the need to protect these properties by including them in a Mineral Resource Overlay per WAC 365-190-020 and WAC 365-190-040.

CULTURAL, ARCHAEOLOGICAL OR HISTORIC RESOURCES

There are no known cultural, archaeological or historic resources at this location. If, during any future permitted activities, any indications are found, then the appropriate agencies will be notified.

PREVIOUS LANDUSE ACTIONS

There have been several land use actions associated with the landfill operations. These include SPU11-97, ER22-97, BOCC3-97, CUP99-67, SEP99-32 and EAC2019-94. Also, SEP2020-00004 was issued for a previous application for a Comprehensive Plan amendment and rezone.

PUBLIC FACILITIES

The site is served by Naches-Wenas Road. Naches-Wenas Road is owned and maintained by Yakima County. PP&L provides power to this location. There are no other public facilities.

HORIZON 2040

There has been a reduction in the availability of sand and gravel materials in the Yakima Valley over the last few years. This has due to the change in sources of materials from being primarily alluvial to being upland. In the report "Reconnaissance Investigation of Sand, Gravel, and Quarried Bedrock Resources in the Yakima 1:100,000 Quadrangle, Washington" produced by the Washington State Department of Natural Resources, it is stated that "Currently permitted gravel pits in the Yakima quadrangle contain about two million tons (1.25 million cubic yards) of aggregate reserve. The production rate for these pits is about 0.85 million tons (0.5 million cubic yards) per year. Conversations with the Washington State

Department of Natural Resources have indicated that additional mapping of mineral resources in Yakima County will be occurring in the coming years.

Geologically there are several gravel sources in Yakima County that have experienced issues with rockslides, slope instability or other production issues (See Attachment #5). This location is geologically stable with little potential for rockslides or other geologic failures.

A review of the Mineral Resource Overlay maps contained in Horizon 2040 shows that several of the identified sites are very remote, making the material from these locations not economically feasible due to the trucking costs. This creates a substantial difference between the amount of inventoried mineral resource and the amount of economically viable mineral resource. The demand for sand and gravel products exists within the urban and urbanizing areas of the county. To be an economical mineral resource for the construction industry serving these areas the resource needs to be located within 30 minutes of the urban areas to minimize the cost of trucking. This proposal is consistent with the goals and objectives of the Yakima County Comprehensive Plan, Horizon 2040.

CONCLUSION

The request to have these properties included in a Mineral Resource Overlay is required to be reviewed with the intent of the granting legislation clearly in mind. The stated intent of the growth management laws (RCW 36.70A) regarding overlay zones is clear, they are to be implemented to protect lands that by the nature of the resources they contain and the proximity to the end users, need to be protected from encroachment from urban development. The purpose of these laws is not to limit where mining can occur or to limit competition with other mining operations. The lands being requested to be placed in a Mineral Resource Overlay Zone meets all of the criteria for this designation as set forth in Washington State Law, Washington State Administrative Code and Local Regulations and not placing them in the overlay zone endangers the ability to access these valuable resources in the future. Allowing these valuable resources to remain unprotected is inconsistent with the Growth Management Act.

ATTACHMENT #1

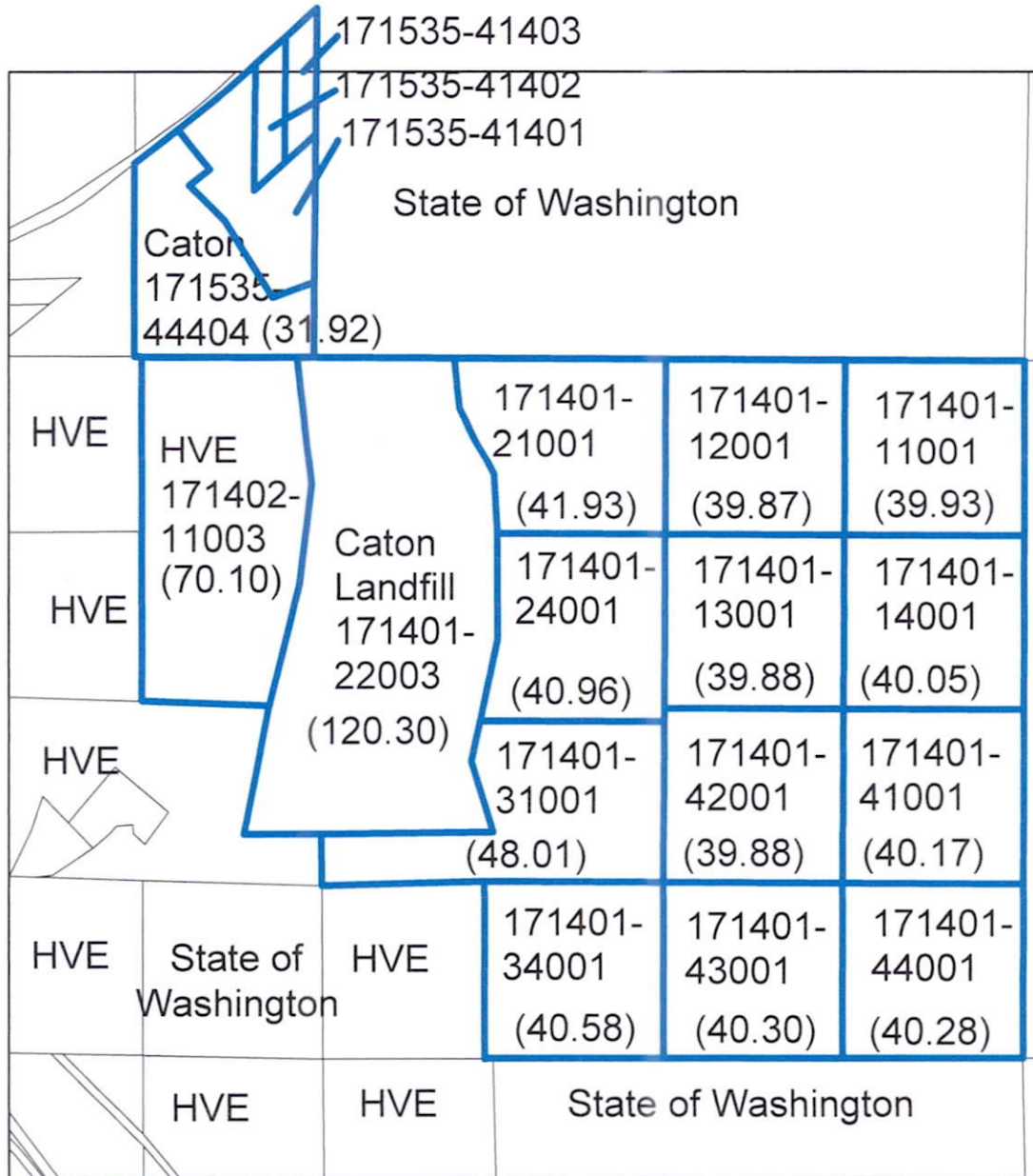
Proposed MRO Properties

Parcel Number	Area (AC.)	Owner
171401-11001	39.93	HVE
171401-12001	39.87	HVE
171401-13001	39.88	HVE
171401-14001	40.05	HVE
171401-21001	41.93	HVE
171401-24001	40.96	HVE
171401-31001	48.01	HVE
171401-34001	40.58	HVE
171401-41001	40.17	HVE
171401-42001	39.88	HVE
171401-43001	40.30	HVE
171401-44001	40.28	HVE
171402-11003	70.10	HVE
	561.94	
171535-44404	31.92	Caton
171401-22003	120.30	Caton
	152.22	
171535-41401	20.02	Strutner
171535-41402	4.93	Strutner
171535-41403	4.98	Strutner
	29.93	
Total Area	744.09	

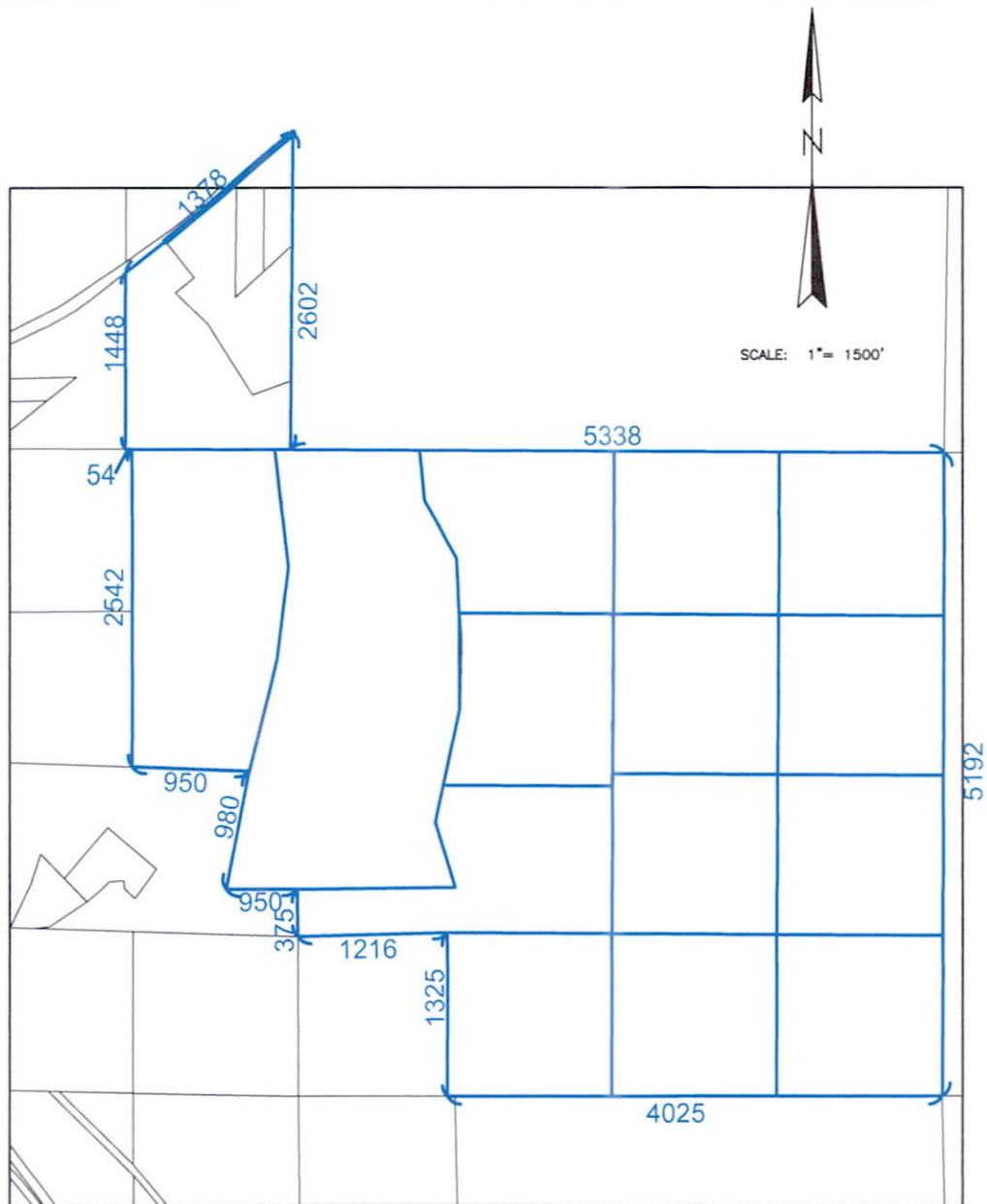
HVE = Harvest View Estates

Caton = Charlotte Caton

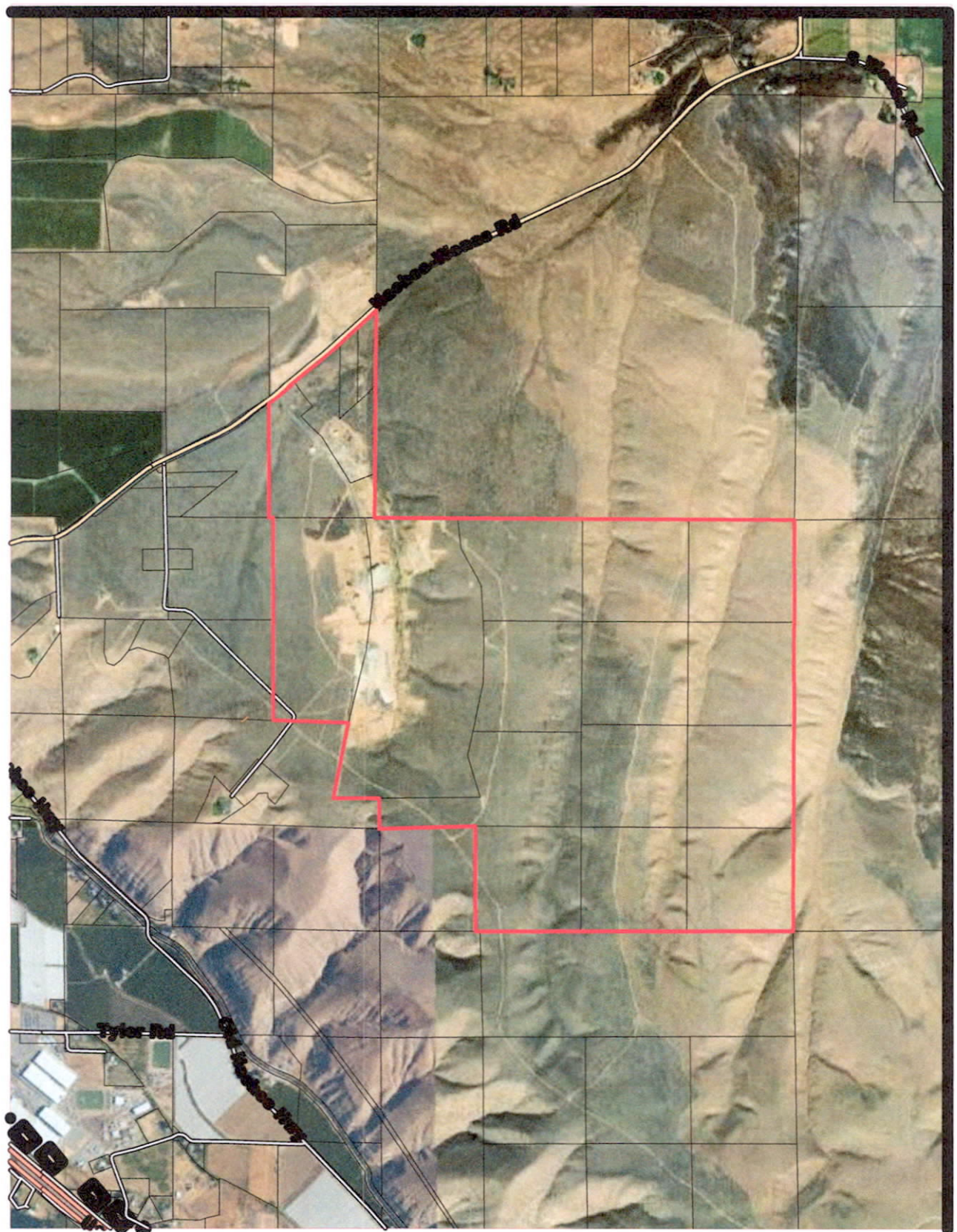
Strutner = Kristoffer & Jessica Strutner



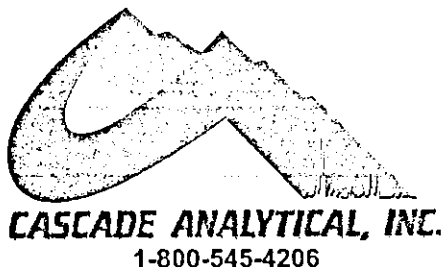
Project Number Engineer Drawn By	Sheet Number	Plan Issue Dates			Sheet Title	Site Plan	P.O. Box 4136 Yakima Washington 98904	
		△	Date	BY	Description	Job Name		Mineral Overlay
		△				Location		Naches Washington
						Contractor		



Project Number	Sheet Number	Plan Issue Dates			Sheet Title	Site Plan
		Date	BY	Description	Job Name	
Engineer					Location	Naches Washington
Drawn by					Contractor	



ATTACHMENT #2



(509) 662-1888
Fax: (509) 662-8183
3019 G. S. Center Road
Wenatchee, WA 98801

(509) 452-7707 Batch: 122902
Fax: (509) 452-7773 Grower: Caton Landfill
1008 W. Ahtanum Rd. Account: 13276
Union Gap, WA 98903 Sampler: Randy Caton
PO Number:

--- SOIL ANALYSIS RESULTS ---

Caton Landfill
1251 Humphrey RD
Tieton, WA 98947

Report Date: 5/11/21
Date Received: 5/ 6/21
Date Sampled: 5/ 5/21

Lab Number: 21-S008803

Sample Id: Topsoil #1

Test Requested	Results	Relative Level	Optimum Range
Other Lab Number	21-S08591		
Arsenic Solid	< 2.5 mg/Kg		EPA 6010D
Lead Solid	4.8 mg/Kg		EPA 6010D
Other Analysis	Pkg analyzed by SFC		

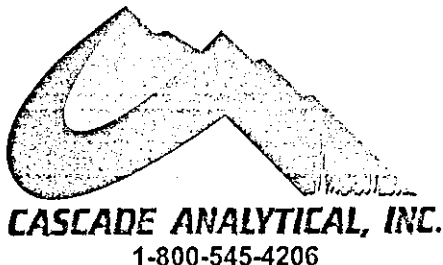
Please keep results in your reference files. Test every other year.

Approved By:  05/20/21

Calcium & Magnesium Ratio: Heavy (Clay) 10:1, Medium (loam) 5:1, Light (sandy) 2:1 The relative levels and optimum ranges are suggestions that have been established for tree fruits. Please consult your fieldstaff or county extension agent before using the guidelines for fertilizer application.

Cascade Analytical uses procedures established by SSSA - NAPT for soil analysis. Cascade Analytical makes no warranty of any kind and client assumes all risk & liability from the use of these results. Cascade Analytical, Inc.'s liability to the client as a result of use of Cascade's test results shall be limited to a sum equal to the fees paid by the client to Cascade Analytical, Inc. for analysis.

* Added complete package. 05/20/21



(509) 662-1888
Fax: (509) 662-8183
3019 G. S. Center Road
Wenatchee, WA 98801

Batch: 122902
(509) 452-7707 Grower: Caton Landfill
Fax: (509) 452-7773 Account: 13276
1008 W. Ahtanum Rd. Sampler: Randy Caton
Union Gap, WA 98903 PQ Number:

--- SOIL ANALYSIS RESULTS ---

Caton Landfill
1251 Humphrey RD
Tieton, WA 98947

Report Date: 5/11/21
Date Received: 5/ 6/21
Date Sampled: 5/ 5/21

Lab Number: 21-S008804

Sample Id: Subsoil #1

Test Requested	Results	Relative Level	Optimum Range
Other Lab Number	S21-08592		
Arsenic Solid	< 2.5 mg/Kg		EPA 6010D
Lead Solid	3.0 mg/Kg		EPA 6010D
Other Analysis	Pkg analyzed by SFC		

Please keep results in your reference files. Test every other year.

Approved By:  05/20/21

Calcium & Magnesium Ratio: Heavy (Clay) 10:1, Medium (loam) 5:1, Light (sandy) 2:1 The relative levels and optimum ranges are suggestions that have been established for tree fruits. Please consult your fieldstaff or county extension agent before using the guidelines for fertilizer application.

Cascade Analytical uses procedures established by SSSA - NAPT for soil analysis. Cascade Analytical makes no warranty of any kind and client assumes all risk & liability from the use of these results. Cascade Analytical, Inc.'s liability to the client as a result of use of Cascade's test results shall be limited to a sum equal to the fees paid by the client to Cascade Analytical, Inc. for analysis.

* Added complete package. 05/20/21

ATTACHMENT #3

October 7, 2021

Kris Strutner
Reclaim Company

**RE: NATIVE MATERIAL OBSERVATIONS; NEAR CATON LANDFILL, NACHES,
WASHINGTON**

Dear Mr. Strutner:

At your request, a Baer Testing & Engineering, Inc. (BAER) geologist observed native soils within the parcels east and southeast of the Caton Landfill in Naches, Washington on October 4, 2021. This site visit was requested to confirm the presence of sandy and gravelly soils.

Our geologist observed surficial soils, native slopes, previously backfilled excavations, and vertical cuts at several locations that varied both in elevation, and horizontal extent. The presence of sandy and gravelly soils were observed throughout the observed area. The attached photos depict representative conditions. Available Washington Department of Ecology well logs from the area indicate the presence of sandy and gravelly soils within the upper 50 feet of the profile, and below 100 feet depending on location.

Based on our observations and the available well logs, it appears that sandy and gravelly native materials are present at the site. BAER makes no claims as to the composition or gradation of the sandy soils; volumes or depths required to encounter them; or the economic viability of extracting this resource.

We appreciate the opportunity to work with you on this project and trust this information meets your current project needs.

Sincerely,
BAER TESTING & ENGINEERING, INC.



Brandon Holwegner, L.G.
(LIC# 20120136)



Figure 1: Vertical cut observed near the eastern edge of the current landfill property. Beds of sand and gravel of varying sizes were observed throughout with little silt. Picture facing east.



Figure 2: Sandy and gravelly soils observed at the surface of a slope located in the southeastern corner of the discussed parcels. Gravels ranged from approximately 1 to 3 inches in diameter.

ATTACHMENT #4



Public Services

128 North Second Street • Fourth Floor Courthouse • Yakima, Washington 98901
(509) 574-2300 • 1-800-572-7354 • FAX (509) 574-2301 • www.co.yakima.wa.us

LISA H. FREUND – Director

DATE: November 18, 2020

TO: James & Charlotte Caton, Kristoffer & Jessica Strutner, Kent McHenry,
Adjoining Property Owners, Parties of Record, and SEPA Interested
Agencies

FROM: Yakima County Public Services Department: Planning Division

SUBJ: LRN2020-00004/SEP2020-00004 – Caton/Strutner Comprehensive Plan
Amendment and Concurrent Rezone.
Notice of Final SEPA Threshold Determination

Enclosed is the Final Threshold Determination – Determination of Non-Significance for the comprehensive plan amendment and rezone. If you have any questions on the project or the appeal process, please contact Noelle Madera with Yakima County Public Services: Planning Division at (509) 574-2300 or 1-800-572-7354 ext. 2300.

Encl: Determination of Non-Significance
Comments Received

- Division comments
- 12 comments for PC study session of 6-10-20
- 15 comments received just prior to and right after PC hearing of 7-8-20
- 15 comments received after the Preliminary DNS of 9-30-20

G:\Development Services\Projects\2020\SEPA\SEP20-004 Caton Strutner MRO and Concurrent Rezone to
MINSEP2020-00004 Caton-Strutner CPA-Rezone Final DNS_ph.docx

Yakima County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding Yakima County's Title VI Program, you may contact the Title VI Coordinator at 509-574-2300.

If this letter pertains to a meeting and you need special accommodations, please call us at 509-574-2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll free relay service 1-800-833-6388 and ask the operator to dial 509-574-2300

DETERMINATION OF NON-SIGNIFICANCE (DNS)

1. **Description of Proposal:** The Yakima County Planning Division has received an application to: (1) amend the property's Comprehensive Plan Future Land Use Designation by adding the Mineral Resource Overlay (MRO); and (2) concurrently rezone the property from Remote/Extremely Limited Development Potential (R/ELDP) and Agriculture (AG) to Mining (MIN).
2. **File Numbers:** LRN2020-00004/SEP2020-00004
3. **Owners:**

James & Charlotte Caton	Kristoffer & Jessica Strutner
1251 Humphrey Road	PO Box 4136
Tieton, WA 98947	Yakima, WA 98904
4. **Applicant:** Kent McHenry
Reclaim Company
PO Box 4136
Yakima, WA 98904
5. **Location:** 1500 Naches-Wenas Road. Approximately 2 miles northeast of the Town of Naches, WA
6. **Parcel Nos.:** 171401-11001, 171401-12001, 171401-13001, 171401-14001, 171401-21001, 171401-22003, 171401-24001, 171401-31001, 171401-34001, 171401-41001, 171401-42001, 171401-43001, 171401-44001, 171402-11003, 171535-41401, 171535-41402, 171535-41403, 171535-44404
(Total Area: 744.09 acres)
7. **Lead Agency:** Yakima County Planning Division
8. **Determination:** The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment and an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). The lead agency believes that a survey for cultural and archaeological resources and that assessing the impact on the quality of the area's well water will be more appropriate at the project permit stage. This decision was made after a careful review of the completed environmental checklist, non-project action supplements, comments, and other information on file with the lead agency. This information (including all environmental documentation) is available to the public on request and can be examined online at <https://www.yakimacounty.us/2073/2020-Biennial-Comp-Plan-Amendments>. Environmental documents include the SEPA checklist, this threshold determination, and submittal materials.
9. **Comment and Appeal Information:** This DNS is issued under WAC 197-11-340(2). There is no further comment on it. Site-specific Map Amendments and

their related SEPA determinations are not subject to administrative appeal in accordance with 16B.03.030. For information relating to this proposal, contact Noelle Madera, Planning Section Manager – Long Range, at (509) 574-2300 or 1-800-572-7354, ext. 2300.

10. **SEPA Responsible Official:** Thomas Carroll

A handwritten signature in blue ink, appearing to read 'T. Carroll', is written over a horizontal line.

11. **Address:**

128 N. 2nd St.
4th Floor Courthouse
Yakima, WA 98901

12. **Date:**

November 18, 2020



Division Comments

SEP2020-00004

DATE	STATUS	TASK ▲	ACTION BY	STATUS	COMMENTS
2/5/2020		Building Review	Tamara Colley	Complete w/Conditions	2/5/2020- No flood plains located on parcel. Building permit required for proposed structures in addition to fire code and supplemental permits as needed.. No other issues or concerns. tic
2/19/2020		Code Enforcement Review	Janna C Jackson	Comments Not Required	
5/6/2020		Environmental Review	Byron J Gumz	Complete	
5/6/2020		Fire Review	Byron J Gumz	Comments Not Received	
5/6/2020		Flood/Hazard Review	Byron J Gumz	Comments Not Received	
2/11/2020		Health Review	Ted J Silvestri	Complete w/Conditions	Any landfill development beyond what is already permitted by the Yakima Health District will need a permit from the Yakima Health District. This permit will require approvals from Yakima County, the Washington State Department of Ecology, and others.
2/6/2020		Long Range Review	Olivia K Story	Comments Not Required	Assigned to Phil Hoge in Long Range Planning to process.
5/6/2020		Planning Review	Byron J Gumz	Comments Not Received	
2/6/2020		Transportation Review	Jamie D West	Complete	The action of rezoning the parcels associated with this project has no direct impact on the Yakima County roadway system. Impacts to the roadway system will be evaluated through follow-on local permitting of land use.
3/20/2020		Water Resources Review	Dianna L Woods	Comments Not Required	

Phil Hoge

From: Vinda <Vindilu28@aol.com>
Sent: Wednesday, April 22, 2020 9:54 AM
To: Planning_Info
Subject: Caton/Strutner Comprehensive Plan Amendment and current rezone

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

References case numbers, (LRN2020-00004 & SEP2020-00004)

To whom it may concern,

I am writing this letter to state my absolute disapproval of the effort. I live at the base of the Wenas Grade and the traffic from the Caton Landfill is already too much. This will increase the truck traffic even more. I hold my breath watching the trucks fly down the hill now. I wait for one of them to miss the turn and go through the newly installed guard rail that has already had one accident. Luckily it was only a pickup.

I fought against it the first time, then against the RV Park to no avail. Now this! I don't want to turn the Caton Landfill into another Terrace Heights Dump.

Since Covid 19, Terrace Heights has closed the dump to the public, the increase in loads being taken to the dump have tripled. Just yesterday I picked up a board on the Old Naches Hwy that a pickup dropped. There has been a lot of other things too.

If these Property owners want to buy hillsides, it's their choice. But to turn the beautiful surroundings that we have treasured for over a 100 years here as my family has owned, it is a discredit to my relatives and all of our neighbors in this area.

I could give a lot more reasons for my rejection of this but will save it for public meeting.

I ask you to please consider our thoughts on this get rich scheme by greedy new comers that don't cherish the beautiful country life and the environmental impact this will have.

Sincerely,

Vinda Hoke
8981 Old Naches Hwy
Naches, Wa 98937

Sent from [Mail](#) for Windows 10



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

South Central Region • Region 3 • 1701 South 24th Avenue, Yakima, WA 98902-5720
Telephone: (509) 575-2740 • Fax: (509) 575-2474

April 23, 2020

Yakima County Planning Division
Attn: Phil Hoge
128 N 2nd Street
Fourth Floor / Courthouse
Yakima, WA 98901

**Subject: SEPA Scoping Comments on LRN2020-00004 / SEP2020-00004,
Caton/Strutner Comprehensive Plan Amendment and Concurrent Rezone,
Yakima County**

Dear Phil,

Thank you for allowing the Department of Fish and Wildlife to comment on these applications and proposed land use. This proposed land use has the potential to promote a better outcome for wildlife: Versus a possible, eventual build-out of the multiple 40-acre, residential-zoned parcels it includes. This landscape has primary associations of state sensitive wildlife species and is mapped as Shrub steppe habitat. Much of the parcels have deep soils with existing or recovering big sagebrush cover. The potential to degrade shrub-steppe habitat functions clearly exists. Thus, strategic planning of mining-related development and habitat set-asides will be key for the County to avoid degradation of the UWHCA-Critical Area.

The site also represents a vestigial wildland landscape between well-developed Agricultural / Rural Residential valley bottoms in the Wenas and Naches drainages. The proposed MRO area is essentially without prior development and has historical and active rangeland uses. The predominance of deep loam soils indicates it is currently very productive for grazing, as well as for habitat of wildlife species of Countywide importance.

The western half of the site has roughly 90 percent coverage of very deep Cowiche loam soils. The remainder is still dominated by the very deep loams, which are necessary for sage-obligate species like jackrabbit. Yet, lenses of bedrock and rocky outcrops are present to allow reasonable minimizations of impact during mineral, aggregate, associated resource extraction.

Burrowing owl breeding colonies were recorded on or very near the site in 2000 and in prior years. This Priority species requires very deep soils for burrows and presence of its primary prey of ground squirrels. Other likely sensitive species associated with the site are mule deer, prairie falcon, jackrabbit, and Townsend's ground squirrels. Wildlife survey of areas intended for actual

Phil Hoge
Caton/Strutner MRO
April 23, 2020
Page 2

development or disturbances may be necessary, which depends on the Proponent's ultimate desired approach to protect habitat functions.

I appreciate the opportunity to comment on this proposal. I can be reached at (509) 457-9310 with any questions related to these comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Bartrand".

Eric Bartrand

Department of Fish and Wildlife
Area Habitat Biologist
1701 S 24th Avenue
Yakima, WA 98902

EB:eb

From: lora kass [<mailto:loralynn8@live.com>]
Sent: Thursday, April 23, 2020 3:53 PM
To: Byron Gumz <Byron.Gumz@co.yakima.wa.us>
Subject: reference case numbers: LRN2020-12-16-23 -0700

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Subject: Caton/Strutner comprehensive Plan Amendment and current zone reverence case numbers: (LRN2020-00004&SEP2020-00004

TO whom it may concern. I'm writing to you in regards to the current Caton/
Strutner comprehensive land amendment and concurrent rezone of LRN2020-00004.

As a resident on Allen RD and old Naches Hwy, Selah Naches Grade. Any added traffic to this already busy intersection/road will not be safe many people travel on bike and hike and jog with children and this is a safety hazard I am in disagreement. And the roads aren't able to handle this kind of traffic.

Thank you fr your time and considering all the community this will affect.

Lora Kass
8881 Old Naches hwy
Naches, Wash 98937
509-653-2612

Phil Hoge

From: ruthpringle <ruthpringle@frontier.com>
Sent: Thursday, April 23, 2020 8:21 PM
To: Phil Hoge
Subject: Caton Land Fill

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

April 23, 2020
Yakima County Planning
Re: Caton Landfill
Project LRN2020-00004
Case # SEP 2020-00004

Attention Phil Hoge and Nathan Paris:

I am submitting this email to the Yakima County Planning Department with concerns about the amendment of the Caton Landfill from Rural Remote/ Extremely Limited Development Potential and Agriculture to Mining. In the application, Mr. Mc Henry stated that there would be an average of 15 trucks a day going to the site. The truck traffic from the regular land fill use is probably about the same amount of trucks. As a resident on E. Allan Road I find this unacceptable because Allan Road is already over used with the traffic we presently have on the road. Allan Road is narrow and the pavement on the road's edge has deteriorated due to all the truck traffic. Very little work has been done to improve or maintain Allan Road to accommodate the current traffic on this road. The intersection of Allan Road and the Old Naches Highway is dangerous because site lines in both directions are very limited.

Allan Road has a lot of farming traffic especially during harvest. Large fruit hauling trucks and transporters are coming in and out of Allan Brothers which also adds to the traffic. Several years ago an additional lane was added eastbound to accommodate hauling trucks entering the highway . But with our current traffic getting onto Highway 12 is a challenge.

Since the opening of the Caton Landfill the new Naches Primary School is using Allan Road. Every school day a considerable amount of cars and buses use Allan Road to pick up and deliver children to the school. I feel that there are profound safety issues and urge you not to approve this amendment.

Sincerely,
Ruth Pringle
130 E. Allan Rd
Naches, WA 98937
ruthpringle@frontier.com

Sent from [Mail](#) for Windows 10

Reference case numbers, (LRN2020-00004 & SEP2020-00004)

To Whom It May Concern,

I am writing this letter to object to the current Caton/Strutner Comprehensive Plan Amendment and Concurrent Rezone of LRN2020-00004.

As a resident of the Old Naches Highway, I must object to any further commercial projects to the area. The environmental impacts of another commercial project is unacceptable unless...

A. Public safety is addressed, this road is congested with foot traffic, bicycle traffic, Farm equipment as well as residents. not to mention the school traffic and the Allan Brother warehouse employees.

B. Air pollution is another factor with the increase of truck diesel and dust

C. Noise Pollution is another impact that has increased beyond acceptable levels

D. Maintaining the two major Access roads. There are major issues as far as the Allan Road And Old Naches Highway, from Naches to the Wenas
Narrow roads and serious hairpin corners!!!

E. This road is also a "Main" for the School Bus. Twice a day they travel from Naches to the primary school in groups of 7 or more.

F. I would like a count of how many Gravel producers we already have in this area, it seems as though we have more than other counties at this time.
Do we have a shortage?

Now is the time to address environmental and health issues in our County...and State. Please consider the impacts of this requests, we need responsible leaders and decisions.

Thank you for your consideration.
Tammy Vestch
9041 Old Naches Hwy.
Naches, Wa. 98937

509 654 2551

Phil Hoge

From: Byron Gumz
Sent: Thursday, April 23, 2020 1:54 PM
To: Phil Hoge
Subject: FW: Caton/Strutner Comprehensive plan amendment and current rezone

-----Original Message-----

From: Beverly Sedge [mailto:bevsedge@aol.com]
Sent: Thursday, April 23, 2020 12:43 PM
To: Byron Gumz <Byron.Gumz@co.yakima.wa.us>
Subject: Caton/Strutner Comprehensive plan amendment and current rezone

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Re:

References case numbers, (LRN2020-00004 & SEP2020-00004)

To whom it may concern,

We would like to oppose this rezone issue. For multiple reasons.

The public safety due to the bicycles, walkers, school traffic and agricultural area that this. The noise pollution because of all the truckers that already go to Caton's Landfill are too much and disruptive already. Including the Jake brakes that go on for a quarter mile. The intersection at Old Naches Hwy and Allan road is already a very dangerous section. The road maintenance is also constantly needed and neglected. Also the air pollution that all these trucks cause.

We already have the issue of the RV Park passing against our wishes and we protested Caton's Landfill to no avail.

They accept truck after truck from Seattle to bring their waste here.

It is disrupting the beauty of this area that should be protected.

Sincerely,

William and Beverly Sedge
8961 Old Naches Hwy
Naches Wa 98937

Sent from my iPad

321 Allan Road
Naches, WA 98937

July 6, 2020

Planning Commission
Fourth Floor County Courthouse
128 No. Second Street
Yakima, WA 98901

Re: File No.: LN2020-00004
SEP2020-00004
Caton & Strutner

Gentlemen:

Many vehicles use Allan Road as access to the Naches-Wenas Road and to the proposed site. Current use of the property has greatly increased traffic on the road with much of that traffic being large trucks.

There are orchards located on Allan Road and tractor and equipment used in agriculture are frequently on the road. Many people walk and bicycle on the road. With the location of the new elementary school, school buses now use Allan Road. The road is only a two-lane road with very little space on the shoulder of the road.

While we are not opposed to the use of the property, we feel that the truck traffic issued needs to be resolved as the increased traffic has become a hazard for agricultural equipment, residential vehicles and pedestrian use.

Sincerely


Bob & Mary Clark

-----Original Message-----

From: Birdie Calvert (<mailto:birdcalvert@gmail.com>)

Sent: Tuesday, July 7, 2020 9:08 PM

To: Thomas Carroll <thomas.carroll@co.yakima.wa.us>

Subject: Jep 2020-00004 1500 Naches Wenas Rd 744.09 acres switching zoning to mining/expanding landfill

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Dear Sir,

The Lazy Heart B Corporation is objecting to the proposal of changing 744.09 acres switching zoning to mining/expanding landfill. Our main concerns are listed below:

- Range land taken out of production
- Erosion of soil
- Water quality/wells
- Stream quality for salmon and steelhead
- Wildlife
- Aquifer layers
- Set back from private land
- Dust
- Air pollution

Thank You,
Lazy Heart B Corporation
Robert L Calvert

Sent from my iPad

From: ruthpringle <ruthpringle@frontier.com>
Sent: Tuesday, July 7, 2020 6:30 AM
To: Planning_Info <Planning_Info@co.yakima.wa.us>
Subject: Rezone and amendments LRN2020-00004 SEP2020-00004

Attached is the letter of concerns I emailed to your department in April concerning the amendment of the Caton and Strutner zoning.

April 23, 2020
Yakima County Planning
Re: Caton Landfill
Project LRN2020-00004
Case # SEP 2020-00004

Attention Phil Hoge and Nathan Paris:

I am submitting this email to the Yakima County Planning Department with concerns about the amendment of the Caton Landfill from Rural Remote/ Extremely Limited Development Potential and Agriculture to Mining.

In the application, Mr. Mc Henry stated that there would be an average of 15 trucks a day going to the site. The truck traffic from the regular land fill use is probably about the same amount of trucks. As a resident on E. Allan Road I find this unacceptable because Allan Road is already over used with the traffic we presently have on the road. Allan Road is narrow and the pavement on the road's edge has deteriorated due to all the truck traffic. Very little work has been done to improve or maintain Allan Road to accommodate the current traffic on this road. The intersection of Allan Road and the Old Naches Highway is dangerous because site lines in both directions are very limited.

Allan Road has a lot of farming traffic especially during harvest. Large fruit hauling trucks and transporters are coming in and out of Allan Brothers which also adds to the traffic. Several years ago an additional lane was added eastbound to accommodate hauling trucks entering the Highway 12. But with our current traffic getting onto Highway 12 is a challenge.

Since the opening of the Caton Landfill, the new Naches Primary School is using Allan Road. Every school day a considerable amount of cars and buses use Allan Road to pick up and deliver children to the school.

I feel that there are profound safety issues and urge you not to approve this amendment.

Sincerely,
Ruth Pringle
130 E. Allan Rd
Naches, WA 98937
ruthpringle@frontier.com

From: Mary L. Rennie (<mailto:renren1@rocketmail.com>)
Sent: Tuesday, July 7, 2020 4:19 PM
To: Thomas Carroll <thomas.carroll@co.yakima.wa.us>
Subject: CatonLandfill

To Whom It May Concern:

I have grave concerns on the roads that have been effected since you allow Caton's to create a landfill. I have grave concerns on the changes of the uses of these roads and the abuse they suffer without any recourse to the companies that are causing the damage.

"This site is served by the Naches-Wenas Road. It is maintained by Yakima County." That is a quote from the application to allow the landfill to expand. Originally, it was to only to be a landfill. Now, we are expanding again. A question is why are the companies not doing any maintaining and why is Yakima County not making sure to include this maintenance in its work schedule.

When the original land use application was up for review, I wrote a letter concerned on the Naches-Wenas Road, the Wenas Grade, and the South Wenas Road. I predicted that traffic would be increased while the roads would not be maintained. Since that approval of the original land use application, Matson Fruit has expanded greatly on the north side of the road. Also across from the landfill, also on the north side, is a huge RV park. WE STILL HAVE THE SAME ROADS, and THEY HAVE NOT BEEN MAINTAINED.

Allan Road has taken a lot of abuse from the truck traffic. The Wenas Grade has had accidents due to large trucks. The Naches-Wenas Road is often blocked and trucks are having to swerve into your lane to turn into the Landfill, Mattson's, and now the RV place. The sides of our roads in those areas are falling apart due to the heavy truck traffic. Garbage in the sides of the road have increased. South Wenas takes on a lot more trucks and it is a very curvy road with little on the sides of the road. You have changed everything to no passing lanes.

In considering this addition, I think you need to consider turn lanes for trucks that would be required to be put in at the landfill, at Mattson's, and at the RV. You are allowing these businesses to operate, but failing to remember that a lot of people have moved to the upper part of the Wenas and this is the fastest way to get to town.

Yes, with growth comes changes, but the patrons of Yakima County should not be responsible to pay for the improvements to those roads. The damage is being done by those businesses. Now, you are going to add even more big truck traffic.

Please make sure to include some allowances for the roads.

Sincerely,

Mary Rennie

From: Wendy Wickersham [<mailto:wendywickersham@icloud.com>]
Sent: Tuesday, July 7, 2020 7:56 PM
To: Thomas Carroll <thomas.carroll@co.yakima.wa.us>
Subject: JEP 2020-00004 1500 Naches Wenas Rd COMPLAINT

Here is my official complaint. Thank you!

Sent from my iPad

Begin forwarded message:

From: Wendy Wickersham <wendywickersham@gmail.com>
Date: July 7, 2020 at 7:55:36 PM PDT
To: wendywickersham@icloud.com
Subject: JEP 2020-00004 1500 Naches Wenas Rd COMPLAINT

Hi! I am writing my concerns re the rezoning and possible expansion of the Caton Landfill (also including his partners). I live a little bit up the road and really have some big concerns which I will outline here. I am AGAINST it.

1. Adversely Effect Cattle Grazing on neighboring properties: Cattle will not be able to graze lands currently owned by the Murrys

1. Noise:

A. Currently, there are trucks going to and from the landfill/quarry at a rate that would probably surprise you. Sometimes, there are as much as 2 out of 5 vehicles that go by my house in a 20 minute period are going to the landfill/quarry. sometimes even more. Brakes are super loud on dump trucks and semi trucks that are going to Catons. I know that is where they are going because of what is in their load.

B. I already am hearing noise from the excavators going at the RV park that is being put in almost across from the landfill. I know that will be amplified by a rock crusher and more heavy equipment if the mining application goes through. Everyone deserves to have relative quiet at their home, especially with the cost of owning a home nowadays.

2. Land-values: If the landfill expands and mining is done, then I worry that there will be a drop in property values. No one wants that! People work hard for what they have and having it devalued is a devastation.

3. Roads: Our roads out here in the Wenas, Allan Rd, and Naches Wenas Grade are not in the best shape. There are potholes and the edges of the roadway are degrading. That will cost the taxpayers a lot of money to repair and/or replace if that ever happens. All it takes is walking out my driveway and looking down at the roadway or listening to hear a truck hit a pothole. That's loud!

4. Increased Traffic: My grandparents lived here at the place that is now mine since 1953, Since the 1990s when the Caton Landfill was put in, there has been a significant increase in traffic, especially during the times when the landfill is open. When it is closed, it decreases greatly!

5. Well Contamination: I know that increases greatly if the landfill is allowed to expand by 10 MILLION CUBIC YARDS as stated in the SEPA Review Application. I know that some things

that are not supposed to go to the Caton Landfill end up there like asbestos because that is a building material. They can't physically go through every load completely. I know that so far, the water tests have been okay according to Ted Syvestre at the Health District, but that can change, especially with that much more debris being added.

6. DUST: The winds have definitely been changing directions abnormally up in the Wenas. I know that any time you disturb the soil, there is a possibility of dust. You can look that way when you drive by and see that. Adding another 744 acres will greatly increase the level of dust.

Thank you!

Wendy Wickersham

6281 S Wenas Rd in Selah

5099454018

From: Michael Wise [<mailto:climbhigh35@gmail.com>]

Sent: Wednesday, July 8, 2020 9:13 PM

To: Lisa Freund <lisa.freund@co.yakima.wa.us>

Subject: LRN2020-00004 SEP2020-00004

I am writing on behalf of the land use proposal for caton and strutner. I live at 751 Allan Road and am very concerned and strongly object to this proposal. There is a large amount of truck traffic on allan road already which has led to the erosion of the road not to mention all the garbage that is thrown out onto the edge of not only our property but all the other properties near by. There is also a very dangerous intersection with limited visibility at the top of the road which has already resulted in multiple accidents this year. My wife walks this route in the early morning hours and the truck traffic is terrible making it very dangerous. If this proposal goes through the truck traffic will increase making their transportation during all hours of the day and weekends. The people who live on Allan road chose this area for the peace and quiet that used to be, that is not the case anymore.

Please take my opinion and the opinion of my neighbors seriously.

Sincerely,
Michael Wise

-----Original Message-----

From: jerrene murray (<mailto:jerrene.murray@gmail.com>)

Sent: Wednesday, July 8, 2020 4:18 PM

To: Thomas Carroll <thomas.carroll@co.yakima.wa.us>

Cc: Betty Jo Murray <webbankers@fairpoint.net>; Wendy Wickersham
<wendywickersham@icloud.com>; jillyearout@gmail.com

Subject: Objection to Proposal: JEP 2020-00004 1500 Naches-Wenas RD

Dear Sir:

As a member of the Murray Family LLC, owners of the property which adjoins the Caton property at 1500 Naches-Wenas RD, I object to the applicants' proposal to extend their dump and redone the property to allow mining.

1. Each proposal would devalue our property. I understand each operation could occur right up to and against our property line.
2. Five hundred feet setbacks to be taken on our property is a land grab. There is no reason those setbacks cannot be taken on the applicants' property.
3. Where is the Environmental Impact Study? Movement of 10 million yards of material certainly impacts the environment!
4. Who is in charge of monitoring what is actually is going into the existing dump which was originally permitted for only building materials?
5. Who is in charge of monitoring the damage to the aquifer near the dump now and in the future? I don't believe a liner was originally required protection. Water quality safety as a result of these two projects is a gigantic concern. I believe fouling of the aquifer is a possibility, affecting drinking water wells and irrigation and stock water wells in the Wenas.
6. Residents in north Clark County Washington have found their drinking water fouled and undrinkable after Storedahl and Sons, Inc began mining in their neighborhood. Residents near Livingston Mountain Mine filed complaints regarding truck traffic (and speed) and lack of oversight. Residents near East Fork Lewis River mining projects were concerned about environmental threats and contamination of the Troutdale Formation aquifer, which provides groundwater for Clark County and Portland.
7. Finally, I am concerned about traffic including the number of truck trips, times of travel, what the trucks actually carry, and the road damage caused by heavy trucks on narrow, country roads.

Sincerely,
Jerrene Murray
360-887-8124
20716 NE 10th AVE
Ridgefield, WA 98642

Sent from my iPad

From: jillyearout <jillyearout@gmail.com>

Date: 7/8/20 1:08 PM (GMT-08:00)

To: thomas.carroll@co.yakima.wa.us, Wendy Wickersham <wendywool@a.com>, webebankers@fairpoint.net, wicksbodyshop13@gmail.com

Subject: Objection to Proposal: JEP 2020-00004 1500 Naches Wenas Rd

I, Valerie Jill Yearout, Oppose the proposal to the rezoning for mining and expansion of Caton Landfill, 744.09 acres, adjacent to Murray Family Limited Partnership for which I am 1/4 owner. This proposal would:

1. devalue our property by limiting possible uses such as solar energy generation due to excessive dust production from heavy traffic of large equipment and removal of protective topsoil.
2. Devalue of our property due to excessive noise and dust production in rangeland used for cattle. Our property has been used for cattle rangeland for over 70 years. The excessive noise and excessive dust could deter the cattle from utilizing the whole range. Ranging the cattle has been an important part of maintaining balance of decreasing noxious weeds such as mustard and tumbleweeds and protection of indigenous bunchgrass.
3. Excessive wind in the Wenas Valley will cause even more dust storms if mining occurs in this proposed area which will assuredly decrease air quality for the residents on South Wenas Road, for which I live.
4. Runoff as they have explained in their proposal will continue through the natural ravines. I live at the base of one of the key ravines which will carry runoff to my house. The Caton Landfill was supposed to be strictly a construction landfill. I have seen many loads of items entering the landfill that are not of construction materials. And materials such as petroleum products (petrol, asphalt, etc...) will enter the ground water or be moved down the ravines with the natural drainage. Such noxious products are known carcinogens.
5. There are birdlife, wildlife, endangered species in the proposed area including not only burrowing owls, deer, coyotes, and several species of hawks. I have also seen first hand an increasing amount of short horned lizards (also known as horny toad lizards). These horned lizards are not extinct but listed as declining over the last few decades due to destruction of their native habitat. According to National Geographic, they were reaching endangered status in multiple states.
6. I live on South Wenas Road and the traffic of large dumptrucks has drastically increased since the landfill started. If this proposal is adopted, the traffic will increase? This is a rural road. It is maintained by the county as a rural road. The increase in traffic will deteriorate the road at a faster rate than currently. As well as the fact this is farm area with domestic and farm animals close to the road. This area is still Rangeland.
7. The hours of operation and truck traffic was initially supposed to be to a confined time during daytime hours. The truck traffic from Seattle Big Bertha project had been well outside these hours. They travelled back and forth in very early hours of the morning prior to daylight and

sometimes middle of the night. I see the Reclaim dumptruck going by back and forth on South Wenas Road to Selah several times a day now. Much more than 15 loads a day at a high rate of speed.

I oppose the proposal of Caton Landfill expansion and rezoning. Thank you for your consideration on this subject. I would gladly answer questions you may have for me.
Sincerely Valerie Yearout
509-833-6316

cc: Wendy Wickersham, Pam Wickersham, David Murray, Jerrene Murray Yochim

Sent from my U.S.Cellular® Smartphone

From: Dave and Betty Jo Murray <webbankers@fairpoint.net>
Sent: Thursday, July 9, 2020 7:54 AM
To: Thomas Carroll <thomas.carroll@co.yakima.wa.us>; Phil Hoge <phil.hoge@co.yakima.wa.us>
Subject: Rezone to Add Mineral Resource Overlay LRN2020-00004,SEP2020-00004 - Caton & Strutner

I am opposed to the change on this subject 744 acres of property as submitted for the following reasons:

- 1) This would cause a substantial increase in heavy truck traffic over a presently over used rural road. After the initial approval of the landfill, we encountered substantial truck traffic and litter at virtually all hours of the day and even night. Many of these trucks were hauling in waste & contaminated soil from areas outside of our county such as King County. Many heavy trucks have passed by my farming operation on the South Wenas Road. Because we farm on both sides of South Wenas Road, I have equipment and employees who cross this road daily. I continually caution them to watch for the trucks, but am very concerned for their safety. Any increase in trucks causes more concerns.
- 2) When the initial project was approved, the site was 120 acres. This would have been adequate if only Yakima County construction demolition product was delivered to this site. Now the applicant wants to enlarge the site by over 5 times to 744 acres.
- 3) Several families reside to the east and west of the landfill and all are concerned about safety of groundwater.
- 4) Mining and disturbance of the land could create a problem with runoff. The Wenas Valley lies down hill with many canyons and ravines. Many residents could be very adversely affected by both above ground runoff and affected ground water. My understanding is that there is only one monitor well inspected on 6-month intervals. One would have been sufficient if the site only received dry construction demolition product. But if deliveries are made during the night time hours, WHAT truly is dumped there?
- 5) Caton & Strutner have been selling topsoil & gravel for a long period of time. Isn't this mining? Do they now maintain a permit to do so?
- 6) If you are planning to move forward with this request I would recommend that you and the board look at the history of this operation. Have they stayed within the original approval given to them? Have they received and dumped only the products they were permitted to handle?
- 7) Murray Family LLC owns 640 acres of rangeland adjoining the Caton subject property to the west. This is not vacant property. I disagree with us bearing the 500 ft deep setback along our west property line of that section of land. The applicant should bare this setback If you move to approve their request.
- 8) The Washington State Department of Ecology no longer has a classification as Demolition Landfill. It is now permitted as a Limited Purpose Landfill. What can they accept with this classification? All of us should know this.

Thank you,

Dave Murray,
Member Murray Family LLC & President Murray Ranch, Inc.

From: Dave Williamson (<mailto:DaveHBQ@hotmail.com>)
Sent: Thursday, July 9, 2020 3:38 PM
To: Thomas Carroll <thomas.carroll@co.yakima.wa.us>; hordanplanningservices@outlook.com
Subject: LRN2020-00004/SEP2020-00004 Staff Report

Hi Tommy,

I can't help but give a couple comments before tomorrow on the above referenced case numbers. I won't take too much of your time on a lengthy response of why this doesn't make sense.

Staff findings - The county already has a 50 year supply and zoned at least 10 year supply of mineral resources.

Staff findings - The subject is not within the DNR identified mineral resource lands. But the site meets at least one of the other two requirements -

Requirements (a.) and (b.) are dependent on requirement (c.). DNR has identified NO mineral resource lands of long term significance. The first line in (a.) and (b.) is - The quality and type of the mineral resource. Staff gets around the obvious by beginning the Staff Analysis column with - The application states. The "Staff Analysis" title should be replaced with "The applicant states."

Is the decision to approve to make the applicants previous illegal activity (mining, removing/selling topsoil) legal? It is the simplest explanation.

I said I would try to make this short. With all do respect, I think Staff's Response was as well prepared as the applicants application. I am surprised at the recommendation to approve and that none of the points I made in my first letter were addressed or even commented on. Essentially the decision to approve was based on the applicants right to submit the application and not any of the criteria that are required for MRO approval.

If my last letter didn't have an impact I know this won't. With that said thank you for your time.

Respectfully

David Williamson
D: 509.653.1939 | C: 509.833.3409
HBQ INC. Horseshoe Bend Quarry

This e-mail is confidential and it is intended only for the addressees. Any review, dissemination, distribution, or copying of this message by persons or entities other than the intended recipient is prohibited. If you have received this e-mail in error, kindly notify us immediately by telephone or e-mail and delete the message from your system. The sender does not accept liability for any errors or omissions in the contents of this message which may arise as a result of the e-mail transmission.

From: Kent McHenry <kent@mchenry.us.com>
Sent: Friday, July 10, 2020 2:24 PM
To: Phil Hoge <phil.hoge@co.yakima.wa.us>
Cc: 'Kris Strutner' <kris@reclaimcompany.net>; randy@catonlandfill.com
Subject: Caton Mining Overlay

Phil:

Thank you for moving forward with the Mining Overlay request. There were a few topics that we felt required some clarification. Attached is a memorandum addressing those issues. Please let me know if you have any questions or require any additional information.

Sincerely,

Kent L. McHenry, P.E.
Project Engineer
Reclaim Company

7/10/2020 10:44:00 AM

DATE: July 10, 2020
TO: Yakima County Planning Commission
From: Kent McHenry, Reclaim Company - on Behalf of Caton Landfill and Kris Strutner
SUBJECT: LRN2020-00004/SEP2020-00004, 7/8/2020 Public Hearing

There were several items brought forward at the Public Hearing that we believe require some clarifications.

Hours of Operation: The statement was made that the Landfill was supposed to be open by appointment only. The land fill was approved to be open normal business hours and other times by appointment. The Land fill is currently open to accept materials from 7:30 AM to 4:00 PM Monday through Friday, and by appointment on Saturday.

Materials Accepted: The statement was made that the Landfill was supposed to only accept materials from within Yakima County and was now accepting materials from other counties. The Land use and SEPA approvals did not limit where the land fill material could come from. The Landfill is allowed to accept materials from anywhere, as long as they meet the criteria listed for disposal within a Limited Purpose Landfill.

Trucks: There were several comments regarding the operations of the trucks using the Landfill. The comments included excessive speed and failure to obey traffic control devices. All of the trucks using this facility are privately owned and are not under the control of the Landfill. We agree that these vehicles need to obey speed limit and traffic control laws. The enforcement of the laws are within the purview of the Yakima County Sheriff's Office. If individuals observe trucks violating any of these laws, they should contact the Sheriff's Office.

Increased Traffic: There were comments made about the increased traffic on Naches-Wenas Road. The requested Mining Overlay will not change the operations of the Landfill. This revision will allow the creation of the landfill cells and allow the sale of the excavated materials if they have any economic value. The removal of material will increase truck traffic by approximately 15 trucks per day. The addition of these vehicles will not exceed the capacity of the roadway.

From: Delaine Cowdrey [<mailto:mtcleman72@yahoo.com>]
Sent: Friday, July 10, 2020 9:15 AM
To: Thomas Carroll <thomas.carroll@co.yakima.wa.us>
Subject: #LRN2020-00004,SEP2020-00004 Caron & Strutner

To Whom It May Concern,

My name is Delaine Cowdrey. I live on Allan Road at 124 Legendary Lane, Naches, Wa. I am opposed to the Caton Landfill Dump. Our road, Allan Road, has an extreme amount of large truck traffic each day. The road is showing damage from excess traffic and has not been repaired in several years. The safety issues with this increased truck traffic are multiple. The intersection of Old Naches Highway & Allan Road does not have a clear sight for safely crossing the intersection. We now have a school in the immediate area with multiple buses and car traffic plus the traffic from people who live in the area each day who should have the right to drive safely and not be intimidated by the large trucks.

Most of the trucks going to the dump do not obey the speed limits on Allan Road. Because of their size they often drive over the center line as the edge of the road & shoulder have deteriorated from the constant high volume of large truck traffic. This causes a traffic issue for ordinary car traffic. Allan Road is a rural two lane road not built for the commercial volume of traffic that is now a common every day occurrence.

I believe that the Landfill should not be granted the new permit allowing for expansion. They have not honored previously granted permit conditions. I feel that the possible damage to surrounding land, water tables and road safety means that this expansion should not be allowed. I also feel that there should be a much closer supervision of what is being dumped at this landfill and how it is being handled.

Sincerely,

Delaine L. Cowdrey

From: Ed Shoenbach [<mailto:rtes@fairpoint.net>]
Sent: Friday, July 10, 2020 2:40 PM
To: Thomas Carroll <thomas.carroll@co.yakima.wa.us>
Subject: gravel mining

Mr. Carroll – please reconsider the approval of this "disastrous venture" to find gravel, that all the experts say, doesn't exist. The number of trucks and heavy equipment going up and down Naches – Wenas road will exponentially grow since we already have the Caton landfill, the RV Park and now this misguided and not scientifically supported search for gravel. Thank you for accepting emails and input from the folks that routinely use Naches – Wenas road.

Ed Shoenbach
President of Conrad Ranch Owners Association
President of Yakima Police Activities League

Cc: Alantombleson@gmail.com; 'Andrea Bengel' <jessesgirl@fairpoint.net>; Arlene Lanz <dicklanz1@hotmail.com>; BEE7474@aol.com; Candy Delagasse <candyd@elltel.net>; 'Ed' <edb1947@fairpoint.net>; 'Ed & Sue Baker' <suebaker@fairpoint.net>; George <george81373@hotmail.com>; ghigfour@gmail.com; Greg Lommers <greglommers@yahoo.com>; Greta Utigard <gretaloo@outlook.com>; Greta Utigard <gretaloo72@gmail.com>; Joe Davies <joe2davies@aol.com>; JoelJessi Geary <joelnjesgeary@gmail.com>; Kameron & Kevin Kirkevold <sagemeadows3@gmail.com>; kellyh@monsonfruit.com; Kim Clark <kimclark57@hotmail.com>; kimcruz689 <kimcruz689@gmail.com>; Kristina Sutherland <Kristinasumer84@aol.com>; Laura Reed <reedandrobles@icloud.com>; Linda Melseth <lmelseth@yahoo.com>; Mark Tombleson <powermwt@aol.com>; mrbuttrey@aol.com; n707mf@yahoo.com; 'Rich Phar' <turkeyrich@gmail.com>; Rick <saviowhaler@gmail.com>; Rick Watts <watts.rick@yakimaschools.org>; Ron Decker <rdecker@fastmail.fm>; sandilane500cr@gmail.com; Steven Shepherd <stevenvon.shepherd@gmail.com>; Suzie and Jim Hudson <szbrenner@yahoo.com>; Todd Gilbert <toddg@noelcorp.com>; Kyle Kosik <kkosik1@yahoo.com>; rtes@fairpoint.net

From: William Barber <redrocker82@live.com>
Sent: Saturday, July 11, 2020 9:58 AM
To: Planning_Info <Planning_Info@co.yakima.wa.us>
Subject: Rezone at Caton Landfill

Just found out that there was a meeting on Thursday night about Caton Landfill wanting to mine up the road from us. I live on Allan Road in Naches, WA and currently the amount of trucks going by is getting out of control, I have lived here for 16 years the road is crumbling on the sides from the heavy trucks going by daily, and they never follow the speed limit which is 35mph. It's only a matter of time before we have a serious accident because they are always over the double yellow line. I counted trucks on Friday we had 52 Trucks go by our house the road was never meant to handle that much traffic. What about Highway 12 and Allan Road are we going to get a stop light? The File Number is LRN2020-00004
Sorry for the late notice like I said I never received anything in the mail.

Thank You,
William Barber
30 Legendary Lane
Naches, WA 98937
509-952-3231

From: George and Diane Marcott <dgmarcott@fairpoint.net>
Sent: Tuesday, August 4, 2020 2:49 PM
To: Phil Hoge <phil.hoge@co.yakima.wa.us>
Subject: FW: Caton/Strutner Comprehensive Plan Amendment

Sent from [Mail](#) for Windows 10

From: [George and Diane Marcott](#)
Sent: Tuesday, August 4, 2020 2:39 PM
To: philhoge@co.yakima.wa.us
Subject: FW: Caton/Strutner Comprehensive Plan Amendment

Hello Phil, this was our initial online input for the Caton/Strutner project. We gave input on the public meeting phone call as well.. That included whether sage grouse habitat was considered in relation to this project. Since the public meeting, we have noticed an increase in truck traffic coming to the landfill. Since the first dump site started, we and other neighbors have noticed an introduction of different noxious weeds such as kochia. We just returned your phone and left a message for you confirming this input. Thank you, George and Diane Marcott

Sent from [Mail](#) for Windows 10

From: [George and Diane Marcott](#)
Sent: Wednesday, July 8, 2020 4:59 PM
To: philhoge@co.yakima.wa.us
Subject: Caton/Strutner Comprehensive Plan Amendment

Project: CRN2020-00004
Case #: SEP2020-00004

We do not support this project being approved. Our concerns are as follows:

1. What is the impact to our domestic ground water pollution?
2. What will be the county oversight? Will the public have access to those records.
3. The site works all hours of the night; not acceptable.
4. The Naches Wenas grade has historic use for exercising with children and animals. Current truck traffic makes it unsafe.
5. There is impact to the road and garbage that has fallen from trucks. What checks are in place to monitor what is being dumped?
6. We are down drainage from the current landfill and were not notified of this project.

George and Diane Marcott, PO Box 141 Naches, WA 98937
Rebecca and Chris Richter, 2910 Naches-Wenas Road, Selah, WA 98942

Sent from [Mail](#) for Windows 10

Julia Loudon

From: jillyearout <jillyearout@gmail.com>
Sent: Wednesday, July 8, 2020 1:09 PM
To: thomas.carroll@co.yakima.wa.us; Wendy Wickersham; webbankers@fairpoint.net; wicksbodyshop13@gmail.com
Subject: Objection to Proposal: JEP 2020-00004 1500 Naches Wenas Rd

I, Valerie Jill Yearout, Oppose the proposal to the rezoning for mining and expansion of Caton Landfill, 744.09 acres, adjacent to Murray Family Limited Partnership for which I am 1/4 owner. This proposal would:

1. devalue our property by limiting possible uses such as solar energy generation due to excessive dust production from heavy traffic of large equipment and removal of protective topsoil.
2. Devalue of our property due to excessive noise and dust production in rangeland used for cattle. Our property has been used for cattle rangeland for over 70 years. The excessive noise and excessive dust could deter the cattle from utilizing the whole range. Ranging the cattle has been an important part of maintaining balance of decreasing noxious weeds such as mustard and tumbleweeds and protection of indigenous bunchgrass.
3. Excessive wind in the Wenas Valley will cause even more dust storms if mining occurs in this proposed area which will assuredly decrease air quality for the residents on South Wenas Road, for which I live.
4. Runoff as they have explained in their proposal will continue through the natural ravines. I live at the base of one of the key ravines which will carry runoff to my house. The Caton Landfill was supposed to be strictly a construction landfill. I have seen many loads of items entering the landfill that are not of construction materials. And materials such as petroleum products (petrol, asphalt, etc...) will enter the ground water or be moved down the ravines with the natural drainage. Such noxious products are known carcinogens.
5. There are birdlife, wildlife, endangered species in the proposed area including not only burrowing owls, deer, coyotes, and several species of hawks. I have also seen first hand an increasing amount of short horned lizards (also known as horny toad lizards). These horned lizards are not extinct but listed as declining over the last few decades due to destruction of their native habitat. According to National Geographic, they were reaching endangered status in multiple states.
6. I live on South Wenas Road and the traffic of large dumptrucks has drastically increased since the landfill started. If this proposal is adopted, the traffic will increase? This is a rural road. It is maintained by the county as a rural road. The increase in traffic will deteriorate the road at a faster rate than currently. As well as the fact this is farm area with domestic and farm animals close to the road. This area is still Rangeland.
7. The hours of operation and truck traffic was initially supposed to be to a confined time during daytime hours. The truck traffic from Seattle Big Bertha project had been well outside these hours. They travelled back and forth in very early hours of the morning prior to daylight and sometimes middle of the night. I see the Reclaim dumptruck going by back and forth on South Wenas Road to Selah several times a day now. Much more than 15 loads a day at a high rate of speed.

I oppose the proposal of Caton Landfill expansion and rezoning. Thank you for your consideration on this subject. I would gladly answer questions you may have for me.

Sincerely Valerie Yearout
509-833-6316

cc: Wendy Wickersham, Pam Wickersham, David Murray, Jerrene Murray Yochim

From: Vickie [<mailto:viky423@aol.com>]

Sent: Monday, October 12, 2020 11:25 AM

To: Vicki Baker <vicki.baker@co.yakima.wa.us>; Phil Hoge <phil.hoge@co.yakima.wa.us>; Lisa Freund <lisa.freund@co.yakima.wa.us>; Jason Earles <jason.earles@co.yakima.wa.us>

Subject: Mineral Resource Overlay LRN2020-00004 Caton & Strutner

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments

Please see the attached letter concerning the Caton Landfill request. We are very concerned about the impact it will have on our community and especially roads.

Thank you

Vickie and Daryl Winters.

10/12/2020

Mineral Resource Overlay

LRN2020-00004 Caton & Strutner

To Whom It May Concern:

We would like to voice our concerns about the above request. We do not feel that the road conditions on Allan Road or the Intersection of Highway 12 and Allan Road is adequate for this expansion. We live on Allan the amount of traffic on this road has tripled in the last few years. The road is a narrow 2 lane road with not much side to it. A family member has already been severely injured in an accident on this road due to someone crossing the center line.

Between the warehouse traffic, the school traffic and traffic of dump trucks that are already going to Caton's it's extremely busy ...and they don't heed the speed limit. Throw in the intersection or Old Naches Hwy traffic and it's even worse. I noticed that there looks to be a cable on the road I would assume that is measuring the amount of traffic. If it is...it is not going to receive a correct measurement because the school is not in person at this time. There is still some traffic from the school...but NOTHING like it is when the kids are actually there and being dropped off or picked up and that is all day long Sept thru mid-June.

Another concern is that do we really need another gravel pit in the valley. There are already several. We don't want something to happen like it did up in the Nile or on the hillside between the upper and lower valley. Could it? We don't know and really do not want to chance it or something worse!

These are just a couple of the concerns we have...but they are the major ones. We appreciate your time.

Thank you



Vickie and Daryl Winters

From: Wendy Wickersham <wendywickersham@icloud.com>
Sent: Wednesday, October 14, 2020 11:57 AM
To: Planning_Info <Planning_Info@co.yakima.wa.us>; Vicki Baker <vicki.baker@co.yakima.wa.us>; Ron Anderson <Ron.Anderson@co.yakima.wa.us>
Cc: wendywickersham@icloud.com
Subject: Rezone to Add Mineral Resource Overlay LRN2020-00004, SEP2020-00004

From: Wendy Wickersham
Date: October 13, 2020 at 8:48:42 PM PDT
To: wendywickersham@icloud.com

Re: Rezone to Add Mineral Resource Overlay LRN2020-00004, SEP2020-00004 by Caton Strutner/McHenry

County Commissioners of Yakima County and County Planning,

Hi! My name is Wendy Wickersham and I am writing you this letter advise you to **completely vote against zoning change and expansion of the Caton Landfill at 1500 Naches-Wenas Road** in Naches WA by either Kent McHenry, Kristoffer Strutner (Reclaim Company), Jessica Strutner (Reclaim Company also may go by Jessica Connerton/Conerton), Charlotte Caton, Donald Caton, Jill Sullivan, Rick Caton, and/or Randy Caton.

The reason why they are going through the application process now, is because they were caught by Code Enforcement for illegally mining. According to DNR Mining specialist Rian Skov, they currently have 3 acres and 30 feet (number may be different now) of their previous mining permit in which to mine and use as landfill. So....they knew the law and proceeded to continue anyway without the proper paperwork. The law is the law and rewarding people for not following that law goes against the philosophies of our founding fathers.

I am very afraid of retaliation but feel that this is important enough to voice my opinion to you. I live down the road from the proposed mining zone change area of 744 acres. I read the SEPA application and saw that if they get the mining zoning change that they are applying for, then their next step is to proceed with an application to expand the landfill. They said "by potentially 10 million cubic yards" of additional debris. I am very afraid of the potential after effects of this for our future.

The roads around me that are used by both clients of the Caton Landfill and the public are being negatively impacted by the amount of additional tonnage exerted upon our roads by the trucks coming to dump at the landfill. This would be exacerbated by additional trucks for mining and expansion of the landfill. The edges of the roadway are disintegrating (crumbling) and ruts are visible as well. Come take a walk or drive out here and you will see what the current up to 50 trucks a day for the current landfill do to

the roads. Driving on the edge of the narrow roadways as a big truck passes is scary and has the potential for a large wreck as well. The taxpayers are responsible for this road repair. The roads around here were not made for this kind of weight.

My family is also negatively impacted as well. They own land bordering the proposed site and have to have a 500 foot setback on THEIR LAND, not the proposed site. This will result in DECREASED property values and decreased grazing land due to noise. Who will have to pay the price I ask? My family of course! This is completely unfair!

We are all worried about the future. Water is a hot topic here in Yakima and the potential for water contamination via runoff and seepage into the aquifer are possibilities. It might be okay now, but digging up the land and the potential of adding an exorbitant amount of landfill waste (which could include ASBESTOS a common building material from the 1900s which is a cancer causing carcinogen) is likely. Let's face it, if construction waste comes in, it would be difficult to go through every load with a fine tooth comb. Thus there is potential for contamination. Would you want that in your water or air if you were a neighbor?

Also, the rezone would open up the option for expanding the landfill in the future. This is a place that is used for not just Yakima's waste, but Seattle's as well. The waste from Big Bertha (tunneling machine) was brought here as stated by the Health District due to the fact that it was TOO ACIDIC for the west side to take. Big trucks can be seen coming and going to and from the landfill--so let me ask you this...is that really helping Yakima or just making it Seattle's dumping ground?

I urge you to vote NO on all the proposals to rezone/expansion the landfill both now and in the future. Thank you for your time.

Respectfully,
Wendy Wickersham

From: William Barber <redrock82@live.com>

Sent: Wednesday, October 14, 2020 8:36 AM

To: Lanna Toothe <lanna.toothe@co.yakima.wa.us>

Subject: RE: LRN2020-00004/SEP2020-00004 Caton/Strutner MRO and Concurrent Rezone to MIN

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Hello, My name is William Barber and I live on Allan Road. I am opposed to this proposal because the road traffic has increased so much in the last 17 years we have lived here. The road is crumbling away and the heavy trucks never do the posted speed limit of 35mph. It's only a matter of time before we have a major accident, they blow thru the curves into oncoming traffic all the time. You need to look at the maintenance on the road I know we are a low priority when it comes to road maintenance but the way the road is going it won't be very long until it's a major problem.

Thank You William Barber 30 Legendary Lane Naches, WA 98937 509-952-3231

Sent from [Mail](#) for Windows 10

From: Wes Morris [<mailto:wesm@triply.com>]

Sent: Tuesday, October 13, 2020 7:11 AM

To: Vicki Baker <vicki.baker@co.yakima.wa.us>; Ron Anderson <Ron.Anderson@co.yakima.wa.us>

Cc: Lisa Freund <lisa.freund@co.yakima.wa.us>; Phil Hoge <phil.hoge@co.yakima.wa.us>; Jason Earles <jason.earles@co.yakima.wa.us>

Subject: LRN2020-00004

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Good Morning, Please see attached letter in response to DNS letter we received dated 9/30/2020.
(pardon a few grammar errors its early)

Thank You,

Wes Morris

wesm@triply.com

Cell [509-728-1422](tel:509-728-1422)

October 13, 2020

Vicki Baker
District 1 Commissioner

Good Morning, My name is William Wes Morris and I live in Naches on E Allan Rd since 1998. The reason for this letter is our opposition to the propose rezone of the Caton landfill property, case LRN2020-00004. Over the years the Caton landfill has been less than a good neighbor and has stretched or out and out disregarded the conditions of their original CUP for the landfill. Here is a list of reasons why we do not want this rezone approved,

1. The intersection of Allan road and the old highway has poor line of sight and has been the location of numerous accidents and will only increase with higher truck traffic.
2. The Naches Wenas grade is not well suited for the heavy truck traffic and increased vehicle traffic due to the ongoing development in the Wenas area.
3. Compounding this safety risk, I have witnessed on several occasions trucks speeding down Allan road in both directions.
4. This route is also a high school bus traffic road and poses a risk to the children that are on the busses.
5. Caton landfill has been sited for numerous violations (see attached) and has disrupted the residents along the route with their disregard to operating hours. I personally have seen and heard many trucks over the years as late as 9:30 at night. Many using "Jake Brakes" as they come down the grade to Naches.
6. Caton landfill continues to illegally mine from that site and openly advertises topsoil for sale on their website. <http://www.catonlandfill.com/> . Do they have a mining permit we are not aware of?
7. The Washington State DNR has identified the mining overlay for Yakima County and Caton landfill is clearly not in that overlay. (see attached) We do not need that resource in our county. As a general contractor who uses the types of materials, they offer I have not experienced a shortage from my current suppliers.
8. Caton Landfill is currently competing on projects to supply material against the other businesses that have followed the rules and spent the time and money to be legitimate suppliers.
9. With trucks coming and going off hours who is watching them for what they are dumping in the ground? It seems the rules are not of concern to them or we would not be where we are now.
10. The roadway has deteriorated significantly from the increased truck traffic, fruit truck traffic on the upper stretch of Allan Rd and the Wenas grade is insignificant. This damage is mainly due to Caton landfill.

Probably my most frustrating issue is the apparent lack of respect for our county regulations and laws. I work with Yakima county on a regular basis obtaining building permits for our customers. It takes a significant amount of time and resources to comply with the laws and requirements of the county planning and building department. I understand why there are rules and make a sincere effort to meet them, sometimes to the frustration of my customers who might not agree how necessary they are, but the rules are the rules and we make every effort to comply.

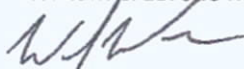
I am confused as to why an operation is continued to operate outside the laws and rules set forth by the county? They openly sell materials from that site, the yellow trucks owned by Mr Strutner were running the other night back and forth and were empty going in and loaded coming out. How does this continue? Building structures without a permit? As a contractor who goes through the process on a regular basis, I hope there was a significant fine for a business to knowingly break the rules.

I have attached information that clearly shows this business has not met the requirements of previous permits and should not be granted any further permits and possibly revoke their current CUP due to the numerous violations and complaints.

Please consider these issues in your decision on this application.

Sincerely,

William & Lorene Morris



105 E Allan Rd
Naches WA ,98937
509 728 1422
wesm@triply.com



Public Services

128 North Second Street - Fourth Floor Courthouse - Yakima, Washington 98901
(509) 574-2300 1-800-572-7354 FAX (509) 574-2301 www.co.yakima.wa.us

LISA FREUND Director

NOTICE OF VIOLATION, NOTICE TO IMPOSE MONETARY PENALTIES AND NOTICE OF INTENT TO REVOKE

September 14, 2020

James & Charlotte Caton
Jim & Charlotte Caton
1251 Humphrey Road
Tieton, WA 98947

Harvest View Estates LLC
Charlotte Caton
Donald Caton
Jill Sullivan
Rick Caton
Randy Caton
1251 Humphrey Rd
Tieton, WA 98947

Jim Caton
1251 Humphrey Rd
Tieton, WA 98947

James & Charlotte Caton
Jim & Charlotte Caton
1500 Naches-Wenas Road
Selah, WA 98942

Kristoffer & Jessica Strutner
Reclaim Company
PO BOX 4136 Yakima, WA.
98904

Re: Premises located at: 1500 Naches-Wenas Road, Selah, WA 98937
1574 Naches-Wenas Road, Selah, WA 98937
Tax Parcel Numbers: 171401-22003, 171402-11003, 171535-44404 and
17153541401
Case Number: COD2020-00118

Legal description of 171401-22003: That part of Sections 1 and 2, Township 14 North, Range 17 East W.M. Described as follows: Beginning at the Northwest corner of said Section 1; thence South 89°37'40" East along the North line of said Section 1 a distance of 1053.39 feet; thence South 06°13'00" East 387.01 feet; thence South 28°28'00" east 535.00 feet; thence South 02°54'00" East 680.00 feet thence South 01°00'00" West 550.00, thence South 12°23'00" West 935.00 feet, thence South 16°50'00" East 550.00 feet; thence South 89°32'00" West 1860.00 feet; thence North 10°40'00" East 885.00 feet; thence North 14°17'00" East 1030.00 feet, thence North 07°07'00" East 690.00 feet, thence North 04°04'00" West

a Observed Violation(s)

Please be advised that the Yakima County has determined that two separate violations of Yakima County Code (YCC) Title 19 exist at the above reference parcels.

i. **Illegal Mining**

Use of parcels 171535-44404, 171402-11003, and 171401-22003, which are currently zoned Rural-10/5 (R-10/5), for mining activity as defined in YCC 19.01.070(13). This includes, but is not limited to, establishment of a mining site/operation, mineral processing, stockpiling, and removal and sale of topsoil, sand and gravel excavated as part of the approved landfill operation is not authorized under YCC Title 19, as well as your existing Special Property Use permit (SPU1997-11)¹ and the associated SEPA Determination of Non-significance (ER1997-22)².

YCC Title 19.30.020(1) clearly states that no use, development or modification to a use or development, as those terms are defined by this Title, may be established, placed, performed, constructed, made or implemented, in whole or in part without the issuance of a project permit by the Reviewing Official. The mining activity currently being conducted on your property clearly falls within the mining related definitions found in YCC Title 19.01.070:

- Mineral Resources: "Mineral resources" means rock, gravel, sand and metallic and non-metallic substances of commercial value.
- Mining: "Mining" means all or any part of, the process involved in quarrying, mineral extraction, crushing, asphalt mixing plants, concrete batch plants, or other uses of a similar nature, but does not include petroleum or natural gas exploration or production.
- Mining site/operation: "Mining site/operation" means a tract of land and the operations necessary to excavate, process, stockpile, or remove materials such as sand, gravel, aggregate, rock or other mineral resources. The retail, wholesale, contract purchase, or transfer of mineral products is within the scope of this definition. For purposes of this Title, the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g. residential subdivision, commercial development, etc.) does not constitute a mining site/operation, if: processing of the material does not occur on the property; the activity is completed quickly, does not occur over an extended period of time, and on-site stockpiles are fully depleted; and a

¹ Special Property Use Permit (SPU1997-011) approved by the Yakima County Hearing Examiner on August 21, 1997.

² SEPA Determination of Non-Significance (ER1997-022) issued on May 6, 1997 by the SEPA Responsible Official Richard Anderwald.

Excavation of earthen materials beyond what is needed for required coverage of the approved landfill is a violation of your land use permit (SPU1997-11) and your SEPA Threshold Determination (ER1997-022).

2. Number of Truck Trips

The above referenced SEPA Checklist, Planning Department's Staff Report and Hearing Examiner decision each indicate that the anticipated truck traffic (120 trips per week) would only result from activities associated with the disposal of inert/demolition waste in the approved landfill. Any additional truck traffic related to non-permitted mining activity is a violation of your land use approval (SPU1997-11) and your SEPA Threshold Determination (ER1997-022).

3. Noise and Dust

The above referenced SEPA Checklist, Planning Department's Staff Report and Hearing Examiner decision each indicate that the noise and dust impacts would only result from activities associated with the disposal of inert/demolition waste in the approved landfill. Any additional noise or dust generators (i.e. excavators, crushers, screeners, etc.) related to non-permitted mining activity is a violation of your land use approval (SPU1997-11) and your SEPA Threshold Determination (ER1997-022).

iii. Violation of YCC Title 19

Use of parcels 171535-44404, 171402-11003, 171401-22003 and 171535-41401 which are currently zoned Rural-10/5 (R-10/5), for the use of heavy construction equipment storage, maintenance, repair and contracting services (i.e. construction, mining and trucking related equipment) is prohibited in the R-10/5 zoning district.

b. Code Enforcement History

This property has been involved in numerous code violations over the past decade.

- COD2009-00375 - Excess truck traffic and violating hours of operation.
- COD2010-00012 - Excess truck traffic and violating hours of operation.
- COD2013-00327 - Excess truck traffic and violating hours of operation.
- COD2019-00119 - Failure to obtain building permits.
- COD2019-00147 - Illegal Mining.
- COD2019-00305 - Illegal Mining Activity - Stockpiling.
- COD2020-00118 - Unpermitted Structure.

Under COD2019-00305, Yakima County provided the property owner (Strutner) with a Request for Voluntary Compliance on October 23, 2019 in an effort to seek compliance. Under COD2019-00147 Yakima County Public Services provided the property owner (Caton) with a Notice of Non-compliance on



(separated)



\$9.00 per yard

Spent CA Lime



Soil For Sale

Sub Soil - \$9.00 per yard

Top Soil - \$10.00 per yard

*FROM
CATON
WEBSITE*



Wooden Bins

Empty Wooden Bins - \$2 each

Wooden Bins Filled - \$7 each (filled with wood only)

by Stephen P. Folstein, James L. Peckham, and Chris N. Johnson

November 2021

[illegible]

1. **Rechnen Sie nachfolgendes Integral mit Hilfe der Substitutionsformel aus:**
2. **Rechnen Sie das Integral mit Hilfe der partiellen Integration aus:**
3. **Bestimmen Sie das Integral mit Hilfe der Partialbruchzerlegung:**

Subcategory	Estimated percentage of respondents	Estimated percentage of respondents
Low-level management (no formal title or grade)	10%	10%
Mid-level management (no formal title or grade)	10%	10%
High-level management (no formal title or grade)	10%	10%
Senior management (no formal title or grade)	10%	10%
Executive management (no formal title or grade)	10%	10%
Senior management (no formal title or grade)	10%	10%
Executive management (no formal title or grade)	10%	10%

[illegible]

described "using research and analysis" to "identify problems, develop solutions, and implement programs" (The Jewish Federation of Greater Houston is a member of the Jewish Council on Public Affairs, a national organization that promotes Jewish community development and social action). The Federation's research and analysis is based on a variety of factors, including demographic, economic, and social trends, as well as the needs and interests of the Jewish community. The Federation's research and analysis is used to develop programs and services that address the needs of the Jewish community, such as education, social services, and religious programs. The Federation's research and analysis is also used to advocate for the needs of the Jewish community at the local, state, and national levels.

[illegible][illegible][illegible][illegible][illegible][illegible]

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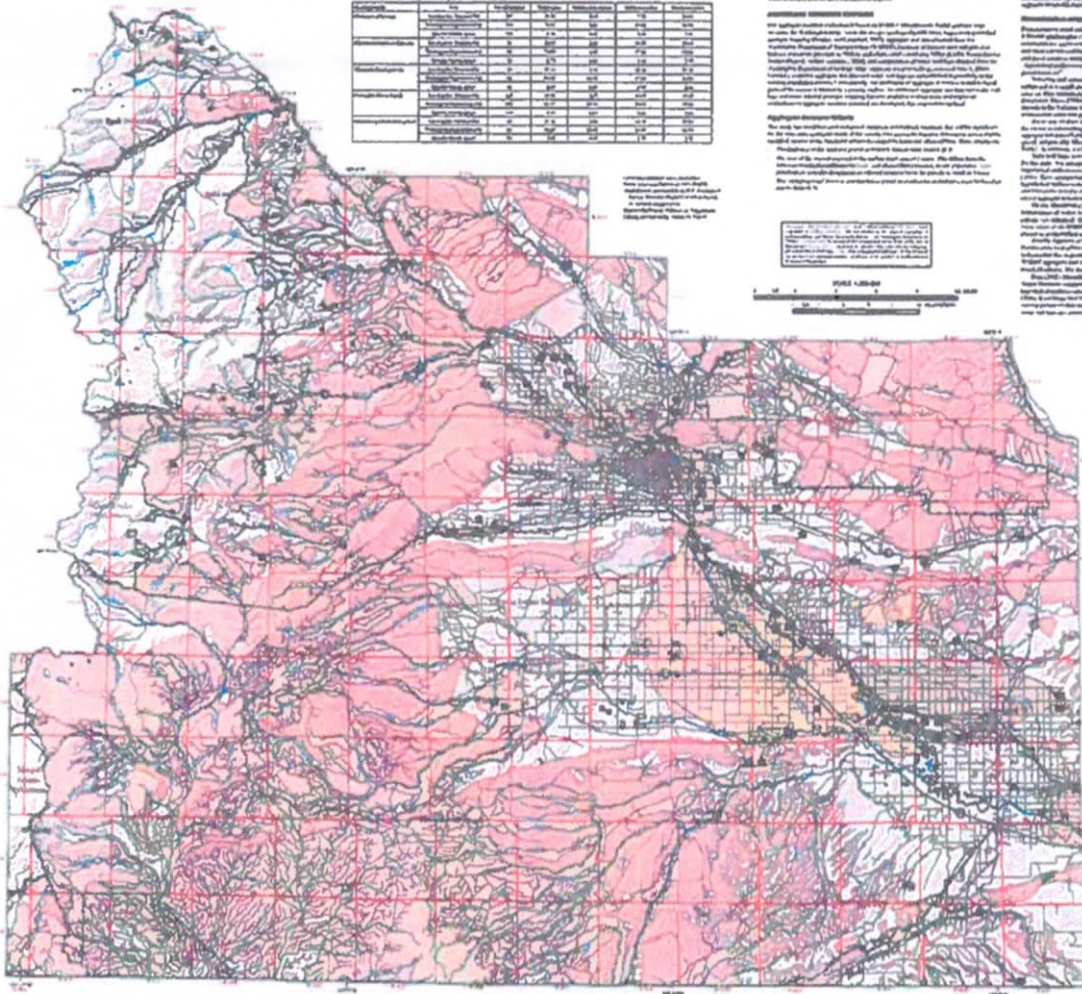
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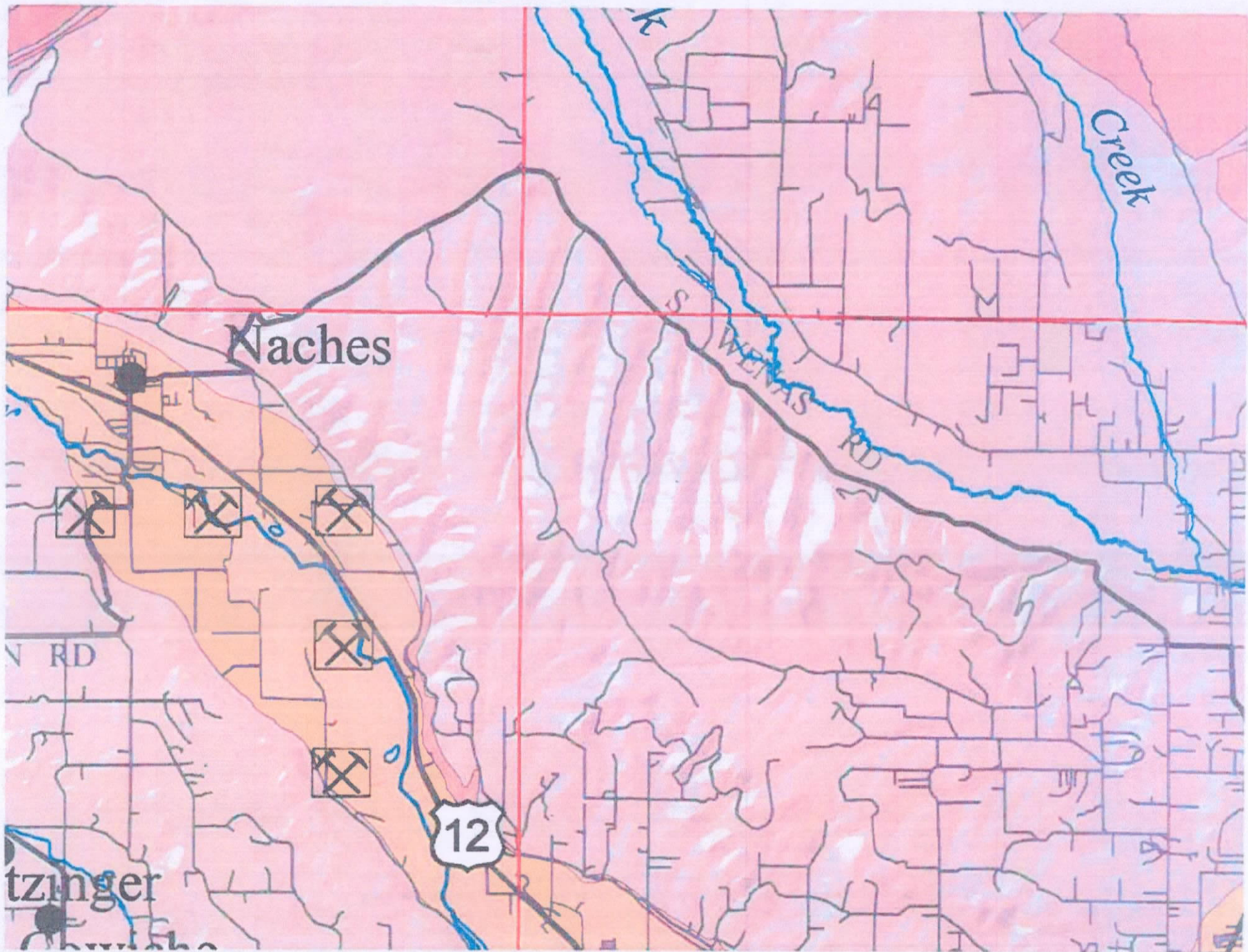
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April 21, 2020

Yakima County Planning Division
128 N. 2nd St.
4th Floor Courthouse
Yakima, WA 98901

Public Services 

APR 23 2020

Lisa Matt David Lynn
Harold Carmen

Re: LRN2020-00004 & SEP2020-00004

Dear Planning Division:

We are writing to protest the amendment and concurrent rezone of the property contained within the proposal. As we understand it the Caton/Strutner Comprehensive Plan Amendment and Concurrent Rezone will continue the use of the property as a landfill and also add to it a mining operation to make room for more landfill.

We have grave concerns with some items listed in the proposal:

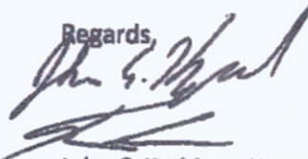
- Truck traffic- It is listed on the SEPA Environmental Checklist that there would be 15 trucks per day during normal working hours but could be more. I have witnessed at least that many trucks in one day for just the use of the landfill. How many more trucks will there be for the top soil, fill material, sand and gravel?
- Normal working hours- This term is used in the proposal but is not defined. If this goes forward it has to be defined because of the disruption of noise from the site and the truck traffic on the road. Trucks have accessed the landfill site all days of the week and all hours of the day because they said that as long as they had a "Scheduled Appointment" that they were not bound by any "Normal Working Hours". This is not acceptable.
- Road condition- Since the Caton landfill was put in the condition of the Naches Wenas Rd. and Allan Rd. to Hwy. 12 has worsened. It is very uneven and parts have crumbled. There has been some patch work done but it is still getting worse. Is the County prepared to bring this road up to a standard to be able to support the increased heavy truck traffic?
- Safety- The Intersection of Naches Wenas Rd. and Allan Rd. across Old Naches Hwy. is a two way stop. Traffic coming down the hill on Naches Wenas Rd. must stop and traffic coming up the hill on Allan Rd. must stop. This is a dangerous intersection because of trucks coming down the hill and stopping at the Intersection and also trucks coming up the hill to the intersection and stopping and then having to start on the hill. I have witnessed trucks not stopping in both directions and ignoring the stop signs. We are concerned that this is not being addressed and will not be addressed until there is a major accident.
- Expansion of site- The expansion of the site will be five times larger than the original site. Increasing the size of the site to 744 acres would bring it to something larger than the Terrace Heights landfill (480 acres) and a little bit smaller than the Cheyne landfill (960 acres). I know that this landfill, at this time, is not the same as the Terrace Heights and the Cheyne landfills but the Caton landfill has already been changed from a Demolition Landfill to a Limited Purpose Landfill and now it is wanting to be changed again. We do not need or want a garbage landfill in this area.
- Blasting- I am assuming that blasting will be done to be able to remove the rock for processing. Do we truly know what affects that will have on the surrounding land and rock formations? We

have had two other mining operations closed because of unstable ground and landslides. One of them was not very far from this landfill.

- Animals that will be affected- There were no animals listed that have been observed on or near the site or are known to be on or near the site. There are many bird species that use this area, Deer, Elk, Coyotes and many more above and below ground animals.
- Noise- There is still times that trucks coming down the hill on Naches Wenas Rd. that are using compression braking. This is not acceptable for the residents in this area.
- Farmland- It is stated that it is no longer used for farm land. It is good soil in many places but without water it is not productive. The Horizon 2040 is mentioned as a reason that this proposal should go forward. There are other areas that even with water the land would not be able to be farmed. Those are the areas that need to be looked at to be used for landfills and mining not this one. We may need this land in the future to help sustain our children and grandchildren.

Thank you for your consideration in this matter.

Regards,



John & Kathleen Koempel
740 Allan Rd.
Naches, WA 98937

Yakima County Planning
128 North Second St
4th Floor Courthouse
Yakima Wa 98901

Public Services ()
APR 22 2020
Matt David Lynn
Harold Carmen

Application LRN2020-00004 & SEPA 2020-00004

Mr. Phil Hoge and Mr. Nathan Paris,

The residents along Allan road have endured weekend and late evening truck traffic, trucks frequently use 'Jake Brakes' coming down the hill and Allan road. The original permit was by appointment and apparently that meant any time day or evening. I have video of trucks not stopping at the stop sign one evening back at the original permit objections. The condition of Allan Road has suffered due to the current truck traffic along with all of the residents along it.

At least their business hours must be limited to normal operating hours. They also should pay for the repair of Allan RD. Why should the taxpayers pay for the upgrading or maintaining a road that mostly benefits one business? I have lived on Allan road since 1998 and the road only started to deteriorate after the landfill opened.

The Landfill operators and truckers have not been good neighbors or good for our community. They continue to operate on weekends and evenings in a disruptive manner and push the "rules" of their original permit.

The county has a responsibility to ensure the safety- Frequent blown stop signs- the harmony of the community- Jake brakes at 9:00pm on weekdays and weekends- and accountability for unusual damage to roadways not designed for the heavy traffic they are proposing. The intersection at Allan rd and the Old Naches Hwy has a record of accidents you must consider when approving this amount of traffic and how the intersection line of site is inadequate. Approving the increased traffic will increase the hazard and you are responsible to mitigate that hazard by either not approving this or updating the intersection, regardless of legally you have a moral obligation.

Sincerely,

William & Lorene Morris
105 E Allan Rd
Naches, Wa 98937



P.S my notice was delivered to the wrong address , I will contact the assessor's office to correct it

Phil Hoge

From: Planning_Info
Sent: Monday, April 13, 2020 7:59 AM
To: Phil Hoge
Subject: FW: LRN2020-00004 & SEP2020-00004

Phil
This is a comment for one of your cases.
Thanks
Judy

From: Craig Carroll <craigmollyc@gmail.com>
Sent: Saturday, April 11, 2020 6:41 PM
To: Planning_Info <Planning_Info@co.yakima.wa.us>
Subject: LRN2020-00004 & SEP2020-00004

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

This is in reference to changing land use to mining. I have two major concerns, first is what type of mining do they want to do and second how will this effect the quality of our well water?

My name is Craig Carroll and my address is 8094 old Naches hwy, Naches wa. 98937

Phil Hoge

From: Eva Rivera
Sent: Monday, April 13, 2020 12:08 PM
To: Phil Hoge; Nathan Paris
Subject: FW: LRN2020-00004/SEP2020-00004 - Caton/Strutner MRO and concurrent rezone to MIN
Attachments: LRN20-004_SEP20-004 Notice of Application, Environmental Review, and Future Hearing.pdf

From: Jessica Lally <Jessica_Lally@Yakama.com>
Sent: Monday, April 13, 2020 9:36 AM
To: Eva Rivera <eva.rivera@co.yakima.wa.us>
Cc: Corrine Camuso <Corrine_Camuso@Yakama.com>
Subject: Re: LRN2020-00004/SEP2020-00004 - Caton/Strutner MRO and concurrent rezone to MIN

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Hi Eva,

Yakama Nation would like to see these parcels surveyed for cultural and archaeological resources prior to any new zoning that would allow mining expansion.

Thank you.

Jessica Lally
Yakama Nation Archaeologist
Cultural Resources Program
509-865-5121 x4766



April 21, 2020

Yakima County Planning Division
128 N 2nd St., 4th Floor Courthouse
Yakima, WA 98901

Subject: LRN2020-00004 & SEP2020-00004

This letter is in response to the application filed by Kent McHenry of Reclaim Company.

The Applicant has applied to add the Mineral Resource Overlay (MRO) to 744 acres of land surrounding and including the Caton Landfill. His Reasoning is the need to excavate cells at the Caton Landfill for disposal of construction materials. As it is now the Caton Landfill can do all the excavation needed for cell construction, but the material excavated is required to remain on site to cover the waste material after the cell is filled in accordance with their current permit according to Yakima County Planning. The waste material to date has been deposited in a canyon without the need for cell construction, satellite photos aside topographical maps will show this as well as much remaining area for disposal. Furthermore 30 acres of the proposed 744 acre area is owned by Kris & Jessica Strutner who have no association with the Caton Landfill and no reason to be part of this application.

The applicant attempts to make the case that high-quality sands exist within the proposed 744 acre area, however no evidence is given to back up this claim. On the contrary, no high-quality aggregate or sand in any quantity exists in the proposed area. Included at the end of this document is a map of Rock Aggregate Resource Lands Inventory for Yakima County provided by the Department of Natural Resources. This map was used by the Yakima County Mineral Resource Task Force when mineral resource overlays were originally adopted and all sites selected were in the high quality and quantity designations show on the map. As shown on the map no Bedrock, Sand or Gravel exist anywhere near the proposed site. There is a reason concrete aggregates and sand come from river channel areas and not upland mud flows. High quality concrete sand typically comes from high quality rock which is ground down by natural causes most of the time by flowing water. Again no high quality mineral resource exists on this site, which is a requirement of the Horizon 2040 Plan prior to designation of a mineral resource overlay.

The applicant states "There has been a reduction in the availability of Sand and Gravel Materials in the Yakima Valley." He then cites an out of date report – Information Circular 92 from the Department of Natural Resources – dated April 2001. The citation is taken verbatim, it states the Yakima Quadrangle which includes Kittitas County would be depleted of Concrete Aggregates by 2003, did this happen? No

of course not, since then Central Premix has expanded to a new pit near Moxee giving a life of 45 to 50 years until depletion. Wheeler rock has also opened a massive sand and gravel operation with many decades of reserves. Wapanish Sand and Gravel is another, as well as Ellensburg Cement Products which has acquired additional sources of concrete aggregates in Kittitas County.

He also misinterpreted the report stating that the change in source materials from alluvial to upland has contributed to the depletion of the concrete aggregate sources. The authors meant the opposite, quarries such as Horseshoe Bend have filled the need for crushed aggregates such as road base and driveway gravel that had previously been supplied by Concrete Aggregate sources. Now, the focus for gravel pits has been to preserve concrete aggregate for concrete purposes instead of using it for road base and gravel driveways etc. giving further longevity to these concrete aggregate sources. To add, if the applicant would have scrolled down to the very end of the report he would have found the same map provided by DNR showing there is no Bedrock, Sand or Gravel in the proposed 744 acre area or anywhere close.

My background with the MRO began with attending meetings of the Mineral Resource task force in the early 2000's. Steve Erickson and Tommy Carroll were members of this task force along with many from the mining industry. The purpose of this task force was to provide and ensure that the county had a fifty year reserve of mineral resources. The 744 acre area proposed by the applicant was brought up during this process and identified as a mud flow containing no high quality mineral resources by Tom Ring a geologist with the Yakima Nation. Thus, this site was specifically excluded from the mineral resource overlay district.

Addressing the Statement of the applicant that the approval of this project is consistent with the Horizon 2040 plan, the proposal does meet one of the mapping criteria in the Horizon 2040 plan which is Access Suitability. However virtually every other criteria is not met. Please see criteria below with comments added:

Horizon 2040 Land Use Element

Mapping Criteria:

*The actual location (area of deposition) of the mineral resource is the primary factor in determining the future location of a mining site. Other factors that influence the location of a mineral resource area include: **quality of the resource, volume of the resource, access suitability, the compatibility with existing or planned land uses, and the proximity to existing or planned market areas.** The following designation/mapping criteria are based on Chapter 365-190-070 of the Washington Administrative Code – Minimum Guidelines to classify Agriculture, Forest and Mineral Resource Lands.*

1. Quality of the Mineral Resource

- a. The quality and type of the mineral resource at the potential site must meet current/and or future project and/or specifications.***
- b. The quality and type of the mineral resource must satisfy the markets current and/or future demands.***
- c. The potential site must be within the DNR identified mineral resource lands.***

Comment- In this case a specific project is not being considered so (a.) is not applicable. The quality of the resource is not established or present so (b.) is not met. Most importantly the potential site is NOT within the DNR identified Mineral resource lands as seen on the provided DNR map.

2. Volume of the Resource

- a. *The volume of the available mineral resource at the potential site, on single or contiguous parcels, should be feasibly marketable by a mining operation to supply the market demands.*
- b. *The volume of available mineral resource at the potential site should be of sufficient volume to meet the following minimum requirements;*
 - i. *Thickness of the sand, gravel or bedrock deposits that exceed 25 feet.*
 - ii. *The "Stripping ratio" (ratio of overburden to resource) is less than one to three.*

Comment- No resource exists and no market demand would require it anyways, the demand is currently met. The stripping ratio does not meet the mapping criteria as well with the overburden being the vast majority of the material.

3. Access Suitability

The potential mineral resource site must have access or potential access to public and/or private roads that are suitable for truck traffic and/or are capable of supporting the level of expected traffic.

Comment- With the current Caton Landfill and Monson Fruits Cherry orchard (100's of acres) the truck traffic especially at certain times of the year is maxed out on the shared two lane rural county road. Additional truck traffic could pose a problem.

4. Compatibility with Present or Planned Use Patterns in the Area

General land use issues in the resource area to consider;

- a. Surrounding parcel sizes and surrounding uses;
- b. Subdivision or zoning for urban or small lots;
 - i. Designated mineral lands should not be located adjacent to any zoning district boundary that has a minimum lot size greater than 1 dwelling units per 5 acres, where doing so would create a non-conforming setback distance.
 - ii. Designated mineral resource lands should not be located in any zoning district that has a minimum lot size of 1 dwelling unit per 5 acres.
- c. Sites located in or adjacent to UGA boundaries;
 - i. Mineral resource lands should not be designated in existing Urban Growth Areas.
- d. Proximity to public facilities;
- e. Sites located within inconsistent zoning districts;
- f. Sites located within publicly owned lands;
- g. Sites within other natural resource designated areas.

Comment- Compatibility with present or planned land use patterns in the area should also be considered. Adjacent to the site (west) are several future home sites owned by Harvest View Estates. One of the proposed parcels contained in this proposal 171402-11003 is owned by Harvest View Estates. Adjacent to the north is a planned RV park/Trailer park owned by Naches RV Properties LLC. Along with the MRO comes a 500 foot setback from the designated area. This means no development is permitted within 500' of the mine area which would render the surrounding properties including those to the North and West un-useable for development within this buffer. Monson Fruit also owns hundreds of acres of cherry orchards less than 1000 feet from the proposed project area. Agricultural (AG) zoning is consistent with the surrounding area, not Mining (MIN).

5. Proximity to Existing and Planned Market Areas;

The site must be located within an economically feasible radius from existing and planned market areas.

Comment- The proposed site is located in a rural area with low population density, the market is largely the Selah and Yakima areas which already have concrete aggregate sources located in closer proximity.

The following are excerpts taken from a letter from Yakima County Planning to an appraiser Stephen Shapiro in 2014 regarding the MRO designation;

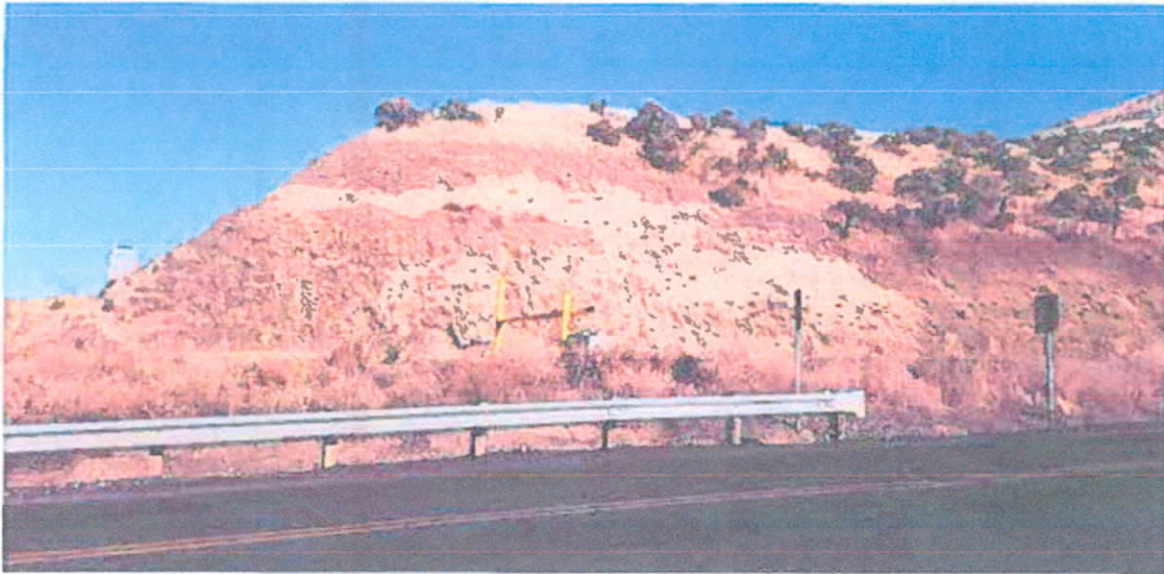
As a beginning point, Yakima County engaged in an exhaustive effort under Growth Management Act (GMA) to identify and designate mineral resource sites. The Focus was to provide and protect mineral resources that are sufficient to provide inventory for a 50-year planning horizon. The designations were a product of an extended and cooperative public review process.

Objective: Designates sufficient existing size in future area to ensure a 50 year supply of aggregates, sands, gravels and rock-based on the following criteria:

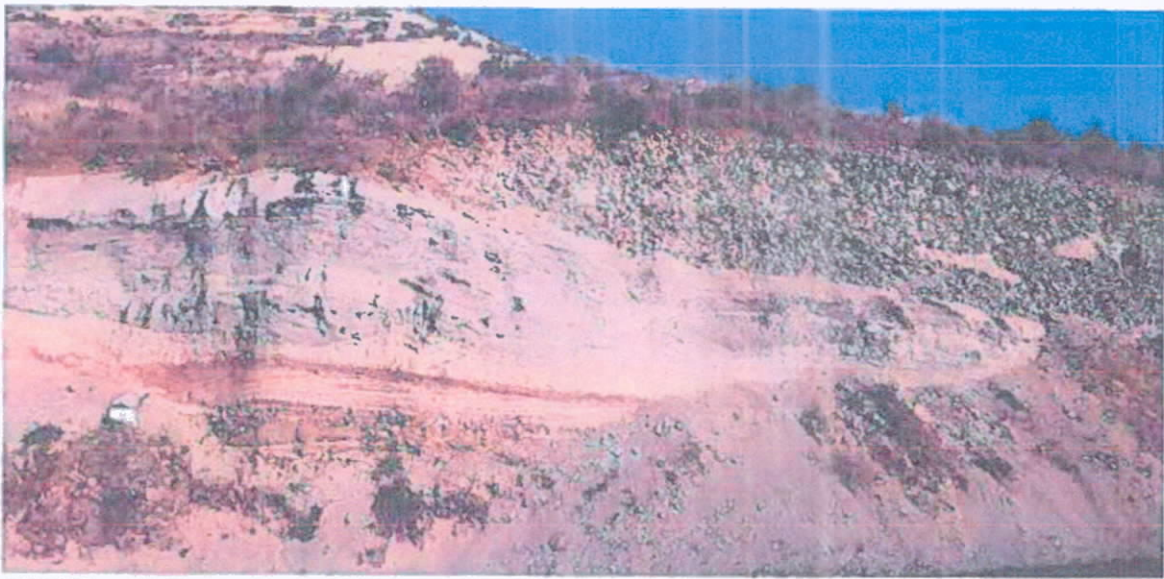
- 1. Quality of the resource;*
- 2. Volume of the resource;*
- 3. Topographic Characteristics of the site;*
- 4. Access suitability;*
- 5. Compatibility with land use patterns in the area; and*
- 6. Proximity to urban and rural settlement markets*

A primary consideration in any requested amendment is the public "need" for additional mineral resource sites. If mineral resources are available from existing sites, it is highly unlikely that any additional resource overlays will be allowed by the County.... Yakima county looks favorably upon expansion of existing mines when there is a need for additional aggregate resources.

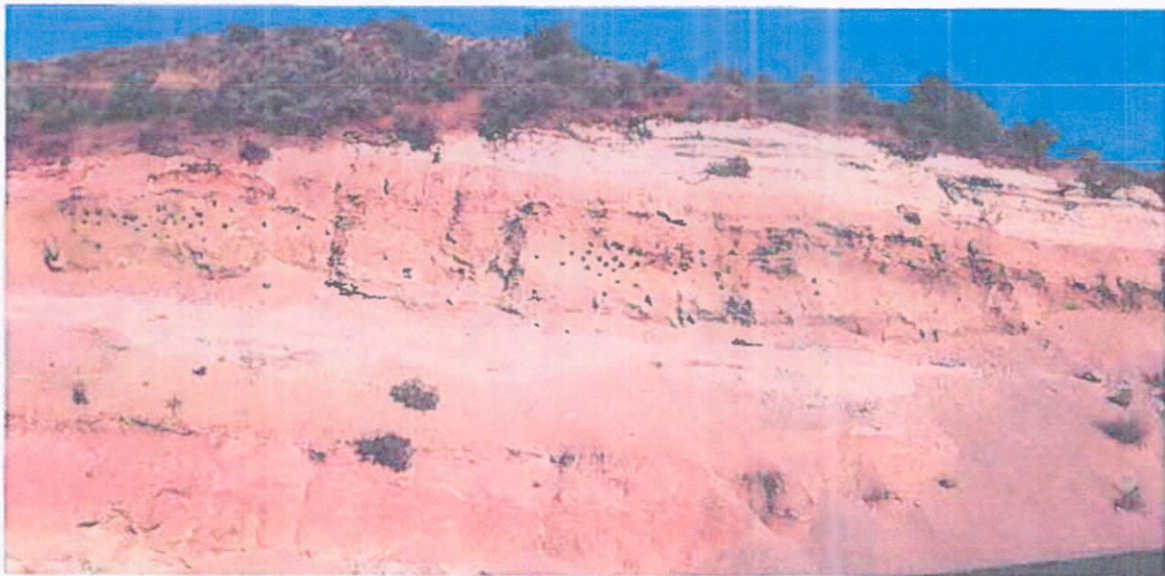
Below are photos of cut sections of the ridge which comprises the proposed project area, each photo is at differing elevations.



1550' Elevation



1600' Elevation



1700' Elevation



1800' Elevation



1850' Elevation

As seen from the photographs the only existing aggregate material consists of 4 foot layers at the 1850' mark and the 1600' mark. The rest is clay and *Caliche* which is a hardened cement of calcium carbonate that binds other materials such as sand clay and silt. It is exceedingly difficult to excavate and provides no use in any aggregate or concrete production application. The geologists in the 2001 report cited by the applicant states that the very minimum layer of sand gravel or bedrock that satisfies the threshold of significant resource is 25 feet, this also coincides with the Horizon 2040 plan. I spoke with the drilling company Yellow Jacket Drilling Services who are drilling a water well at the RV/Mobile home park adjacent to the north of the proposed project. They were at 100 feet in depth and had hit clay material

and 1/16 inch granular silt from the surface to the 100 foot depth. Given the elevation, it is equivalent roughly to 200' of depth at the proposed site. No mineral resource of commercial significance exists.

So there exists no high-quality bedrock, sand or gravel at the site. There is no need for additional aggregate resources, with many new sources being opened in the past 5 years alone. This includes a new source permitted by the applicant on parcel number 161423-23001 where the applicant gives his own reserve estimate at 3 million cubic yards and 30 years. Granite Construction is going through a massive expansion process in East Selah as well as Horseshoe Bend Quarry which is permitting an additional 50 acres to the Northwest and 186 acres to the East. As mentioned Central Pre-Mix opened a 45-50 year sand and gravel source, Wheeler rock opened a massive sand and gravel operation, Wapanish Sand and Gravel, most importantly Yakima County on April 7th 2020 just approved a 181.26 acre Sand and Gravel quarry – CUP2019-00009/SEP2019-00007/CAO2019-00002 Ulises Perez, Rannulfo Perez. This adds significant sand and gravel reserves to Yakima County near population centers and did not need an amendment to the comprehensive plan because the parcels had the MRO designation and were considered resource lands of long term significance by the Mineral Resource Task Force. It would be detrimental to the existing mineral resource sites to add a site that was specifically left out of the mineral resource designation when sites were first established.

Yakima County has sufficient Sand, Gravel and Bedrock resources for the long term as set forth by the Mineral Resource Task Force and adopted by the Yakima County Commissioners. All types of Sources (Sand, Gravel and Bedrock) have expanded to meet the long term demands of Yakima County as well as additions of new permits on designated mineral resource land. The Caton Landfill has no need for cell construction, if it did, it is currently allowed to do so. However all material excavated must remain to sufficiently cover the debris material as stated in their permit. Absolutely no resource of long term significance exists within the 744 acre proposed site worth designating MRO, as seen on the Department of Natural Resources Resource Lands Inventory for Yakima County which is the primary mapping resource for minerals. There is nothing about the proposed site that is consistent with the Horizon 2040 plan. If Yakima County was to approve the applicants poorly constructed proposal comprised of fact less claims and inaccurately interpreted reports, it would open the flood gates for others to designate properties which do not meet the criteria. Not to mention the devaluation of the surrounding properties from the proposed site to HWY 12, unneeded traffic increase and adverse environmental impacts.

Planning Staff and the Planning Commission should deny this unneeded request by the applicant.

Attachments;

https://services3.arcgis.com/9Qz94N8Zml9hnG84/arcgis/rest/services/Permits_ViewLayer/FeatureServer/0/414922/attachments/2023

https://services3.arcgis.com/9Qz94N8Zml9hnG84/arcgis/rest/services/Permits_ViewLayer/FeatureServer/0/415934/attachments/273

https://www.dnr.wa.gov/Publications/geric92_sand_gravel_bedrock_yakima_100K.pdf

Sincerely,
David Williamson
HBQ Inc. / HBQ Land Co. LLC/ Miocene Resource

Rock Aggregate Resource Lands Inventory Map for Yakima County, Washington

by Stephen P. Palmer, James L. Padden, and Chris N. Johnson

November 2005

Legend

Rock Aggregate Resource Lands

High Quality

Medium Quality

Low Quality

Other

Water

Transportation

Urban

Forest

Wetlands

Other

Legend

Rock Aggregate Resource Lands

High Quality

Medium Quality

Low Quality

Other

Water

Transportation

Urban

Forest

Wetlands

Other

Legend

Rock Aggregate Resource Lands

High Quality

Medium Quality

Low Quality

Other

Water

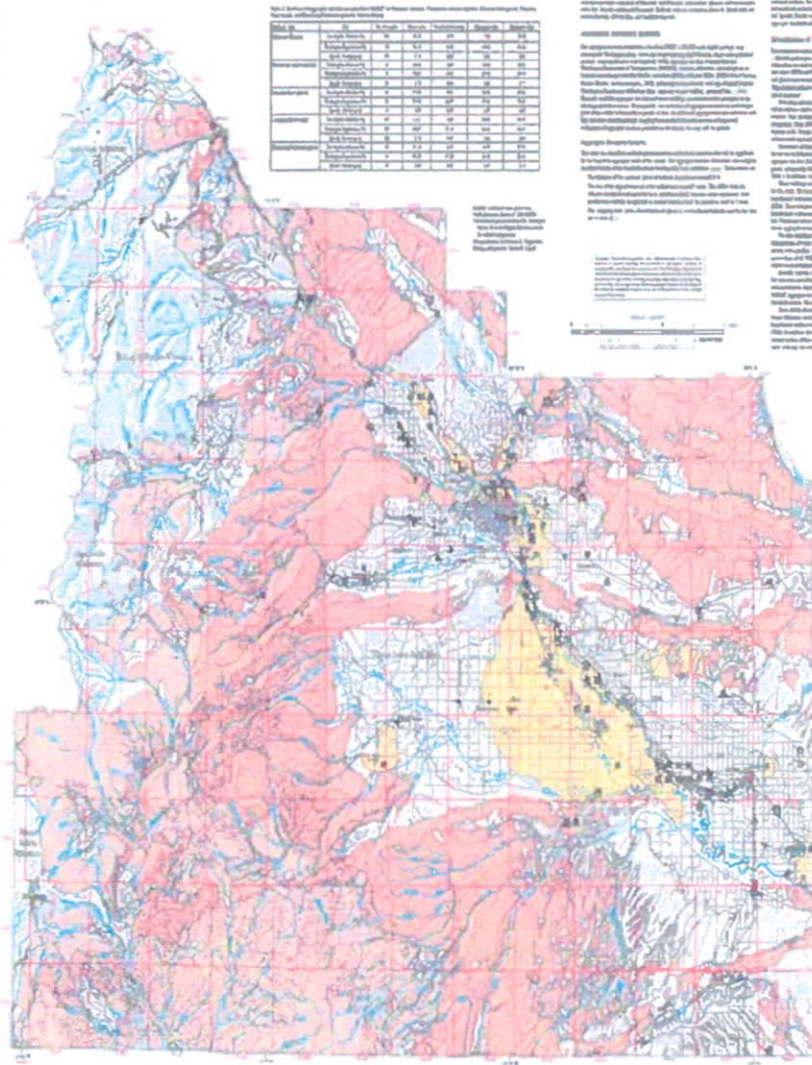
Transportation

Urban

Forest

Wetlands

Other



Legend

Rock Aggregate Resource Lands

High Quality

Medium Quality

Low Quality

Other

Water

Transportation

Urban

Forest

Wetlands

Other

Legend

Rock Aggregate Resource Lands

High Quality

Medium Quality

Low Quality

Other

Water

Transportation

Urban

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Wetlands

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Rock Aggregate Resource Lands

High Quality

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Transportation

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Rock Aggregate Resource Lands

High Quality

Medium Quality

Low Quality

Other

Water

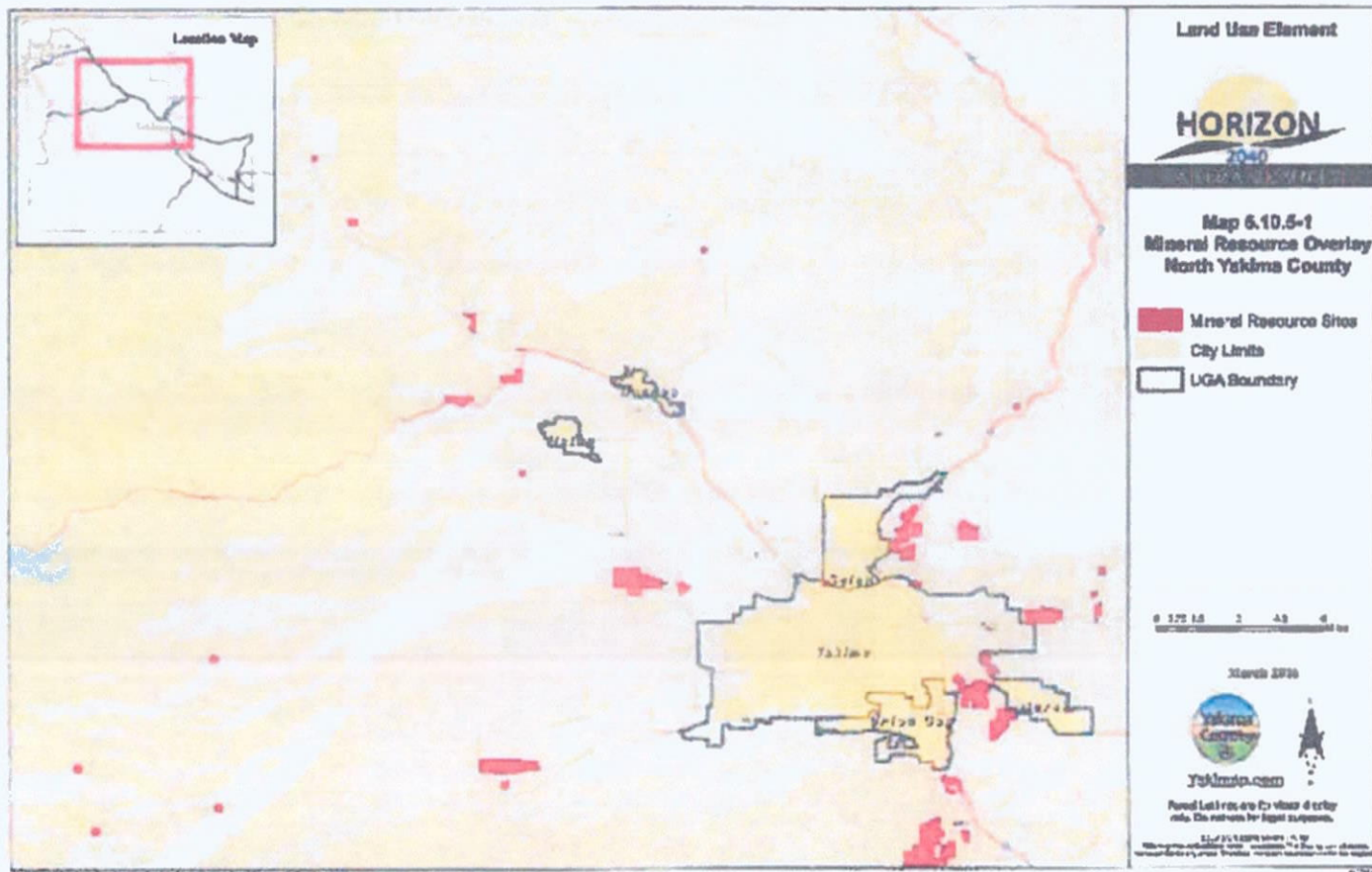
Transportation

Urban

Forest

Wetlands

Other



Phil Hoge

From: Damer, Nicole (DNR) <Nicole.Damer@dnr.wa.gov>
Sent: Tuesday, April 21, 2020 11:53 AM
To: Planning_Info
Cc: WADNR SEPA; Skov, Rian (DNR); Massey, Bryan (DNR)
Subject: LRN2020-00004 and SEP2020-00004 - Caton/Strutner Comprehensive Plan Amendment and Concurrent Rezone

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Hello,

DNR Surface Mine Reclamation Program has no comments regarding the proposed comp plan amendment and rezone.

Nicole Damer
Surface Mine Reclamation Specialist
Washington Geological Survey
Washington Department of Natural Resources
Cell: 360.870.7805
Nicole.Damer@dnr.wa.gov
www.dnr.wa.gov

From: Dave and Betty Jo Murray [<mailto:webbankers@fairpoint.net>]

Sent: Monday, October 12, 2020 9:39 PM

To: Thomas Carroll <thomas.carroll@co.yakima.wa.us>; Phil Hoge <phil.hoge@co.yakima.wa.us>; Vicki Baker <vicki.baker@co.yakima.wa.us>; Ron Anderson <Ron.Anderson@co.yakima.wa.us>

Subject: Rezone to Add Mineral Resource Overlay LRN2020-00004,SEP2020-00004 - Caton & Strutner

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

I remain strongly opposed to the proposed change on this subject 744 acres of property as submitted for the following reasons:

- 1) Approving this application would cause a substantial increase in heavy truck traffic over a presently over used rural road. After the initial approval of the landfill, we encountered substantial truck traffic and litter at virtually all hours of the day and even night. Many of these trucks were hauling in waste & contaminated soil from areas outside of our county such as King County. Many heavy trucks have passed by my farming operation on the South Wenas Road. Because we farm on both sides of South Wenas Road, I have equipment and employees who cross this road daily. I continually caution them to watch for the trucks, but am very concerned for their safety. Any increase in trucks causes more concerns. In addition, these rural roads are narrow and these large trucks and trailers will hug the center line on the many curves. There is a potential for accidents with the smaller vehicles.
- 2) When the initial project was approved, the site was 120 acres. This would have been adequate if only Yakima County construction demolition product was delivered to this site. Now the applicant wants to enlarge the site by over 5 times to 744 acres. Apparently there have been several sited violations & complaints. Adding more property to this project would not eliminate any problems, it would just make it worse.
- 3) Several families reside to the east and west of the landfill and all are concerned about safety of groundwater. I do not think that there are adequate test wells to even monitor this project as it is now.
- 4) Mining and disturbance of the land could create a problem with runoff. The Wenas Valley lies downhill with many canyons and ravines. Many residents could be very adversely affected by both above ground runoff and affected ground water. My understanding is that there is only one monitor well inspected on 6-month intervals. One would have been sufficient if the site only received dry construction demolition product. But if deliveries are made during the night time hours, WHAT truly is dumped there?
- 5) Caton & Strutner have been selling topsoil & gravel for a long period of time. Isn't this mining? Do they now maintain a permit to do so?
- 6) If you are planning to move forward with this request I would recommend that you and the board look at the history of this operation. Have they stayed within the original approval given to them? Have they received and dumped only the products they were permitted to handle?

- 7) Murray Family LLC owns 640 acres of rangeland adjoining the Caton subject property to the west. This land has provided livestock grazing for over 100 years. Due to fires over the past four years, being good stewards of the land, we did not graze the land in 2018 or 2019 to allow the natural grasses to recover.
- 8) I disagree with us bearing the 500 ft deep setback along our west property line of our section of land. The applicant should bear this setback if you move to approve their request. This substantially de-values our property. We are not the party requesting the change in classification. I strongly disagree with the applicants response to item 8a in the SEPA Environmental Checklist where McHenry states that "This proposal will not have any impact on the surrounding land use". We would be limited with this setback.
- 9) The Washington State Department of Ecology no longer has a classification as Demolition Landfill. It is now permitted as a Limited Purpose Landfill. What can they accept with this classification? All of us should know this. We recommend that no hazardous waste products be allowed since the neighbors would be subject to the affects of the hazardous material.

Thank you,

Dave Murray,
Member Murray Family LLC & President Murray Ranch, Inc.

From: Ed Shoenbach <rtes@fairpoint.net>
Sent: Wednesday, October 14, 2020 12:48 PM
To: Ron Anderson <Ron.Anderson@co.yakima.wa.us>
Cc: 'Wendy Wickersham' <wendywickersham@icloud.com>; 'Dave Williamson' <davehbg@hotmail.com>; Ed & Sue Baker <suebaker@fairpoint.net>; Kyle Kosik <kkosik1@yahoo.com>; Linda Melseth <lmelseth@yahoo.com>; mrbuttrey@aol.com
Subject: RE: Reclaim/Caton appeal

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Commissioner Anderson – I have emailed Commissioner Baker regarding our opposition to the proposed mining operation taking place on Naches – Wenas road by Reclaim/Caton. The number of code violations should alone, disqualify these businesses from moving forward: they do not seem to be hindered by the codes that protect the residents. Please take this into consideration whenever this proposal or appeal appears on the docket. Thank you

From: Ed Shoenbach <rtes@fairpoint.net>
Sent: Wednesday, October 14, 2020 12:19 PM
To: 'vicki.baker@co.yakima.wa.us' <vicki.baker@co.yakima.wa.us>
Cc: 'Wendy Wickersham' <wendywickersham@icloud.com>; 'Dave Williamson' <davehbg@hotmail.com>; Ed & Sue Baker (<suebaker@fairpoint.net> <suebaker@fairpoint.net>; Kyle Kosik <kkosik1@yahoo.com>; Linda Melseth (<lmelseth@yahoo.com> <lmelseth@yahoo.com>; mrbuttrey@aol.com; <rtes@fairpoint.net>
Subject: Reclaim/Caton appeal

Commissioner Baker – I have emailed you previously regarding a total opposition to the proposed mining operation by Reclaim/Caton. The issues surrounding this appeal, remain the same but are further highlighted by the Yakima County posting of violations committed by Reclaim/Caton. Both of the roads leading out of the Conrad Ranch complex show increasing truck and heavy equipment in spite of and in disregard of Yakima County posted violations. This makes South Wenas and Naches – Wenas roads even more dangerous for the many residents of Conrad Ranch. Whenever the snow starts falling, the hairpin turns on both these roads, will present a clear and present danger to any travelers in cars or light trucks. The added danger are the deep ditches that are present on both roads, so if you happen to be forced into these ditches, you may lose your life or wipe out your entire family. Also, there are trucks from the Westside that seem to run 24/7 going to the Caton landfill, with none of us really knowing what the tonnage being transported, that is putting unacceptable pressure on the landfill itself. Please do not let this go forward without challenge. We are all counting on you to provide safety and a clean environment to all the residents affected by this outrageous proposal.

Ed Shoenbach

President of Conrad Ranch Owners Association

From: Bartrand, Eric L (DFW) <Eric.Bartrand@dfw.wa.gov>
Sent: Monday, October 5, 2020 5:06 PM
To: Phil Hoge <phil.hoge@co.yakima.wa.us>
Cc: Thomas Carroll <thomas.carroll@co.yakima.wa.us>; Noelle Madera <Noelle.Madera@co.yakima.wa.us>
Subject: RE: Regarding: LRN2020-00004/SEP2020-00004 Caton/Strutner MRO and Concurrent Rezone to MIN

Thanks, Phil... So despite my trying not to attach the wrong letter, I did! Anyhow, denial of the application would make it academic. The mine concept would have helped retain some amount of habitat with relatively low disturbance characteristics. Ten acre residential development is exempt and will put lots of dogs, cats, and dirt bikes on whatever remaining landscape, including on adjacent DNR lands. Debbie Downer!

Eric

From: Phil Hoge
Sent: Monday, October 5, 2020 3:54 PM
To: 'Bartrand, Eric L (DFW)' <Eric.Bartrand@dfw.wa.gov>
Cc: Thomas Carroll <thomas.carroll@co.yakima.wa.us>; Noelle Madera <Noelle.Madera@co.yakima.wa.us>
Subject: FW: Regarding: LRN2020-00004/SEP2020-00004 Caton/Strutner MRO and Concurrent Rezone to MIN

Eric,
Tommy asked me to reply to your email re the County's preliminary SEPA threshold determination for the Caton/Strutner Major Rezone located on Naches-Wenas Road.

The PDF that you attached was your letter regarding the Caton mine located west of the City of Tieton. Is that the letter you had intended to attach?

Regardless, the assumption you mentioned in your email is correct: Protection of the UWHCA would be considered in the future upon submittal of an application for a land use project at the site, when the extent and impacts of the proposal can be determined. The current Major Rezone proposal would amend the comp plan designation and rezone the property, but is not an application for approval of mining operations or for any other particular land use project.

That said, you'll recall that the Planning Commission is recommending that the BOCC deny this Major Rezone. However, the County conducts its SEPA review on the impacts as if the application were approved.

Feel free to contact me with any further questions.

Phil Hoge
Project Planner - Long Range
Planning Division | Yakima County Public Services
Fourth Floor County Courthouse | 128 N. 2nd Street | Yakima, WA 98901
509-850-0041 Direct & Voicemail during COVID-19 | 509-574-2301 fax
phil.hoge@co.yakima.wa.us
<https://www.yakimacounty.us/779/Planning-Division>

This email and replies to it are subject to public disclosure under Washington state statute (RCW 42.56 - Public Records Act).

From: Bartrand, Eric L (DFW) [<mailto:Eric.Bartrand@dfw.wa.gov>]
Sent: Monday, October 5, 2020 1:43 PM
To: Thomas Carroll <thomas.carroll@co.yakima.wa.us>
Subject: Regarding: LRN2020-00004/SEP2020-00004 Caton/Strutner MRO and
Concurrent Rezone to MIN

Hi, Tommy...

In the subject SEPA decision I saw no reference to the protection of the UWHCA. Should I assume that that matter is similar to the groundwater protection issues referenced: To be dealt with concurrent to the mining application? I attached our SEPA letter just in case. Thanks for clarifying the matter!

Eric

From: Jerrene Murray <jerrene.murray@gmail.com>
Sent: Monday, October 12, 2020 12:17 PM
To: Planning_Info <Planning_Info@co.yakima.wa.us>
Cc: Betty Jo Murray <webbankers@fairpoint.net>; Wendy Wickersham <wendywickersham@icloud.com>; jillyearout@gmail.com; Jerrene Murray <jerrene.murray@gmail.com>
Subject: Re: File Numbers: LRN2020-00004/SEP2020-00004 Rezone to Add Mineral Overlay

Dear Yakima County Commissioners:

As a member of the Murray Family LLC, owners of the property which adjoins the Caton property at 1500 Naches-Wenas Road, I object to the applicants' proposal to extend their dump and rezone the property to allow mining.

Regarding the Determination of Non-significance, how could 744 acres of mining and /or dump extension with 30 heavy trucks in and 30 heavy trucks out per day possibly NOT have an adverse affect on the environment and the adjoining neighbors and nearby property owners? To neighbors, both projects are extremely significant.

1. Our adjoining property is neither abandoned nor vacant;; it is rangeland where we have pastured cattle for 67 years with the exception of parts of 2017, 2018, and 2020 when wildfires have destroyed the grasses.
2. Each of these proposals, mining and dump expansion, would devalue our property. I understand that each operation could occur right up to and against our property line.
3. Five hundred feet setbacks to be taken on our property is a land-grab. There is no reason those setbacks cannot be taken on the applicants' property.
4. Movement of 10 million yards of material certainly impacts the environment. Mining implies dust, noise, large equipment, and road damage to county roads from wide, heavy trucks. Will Yakima County be liable if mining next to our property causes caving or slippage of our property? An Environmental Impact Study should be done sooner rather than when the project is near finalization.
5. Regarding dump expansion, there are questions about what is going on with the existing dump. Where is the existing oversight? Who is in charge of monitoring what is actually going into the existing dump which was originally permitted only for building materials? Is asbestos going in? Who knows? Existing truck travel on narrow, country roads with very limited or nearly nonexistent shoulders not meant for wide trucks is not safe. I am concerned about this traffic including the number of truck trips, times of travel, what the trucks actually carry, and the road damage caused by these existing trips. Who pays for damage? Is taking Seattle's garbage a detriment to Yakima County taxpayers?
6. Further, who is in charge of monitoring the damage to the aquifer near the dump now and in the future? I don't believe a liner was originally required protection. However, if toxic materials are actually deposited, there's a problem. Where are the test holes?

Water quality safety as a result of these two projects is a gigantic concern. I believe fouling of the aquifer is a probable issue, affecting drinking water wells and irrigation and stock water wells in the Wenas Valley.

7. Residents in north Clark County have found their drinking water fouled and undrinkable after Stordahl and Sons, Inc. began mining in their neighborhood. Residents near Livingston Mountain Mine filed complaints regarding truck traffic (and speed) and lack of oversight. Residents near East Fork Lewis River mining projects were concerned about environmental threats and contamination of the Troutdale Formation aquifer, which provides groundwater for Clark County and Portland.

8. Finally, I encourage you to examine the records of existing projects associated with the applicants. Have these people always been rule-followers?

Sincerely,

Jerrene Murray
360-887-8124
20716 NE 10th AVE
Ridgefield, WA 98642

From: John Koempel <John.Koempel@trayplant.com>
Sent: Wednesday, October 7, 2020 9:41 AM
To: Planning_Info <Planning_Info@co.yakima.wa.us>
Subject: File # LRN2020-00004/SEP2020-00004

Attached are me and my wife's written views on the proposal of the Caton/Strutner Comprehensive Plan Amendment and Concurrent Rezone. I had sent this in earlier this year in April but I do not see it as being on file. I will also be sending a paper copy to your office.

Regards,

John E. Koempel

From: John Koempel <John.Koempel@trayplant.com>
Date: October 12, 2020 at 3:35:25 PM PDT
To: Lisa Freund <lisa.freund@co.yakima.wa.us>
Subject: RE: LRN2020-00004/SEP2020-00004- Caton/Strutner Comprehensive Plan Amendment and Concurrent Rezone

Lisa,

I am writhing you in regards to an application that has been submitted for amending the property's (Caton's landfill) Comprehensive Plan Future Land Use Designation by adding the Mineral Resource Overlay (MRO) and concurrently rezone the subject property from Rural Remote/Extremely Limited Development Potential (RR/ELDP) and Agriculture (AG) to Mining (MIN). I have attached a letter that I have sent to the Yakima County Planning Division with my objection to the change in any additions and or rezones of the land in question: Caton's Landfill- 1500 Naches Wenas Road. I live on Allan Rd. just outside of the city limits of Naches and have lived there for over 25 years. I have a lot of experience with Caton's landfill and the changes that it has brought to the area. I would ask that you look closely at what is being done and stop any further development of that area. Thank you for your consideration in this matter.

Regards,

From: John Koempel [<mailto:John.Koempel@trayplant.com>]
Sent: Monday, October 12, 2020 3:36 PM
To: Jason Earles <jason.earles@co.yakima.wa.us>
Subject: RE: LRN2020-00004/SEP2020-00004- Caton/Strutner Comprehensive Plan Amendment and Concurrent Rezone

Jason,

I am writhing you in regards to an application that has been submitted for amending the property's (Caton's landfill) Comprehensive Plan Future Land Use Designation by adding the Mineral Resource Overlay (MRO) and concurrently rezone the subject property from Rural Remote/Extremely Limited Development Potential (RR/ELDP) and Agriculture (AG) to Mining (MIN). I have attached a letter that I have sent to the Yakima County Planning Division with my objection to the change in any additions and or rezones of the land in question: Caton's Landfill- 1500 Naches Wenas Road. I live on Allan Rd. just outside of the city limits of Naches and have lived there for over 25 years. I have a lot of experience with Caton's landfill and the changes that it has brought to the area. I would ask that you look closely at what

is being done and stop any further development of that area. Thank you for your consideration in this matter.

Regards,



John E. Koempel
Michelsen Packaging Co.
202 North 2nd Avenue
Yakima, WA 98902
Engineering/R&D Manager
509.248.6270 Main Office
509.961.7191 Cell
www.john.koempel@trayplant.com

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April 21, 2020

Yakima County Planning Division
128 N. 2nd St.
4th Floor Courthouse
Yakima, WA 98901

Re: LRN2020-00004 & SEP2020-00004

Dear Planning Division:

We are writing to protest the amendment and concurrent rezone of the property contained within the proposal. As we understand it the Caton/Strutner Comprehensive Plan Amendment and Concurrent Rezone will continue the use of the property as a landfill and also add to it a mining operation to make room for more landfill.

We have grave concerns with some items listed in the proposal:

- Truck traffic- it is listed on the SEPA Environmental Checklist that there would be 15 trucks per day during normal working hours but could be more. I have witnessed at least that many trucks in one day for just the use of the landfill. How many more trucks will there be for the top soil, fill material, sand and gravel?
- Normal working hours- This term is used in the proposal but is not defined. If this goes forward it has to be defined because of the disruption of noise from the site and the truck traffic on the road. Trucks have accessed the landfill site all days of the week and all hours of the day because

they said that as long as they had a "Scheduled Appointment" that they were not bound by any "Normal Working Hours". This is not acceptable.

- Road condition- Since the Caton landfill was put in the condition of the Naches Wenas Rd. and Allan Rd. to Hwy. 12 has worsened. It is very uneven and parts have crumbled. There has been some patch work done but it is still getting worse. Is the County prepared to bring this road up to a standard to be able to support the increased heavy truck traffic?
- Safety- The intersection of Naches Wenas Rd. and Allan Rd. across Old Naches Hwy. is a two way stop. Traffic coming down the hill on Naches Wenas Rd. must stop and traffic coming up the hill on Allan Rd. must stop. This is a dangerous intersection because of trucks coming down the hill and stopping at the intersection and also trucks coming up the hill to the intersection and stopping and then having to start on the hill. I have witnessed trucks not stopping in both directions and ignoring the stop signs. We are concerned that this is not being addressed and will not be addressed until there is a major accident.
- Expansion of site- The expansion of the site will be five times larger than the original site. Increasing the size of the site to 744 acres would bring it to something larger than the Terrace Heights landfill (480 acres) and a little bit smaller than the Cheyne landfill (960 acres). I know that this landfill, at this time, is not the same as the Terrace Heights and the Cheyne landfills but the Caton landfill has already been changed from a Demolition Landfill to a Limited Purpose Landfill and now it is wanting to be changed again. We do not need or want a garbage landfill in this area.
- Blasting- I am assuming that blasting will be done to be able to remove the rock for processing. Do we truly know what affects that will have on the surrounding land and rock formations? We have had two other mining operations closed because of unstable ground and landslides. One of them was not very far from this landfill.
- Animals that will be affected- There were no animals listed that have been observed on or near the site or are known to be on or near the site. There are many bird species that use this area, Deer, Elk, Coyotes and many more above and below ground animals.
- Noise- There is still times that trucks coming down the hill on Naches Wenas Rd. that are using compression braking. This is not acceptable for the residents in this area.
- Farmland- It is stated that it is no longer used for farm land. It is good soil in many places but without water it is not productive. The Horizon 2040 is mentioned as a reason that this proposal should go forward. There are other areas that even with water the land would not be able to be farmed. Those are the areas that need to be looked at to be used for landfills and mining not this one. We may need this land in the future to help sustain our children and grandchildren.

Thank you for your consideration in this matter.

Regards,

John & Kathleen Koempel
740 Allan Rd.
Naches, WA 98937

From: dykeseaston@aol.com <dykeseaston@aol.com>

Sent: Wednesday, October 14, 2020 10:44 AM

To: Thomas Carroll <thomas.carroll@co.yakima.wa.us>; Phil Hoge <phil.hoge@co.yakima.wa.us>; vicki.baker@co.yakima.us; Ron Anderson <Ron.Anderson@co.yakima.wa.us>

Subject: Letter against Rezone to Add Mineral Resource Overlay.

To Whom It May Concern:

My husband (Larry Dykes) and I (Marian Easton-Dykes) are totally against the approval of Rezoning to add Mineral Resource Overlay LRN2020-00004, SEP2020-00004.

Since the approval of the dump site, there has been violation after violation and now they want to expand there operation for mining of over 700 acres.

1. Conditions of our roads have been effected due to the trucks. The sides of the roadway are decaying and the residents have to pay to just patch the crumbling sides.
2. Truck traffic has increased with garbage blowing out of the uncovered loads.
3. By approving any mining procedures the ground water is going to be impacted. Contamination of the ground water will be affected.
4. Trucks from the west side of the state are using this dumpsite.
5. Speed of the trucks are unsafe at times.

These are just a few reasons why the rezoning should be declined.

Please think of all the residents that have to live with all the violations the Caton's have already violated. Point of interest, at the time the dump was proposed most all the residence in Wenas Valley were not in favor of the dump.

Also it would be appreciated if the County would notify the residence of any rezoning applications in the future.

Thank you,

Larry Dykes and Marian Easton-Dykes
1340 Longmire Lane
Selah, WA 98942
(509) 697-9779

From: dykeseaston@aol.com <dykeseaston@aol.com>

Sent: Wednesday, October 14, 2020 11:10 AM

To: Vicki Baker <vicki.baker@co.yakima.wa.us>; Thomas Carroll <thomas.carroll@co.yakima.wa.us>; Phil Hoge <phil.hoge@co.yakima.wa.us>; ron.anderson@co.yuakima.wa.us

Subject: Letter against Rezone to Add Mineral Resource Overlay.

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Thank you,

Larry Dykes and Marian Easton-Dykes
1340 Longmire Lane
Selah, WA 98942
(509) 697-9779

From: Matt Pietrusiewicz
Sent: Wednesday, October 14, 2020 2:33 PM
To: Ron Anderson <Ron.Anderson@co.yakima.wa.us>
Cc: Craig Warner <craig.warner@co.yakima.wa.us>; Vicki Baker <vicki.baker@co.yakima.wa.us>; Lisa Freund <lisa.freund@co.yakima.wa.us>
Subject: RE: LRN2020-00004

Ron --

John Stanton, our pavement guy, went out to Allen Road today to take a look. He agrees that the pavement is deteriorating, particularly on the edges. He also noticed a fair amount of truck traffic. We decided to put some traffic counters back out there to get an up to date count. We're going to leave them out for a week. I'll let you know the results.

Thanks,

Matt

From: Ron Anderson <Ron.Anderson@co.yakima.wa.us>
Sent: Tuesday, October 13, 2020 7:43 AM
To: Lisa Freund <lisa.freund@co.yakima.wa.us>
Cc: Matt Pietrusiewicz <matt.pietrusiewicz@co.yakima.wa.us>; Craig Warner <craig.warner@co.yakima.wa.us>
Subject: FW: LRN2020-00004

From: Wes Morris [<mailto:wesm@triply.com>]
Sent: Tuesday, October 13, 2020 7:11 AM
To: Vicki Baker <vicki.baker@co.yakima.wa.us>; Ron Anderson <Ron.Anderson@co.yakima.wa.us>
Cc: Lisa Freund <lisa.freund@co.yakima.wa.us>; Phil Hoge <phil.hoge@co.yakima.wa.us>; Jason Earles <jason.earles@co.yakima.wa.us>
Subject: LRN2020-00004

Good Morning, Please see attached letter in response to DNS letter we received dated 9/30/2020.
(pardon a few grammar errors its early)

Thank You,

Wes Morris

wesm@triply.com

Cell [509-728-1422](tel:509-728-1422)

From: Wendy Wickersham <wendywickersham@gmail.com>

Sent: Wednesday, October 14, 2020 12:28 PM

To: Vicki Baker <vicki.baker@co.yakima.wa.us>; Ron Anderson <Ron.Anderson@co.yakima.wa.us>;

Planning_Info <Planning_Info@co.yakima.wa.us>

Subject: Fwd: Bordering Neighbor's complaint about 1500 Naches Wenas Rd/REZONE of Caton Landfill Area to MINING

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

RE LRN2020-00004 SEP 2020-00004 Caton Strutner Rezone

----- Forwarded message -----

From: Wendy Wickersham <wendywickersham@gmail.com>

Date: Wed, Jul 8, 2020 at 3:29 PM

Subject: Bordering Neighbor's complaint about 1500 Naches Wenas Rd/REZONE of Caton Landfill Area to MINING

To: <thomas.carroll@co.yakima.wa.us>

My name is Pam Wickersham. I was raised on a cattle ranch on the South Wenas Rd. My parents grazed cattle on their property adjacent to the proposed site. My brother, sisters, and I now own this property.

After walking the property that we own this week adjoining the "proposed site", my husband and I located two survey pegs on the corners of our property and the site. We viewed the 500 foot buffer zone that we would be forced to give. This buffer zone is my #1 concern. This would lower the value of our property, which has the potential to be developed as orchard, vineyard, or solar. The dust from mining and waste disposal would be negative for agricultural development. Dust at bloom time can be devastating for pollination. Dust mites can also be a problem with increased dust.

The buffer zone would stop future building on that buffer zone property. While walking the property, we found it suitable for building. Why take our property for this site plan??? Would the TAKINGS LAW be in effect?

I also have great concern for the county roads, which must support increased traffic. Traffic for the Caton Landfill is already taking it's toll. Allan Road is a continual 'rut' problem.

Big truck traffic, especially on the South Wenas where my family resides, is a safety concern.

Will the burden of repair of these roads be on our "the taxpayers" backs? Will we continue to take out-of-county waste as we all have seen?

Is the true purpose of this site development to mine or mine then fill with out-of-country waste?

Pam Wickersham
5098338955

From: Ron Cookson [<mailto:rtncookson@hotmail.com>]
Sent: Monday, October 12, 2020 8:12 PM
To: Vicki Baker <vicki.baker@co.yakima.wa.us>; Ron Anderson <Ron.Anderson@co.yakima.wa.us>
Cc: Phil Hoge <phil.hoge@co.yakima.wa.us>; lisa.freud@co.yakima.wa.us; Jason Earles <jason.earles@co.yakima.wa.us>
Subject: LRN2020-00004 Caton & Strutner

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Vicki Baker and Ron Anderson

Please see attached copy of letter in regards to LRN2020-00004 Caton & Strutner's application with hard copy in mail.

Thanks in advance for your attention to this matter.

Stay safe

Ron & Trista Cookson

RECEIVED
Yakima County Commissioners

OCT 15 2020

1st _____ 2nd _____ 3rd _____

Ron & Trista Cookson
8400 Old Naches Hwy
Naches, WA 98937
Rtncookson@hotmail.com
509-945-1699 & 509-945-5594

Vicki Baker
Ron Anderson
128 N 2nd Street Room 232
Yakima, WA 98902

October 13th, 2020

Re: LRN2020-00004

Dear Yakima County Commissioners:

We are responding to the Caton & Strunter's application and request to change their property designation from Agriculture to Mining for 1500 Naches-Wenas Road in Naches, WA. As a neighboring homeowner in Naches, we are against this proposal of all 18 parcels totaling 744.09 acres for the primary reasons of environmental and safety concerns.

As a school bus driver (Ron) for the Naches School District I see first-hand that Allan Road, South Wenas Road and Naches-Selah Roads (AKA Wenas Grade) are not made for large, heavy trucks and trailers going to the Canton Landfill.

- Roads are too narrow and lack adequate shoulders
- Edge of pavement being destroyed by heavy truck traffic and not maintained by county
- Allan Road is a downhill grade is dangerous due to lack of guard rails and a narrow road

Ultimately, this is a safety concern as our school buses travel thru this area multiple times a day putting children at risk. The intersection of Allan Rd./ Wenas Road and the Old Naches Hwy alone is extremely dangerous and was noted in the 1997 SPU-10.7 as a Safety concern (not a 4 way stop). They state this landfill will add or has added 15 additional trucks to the already seasonal Agriculture trucks in the area. This is a direct road to Highway 12, Allan Bros and the new Naches Valley Elementary School District which is a congested area.

Also, everyone should be concerned about the environmental impact that has resulted in the Caton Landfill receiving multiple violations with total disregard for rules and regulations.

- Catton Landfill cited for illegal mining as recently as 9/14/20 continuing to remove from the site
- Catton Landfill cited several times for violating hours of operation as per SPU-11-1997

Since these 744 acres are directly above our home, we have very serious concerns of what affect additional mining will have on the stability of the land and the runoff of the water. Also, with mining could cause harm the water infrastructure that is within these hills that brings irrigation water to the Naches Valley thru the aquifers. The dust this summer has also been a factor and afraid additional mining will be worse along with the noise.

Therefore, due to the safety of the children and the negative environmental impact, we do not want this application approved. According to the Department of Natural Resources there are adequate natural resources and the Caton Landfill is not identified as one of the sites on the County Mining overlay zone.

Sincerely



Ron & Trista Cookson

October 12, 2020

From: Ruth Pringle

130 E. Allan Road

Naches, WA 98937

RECEIVED
Yakima County Commissioners

OCT 13 2020

To: Ron Anderson, Yakima County Commissioner

1st _____ 2nd _____ 3rd _____

128 N. 2nd St Room 232

Yakima, WA 98902

Subject: Mineral Resource Overlay LRN2020 -00004 Caton & Strutner Landfill

Dear Ron:

I am writing this letter to strongly oppose the approval of the Caton & Strutner application for the Mineral Resource Overlay and Rezone for the following reasons:

1. Road safety -The Naches - Wenas Road, the South Wenas Road and Allan Road are older county roads that are not constructed to accommodate heavy hauling trucks that travel to the Caton Landfill. These roads are narrow and lack adequate shoulders. The edge of the pavement has significantly deteriorated since the Caton Landfill has opened and the county has done only minor repairs to the road. I have observed many trucks traveling close to the center line trying to avoid the inadequate shoulders. These drivers expect the other person to move over. The upper part of Allan Road is dangerous for trucks due to the lack of guard rails. We do not need any increase in traffic on our deteriorating county roads.
2. Intersection safety – The intersection of Allan Road, Naches - Wenas Road and the Old Naches Highway is especially dangerous due to the lack of sight lines for oncoming traffic. There have been numerous accidents at this intersection because people pull out from the stop sign and collide with oncoming traffic. Trucks and trailers are really exposed when crossing at this intersection especially when they do not heed the stop sign. This intersection was an area of concern on the 1997. SPU 10.7. At the present time there is more traffic than in 1997 and this proposal will add additional traffic.

The area on Allan Road that is close to the freeway, is especially congested with school buses, parents picking up students, fruit haulers, landfill trucks and residential traffic. At times, this congestion creates long lines entering the freeway There has been several fatalities at this intersection. We do not want another accident to happen!

3. Allan Road is also used by many employee vans, tractors, and other farm equipment to travel to the orchards. Heavy trucks do not stop quickly if they have to avoid the slower moving

equipment. The speed limit is 35 mph and many of the trucks coming and going to the landfill travel in excess of the posted speed limit.

4. As a lifelong citizen of Yakima County, I believe in allowing businesses to provide services for the community and to contribute to the community in making it a better place to live. However, when you find that this business has been cited for not following the rules governing their permits, why would you consider approval of additional permits, rezones, and overlays? I feel strongly that the Caton Landfill should not be granted approval on their Mineral Resource Overlay or the Rezone of their land to mining. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruth Pringle". The signature is fluid and cursive, with the first name "Ruth" and last name "Pringle" clearly distinguishable.

Ruth Pringle

ruthpringle@frontier.com

(509) 949-0021

October 12, 2020

From: Ruth Pringle

130 E. Allan Road
Naches, WA 98937

RECEIVED
Yakima County Commissioners

OCT 13 2020

1st _____ 2nd _____ 3rd _____

To: Vicki Baker, Yakima County Commissioner

128 N. 2nd St Room 232
Yakima, WA 98902

Subject: Mineral Resource Overlay LRN2020 -00004 Caton & Strutner Landfill

Dear Vicki:

I am writing this letter to strongly oppose the approval of the Caton & Strutner application for the Mineral Resource Overlay and Rezone for the following reasons:

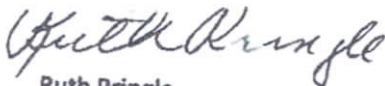
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equipment. The speed limit is 35 mph and many of the trucks coming and going to the landfill travel in excess of the posted speed limit.

4. As a lifelong citizen of Yakima County, I believe in allowing businesses to provide services for the community and to contribute to the community in making it a better place to live. However, when you find that this business has been cited for not following the rules governing their permits, why would you consider approval of additional permits, rezones, and overlays? I feel strongly that the Caton Landfill should not be granted approval on their Mineral Resource Overlay or the Rezone of their land to mining. Thank you for your consideration.



Ruth Pringle

ruthpringle@frontier.com

(509) 949-0021

From: ruthpringle [<mailto:ruthpringle@frontier.com>]
Sent: Monday, October 12, 2020 6:47 AM
To: Lisa Freund <lisa.freund@co.yakima.wa.us>
Subject: Caton Strutner LRN 2020-00004

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

October 12, 2020

From: Ruth Pringle
130 E. Allan Road
Naches, WA 98937

To: Lisa Freund

Subject: Mineral Resource Overlay LRN2020 -00004 Caton & Strutner Landfill

Dear Lisa:

I am writing this letter to strongly oppose the approval of the Caton & Strutner application for the Mineral Resource Overlay and Rezone for the following reasons:

1. Road safety -The Naches - Wenas Road, the South Wenas Road and Allan Road are older county roads that are not constructed to accommodate heavy hauling trucks that travel to the Caton Landfill. These roads are narrow and lack adequate shoulders. The edge of the pavement has significantly deteriorated since the Caton Landfill has opened and the county has done only minor repairs to the road. I have observed many trucks traveling close to the center line trying to avoid the inadequate shoulders. These drivers expect the other person to move over. The upper part of Allan Road is dangerous for trucks due to the lack of guard rails. We do not need any increase in traffic on our deteriorating county roads.
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The area on Allan Road that is close to the freeway, is especially congested with school buses, parents picking up students, fruit haulers, landfill trucks and residential traffic. At times, this congestion creates long lines entering the freeway There has been several fatalities at this intersection. We do not want another accident to happen!

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equipment. The speed limit is 35 mph and many of the trucks coming and going to the landfill travel in excess of the posted speed limit.

4. As a lifelong citizen of Yakima County, I believe in allowing businesses to provide services for the community and to contribute to the community in making it a better place to live. However, when you find that this business has been cited for not following the rules governing their permits, why would you consider approval of additional permits, rezones, and overlays? I feel strongly that the Caton Landfill should not be granted approval on their Mineral Resource Overlay or the Rezone of their land to mining. Thank you for your consideration.

Sincerely,

Ruth Pringle
ruthpringle@frontier.com
(509) 949-0021

From: ruthpringle <ruthpringle@frontier.com>
Sent: Monday, October 12, 2020 6:30 AM
To: Phil Hoge <phil.hoge@co.yakima.wa.us>; Jason Earles <jason.earles@co.yakima.wa.us>
Subject: Caton & Strutner Mineral Resource Overlay LNR2020-00004

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

October 12, 2020

From: Ruth Pringle
130 E. Allan Road
Naches, WA 98937

To: Phil Hoge & Jason Earles

Subject: Mineral Resource Overlay LRN2020 -00004 Caton & Strutner Landfill

Dear Sir:

I am writing this letter to strongly oppose the approval of the Caton & Strutner application for the Mineral Resource Overlay and Rezone for the following reasons:

1. Road safety -The Naches - Wenas Road, the South Wenas Road and Allan Road are older county roads that are not constructed to accommodate heavy hauling trucks that travel to the Caton Landfill. These roads are narrow and lack adequate shoulders. The edge of the pavement has significantly deteriorated since the Caton Landfill has opened and the county has done only minor repairs to the road. I have observed many trucks traveling close to the center line trying to avoid the inadequate shoulders. These drivers expect the other person to move over. The upper part of Allan Road is dangerous for trucks due to the lack of guard rails. We do not need any increase in traffic on our deteriorating county roads.

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Sincerely,

Ruth Pringle
ruthpringle@frontier.com
(509) 949-0021

From: jillyearout <jillyearout@gmail.com>

Sent: Sunday, October 11, 2020 8:13 PM

To: Vicki Baker <vicki.baker@co.yakima.wa.us>; Ron Anderson <Ron.Anderson@co.yakima.wa.us>; Planning_Info <Planning_Info@co.yakima.wa.us>; Thomas Carroll <thomas.carroll@co.yakima.wa.us>

Subject: REZONE TO ADD MINERAL RESOURCE OVERLAY LNR2020-00004, SEP 00004- CATON & STRUTNER

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

October 10, 2020

I object to the proposal to increase the Caton Landfill from 120 acres to 744 acres and rezoning for mining purposes. I previously have drafted my concerns in a letter dated July 8, 2020 to the County which I will resubmit as my concerns have not changed. I have new observations as stated below for which further conclude that Caton/Strutner Landfill have continued operation with no regard to rules and violations. (Violation for Illegal Mining against Caton/Strutner Landfill dated September 14, 2020). Friday September 18, 2020 I observed a yellow Reclaim dump truck with a pup, a single Reclaim dump truck and a blue dump truck all hauling loads of gravel through Selah back and forth on South Wenas Road starting well before 7 am and continuing all day. Another day was Wednesday October 7, 2020 where I also witnessed 3 Yellow Reclaim dump trucks running prior to 7 Am back and forth on Allan Road to Yakima and on 16th Avenue. I believe this violates the hours of operation that was originally agreed upon when the Caton landfill first opened. The neighborhood filed concerns regarding hours of operation at the inception of the landfill. The landfill isnt supposed to open until 7:30 and to close at 4. According to a recent letter from the County to a concerned citizen regarding the Caton Landfill and their absence of correct mining permits/illegal operations, the Caton/Strutner mining operation was to stop and all heavy equipment to be moved out from the Selah/Wenas location. This was to be posted on the Selah/Wenas Road. This sign obviously was either ripped down immediately or never posted. The heavy equipment has never been removed and mining has continued without missing a beat.

Why is it ok for Caton/Strutner to continue to thumb their nose to rules set before them? To operate without the correct permits? To blatantly disregard the authority of County and State guidelines? To disregard neighbors and run a business outside of appropriate hours? Why shouldnt they be held to the law as every one else is?

At this rate, you give an inch and they will obviously take a mile. I had very obvious concerns when the Caton Landfill first opened in regards to road noise, polution, contaminated runoff, dangers and hazards of road traffic. These concerns that citizens including myself had, were overlooked as a whole by the County. Rules that were imposed on Caton initially upon opening the Landfill have been thrown out the window. What makes the County believe they will be respectful of the law if they are able to increase their operation at more than 5 times their current operation if they dont respect the law now? Is the County ready to pour hundreds of thousands of dollars at road revisions to accommodate 15 trucks a day rather than 3 currently degrading the rural roadways, creating unsafe conditions for farming equipment, school buses and tax payers who enjoy country living? And all this for sub par volcanic pumice gravel? This all seems unrealistic. History has shown how this business operates. The proof is there. Caton/Strutner are asking to create 5 times the damage they already are imposing. I say the

County would better serve the community if they decline the proposal made by Caton/Strutner to rezone. This will cost the County and the taxpayers far more than it is worth.

Please vote NO on REZONE TO ADD MINERAL RESOURCE OVERLAY LNR2020-00004, SEP 00004- CATON & STRUTNER

Respectfully,
Valerie Jill Yearout
5891 South Wenas Road
Selah, Washington 98942
509-833-6316
jillyearout@gmail.com
Sent from my U.S.Cellular® Smartphone

From: jillyearout <jillyearout@gmail.com>
Sent: Monday, October 12, 2020 9:25 AM
To: Vicki Baker <vicki.baker@co.yakima.wa.us>; Ron Anderson <Ron.Anderson@co.yakima.wa.us>; Planning_Info <Planning_Info@co.yakima.wa.us>; Thomas Carroll <thomas.carroll@co.yakima.wa.us>
Subject: REZONE TO ADD MINERAL RESOURCE OVERLAY LNR2020-00004, SEP 00004- CATON & STRUTNER

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

I oppose the rezoning to add mineral resource overlay LNE2020-00004, SEP 00004 CATON & STRUTNER

SEE PREVIOUS LETTER DATED JULY 8 2020 ENCLOSED.

I also wonder if the Caton family even own the mineral rights to this proposed land or if the Railroad does???

Valerie Jill Yearout
5891 S.Wenas Road
Selah Washington 98942
509-833-6316

Sent from my U.S.Cellular® Smartphone

ATTACHMENT #5

https://www.yakimaherald.com/news/local/washington-supreme-court-rules-in-favor-of-yakama-nation-on-gravel-mining-appeal/article_69d60a87-eea3-5f56-b187-2357b04bdd3a.html

Washington Supreme Court rules in favor of Yakama Nation on gravel mining appeal

LEX TALAMO Yakima Herald-Republic

Jul 2, 2020



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The Supreme Court ruled on Thursday that the Confederated Tribes and Bands of the Yakama Nation filed a timely appeal to halt the approved expansion of a gravel mining operation by Granite Northwest near the Yakima Ridge. The Yakama Nation's lawsuit will now be able to proceed in Yakima County Superior Court. Granite Northwest's existing gravel mine is seen here in east Selah,

The Washington Supreme Court ruled Thursday that the Confederated Tribes and Bands of the Yakama Nation filed a timely appeal to halt the expansion of a gravel mining project near Selah and that the Nation's lawsuit can move forward.

Granite Northwest, a paving materials supplier, has been seeking for years to expand mining operations. The company said in 2015 that it was running out of gravel at its Rowley Quarry to meet demands for road and construction projects and wanted to expand mining from 26 acres to more than 160 acres on the north side of the Yakima ridge, dividing Yakima and Selah.

The Yakama Nation opposed the expansion, saying it could disrupt a tribal cultural and burial site. The Nation said the area was once a tribal fishing village named Wanapine that included burial grounds.

A number of court filings later, Yakima County decided the project could move forward, saying the Yakama Nation had not filed an appeal of the county's decision within the 21-day window required by Washington's land use petition act.

The Supreme Court opinion said that the Yakama Nation's May 2 appeal was filed in a timely matter and remanded the case back to the Yakima County Superior Court for further proceedings.

The opinion hinged on a technical point — in Yakima County, final land use decisions must be written.

The court found that while the County Board of Commissioners issued its decision at an April 10, 2018 meeting, the Board did not provide written notice to the Yakama Nation until April 13, 2018, and that the Yakama Nation's appeal fell 19 days later, within the required window.

Yakama nation Tribal Council Chairman Delano Saluskin applauded the court's decision.

"The Yakama Nation maintains its inherent sovereign rights to its ancestors' remains and cultural resources wherever they may be," Saluskin said. "We are pleased that the Supreme Court allowed our lawsuit to proceed to protect our ancestors from this proposed gravel mine."

The Yakama Nation's appeal process started after Yakima County issued a conditional use permit and a State Environmental Policy Act determination of nonsignificance for the area. The Yakama Nation challenged both in Yakima County Superior Court in May 2018, naming as defendants Yakima County, Granite Northwest and landowner Frank Rowley, who was leasing the land to Granite Construction, a subsidiary of Granite Northwest.

The Yakama Nation said county officials had failed to thoroughly consider the cultural significance of the area when issuing a conditional use permit for the expansion. The Nation also said that the county had failed to seek an archaeological site alteration and excavation permit after being told to do so by the State Department of Archaeology and Historic Preservation.

A hearing officer modified the conditional use permit to require a separate permit from the state archaeology department but upheld the SEPA determination. The Yakama Nation appealed the decision to the county Board of Commissioners.

But the board denied the appeal, on April 10, 2018, through resolution — the written copy of which it sent to the Yakama Nation three days later, on April 13. The Nation responded by filing the new land use petition in Superior Court on May 2, 2018.

In October 2019, the state Court of Appeals said the Nation's opposition to the expansion was filed after the required deadline. The Yakama Nation then sought review with the Supreme Court.

Markham Quehrn, an attorney representing the county and Granite Northwest, said Thursday he needed time to review the findings with his clients before issuing a statement.

A Yakama Nation news release said the Yakama Nation will continue its fight against the mine expansion before the Yakima County Superior Court.

Reach Lex Talamo at ltalamo@yakimaherald.com or on Twitter: @LexTalamo.