

**CLARK COUNTY  
PLANNING COMMISSION MINUTES  
Thursday, October 17, 2013**

**Public Services Center  
1300 Franklin Street  
BOCC Hearing Room, 6<sup>th</sup> Floor  
Vancouver, WA**

**6:30 p.m.**

**I. CALL TO ORDER 6:30 P.M.**

BARCA: Good evening, ladies and gentlemen. Welcome to the Clark County Planning Commission hearing. We are going to have a very full agenda as you can see by the room. So I'm going to start off with just a couple of housekeeping rules, so as we get going it will make it as speedy for everybody as possible.

When we get to public testimony, I'm going to ask for a three-minute limit, please. We have a lot of people that have signed up and everybody wants their opportunity to speak. If you came to the last hearing, please do not give us that same testimony again, redundant testimony we already have it on record. We have a lot of written testimony that is very, very similar to the spoken testimony, please bring something new or different to your perspective to help us out.

If you're wondering whether we received your written testimony, there's a document at the back table that has a list of the individual's names and that we did receive the documentation from them. You'll have that opportunity to go back and you can check and see if what you submitted to us has become part of the written record.

If you dropped stuff off tonight, don't expect it to be on that document back there. We were inundated with a half a wheelbarrow load of paper as we came in from tonight's stuff. Unfortunately, we're not going to read it while you're talking. So we will try and give you our undivided attention, and everything that got dropped off tonight will be for the record for the future. Okay.

So that being said, can we call to order and have roll call.

**II. ROLL CALL**

GIZZI: HERE

JOHNSON: HERE

MORASCH: ABSENT

QUIRING: HERE

USKOSKI: ABSENT

BLOM: HERE

BARCA: HERE

**III. APPROVAL OF AGENDA AND MINUTES**

BARCA: So we're going to start out the evening with approval of the agenda, please.

GIZZI: I move that we approve the agenda for tonight's hearing.

JOHNSON: Second.

BARCA: It's been moved and seconded. Any discussion? No discussion? Roll call.

BARCA: HERE or AYE

BLOM: AYE

GIZZI: AYE

QUIRING: AYE

JOHNSON: AYE

BARCA: And now we'll move to the approval of the hearing minutes for July 25th.

JOHNSON: I move we approve the hearing minutes for July 25th.

QUIRING: Second.

BARCA: Moved and seconded. Discussion? All those in favor.

EVERYBODY: AYE

BARCA: All right. Let's keep this moving. Approval of the hearing minutes for September 5th.

GIZZI: I move we approve the minutes for September 5th.

BLOM: Second.

BARCA: Moved and seconded. All those in favor.

EVERYBODY: AYE

BARCA: And approval of the hearing minutes for September 19th.

BLOM: Move that we approve the minutes for September 19th.

GIZZI: I second.

BARCA: Moved and seconded. All those in favor.

EVERYBODY: AYE

#### **IV. COMMUNICATIONS FROM THE PUBLIC**

BARCA: Okay, that's out of the way. So this is the part of the evening where we ask if there is anybody from the public that wishes to speak on any item other than our agenda this evening, this is the opportunity that we give you to come forward and to speak before the Planning Commission. So anything other than tonight's agenda, is there anybody that wishes to come forward? Okay. Seeing none, we are going to go into the public hearing items and we are going to start with staff report on the revised map and the discussion that came from our last hearing.

#### **V. PUBLIC HEARING ITEMS AND PLANNING COMMISSION ACTION:**

##### **A. CPZ 2013-00015 SURFACE MINING OVERLAY UPDATE**

***\*CONTINUED FROM SEPTEMBER 13 HEARING\****

MABREY: Thank you, Commissioner. Mike Mabrey, Community Planning. I just wanted to point out that we have done a corrected map based on a couple of items that were brought up at the last hearing and in the interim.

One was there had been no indication of the surface, current surface mining overlay on Yacolt Mountain. It's primarily because the overlay was adopted at the same time the mining was approved and it didn't get back to GIS basically, so that's been --

PUBLIC: Can you speak up.

MABREY: -- that's been corrected.

A second item is we heard from DNR that a couple of their existing parcels that have the existing overlay they wanted to keep the overlay on, so we removed the yellow from this area here and this area here.

And finally in Livingston Mountain area, we removed the overlay from all parcels that were transferred from the Department of Defense to the County as part of the Camp Bonneville transfer because of the deed restrictions that prevent excavation and mining, that includes these two parcels and where the 14 is, that was also part of the transfer.

In addition, at the Planning Commission's request, we've numbered each of the green potential expansion areas for the surface mining overlay.

The work session there were basically three issues addressed. We provided an analysis of the Livingston Road condition. We heard a lot of testimony at the last hearing that it is steep and curvy and there's blind corners and the pavement's narrow. So we sent a traffic engineer out who confirmed all those things to be true and documented reasons why it would be not possible for trucks and trailers to operate on that road without crossing the center line on some of those corners. And their conclusion was that this was not a safe road system for additional truck and trailer traffic.

In the Yacolt Mountain area --

GIZZI: Mike, sorry, just for sake of this discussion and those that weren't at the work session, that would impact that road study, traffic study impacts 13 and 12; is that correct --

MABREY: Correct.

GIZZI: -- on this map?

MABREY: Right. In the Yacolt Mountain area we looked at the endangered species map that affects East Fork of the Lewis River and some of the tributaries. We looked at the contour map that showed that a large portion of this is over 40-percent slope, and we looked at the WAC that indicates that when you have two different mining, two different resource designations, we need to determine if the forest or the mining land use are first of all incompatible, and then examine the criteria to determine which use has the greatest long-term commercial significance.

Clearly there was no decision made. There may be some additional work needed if the Planning Commission wants to justify removal of that surface mining expansion. I would suggest that there may be a basis for that in WAC 365-190-060(3) which is refers to forest land designation. I don't think you have it in your packet.

It basically says that "Counties and cities may also consider secondary benefits from retaining commercial forestry operations. Benefits from retaining commercial forestry may include protecting air and water quality, maintaining adequate aquifer recharge areas, reducing forest fire risks, supporting tourism and access to recreational opportunities, providing carbon sequestration benefits, and improving wildlife habitat and connectivity for upland species."

That's essentially a review of what we talked about at the work session. There was also one other topic which was a discussion of how to deal with site-specific requests and what criteria they should meet where the Department of Geology map doesn't show identified resources, and that would apply to several areas that are currently shown in green including the Morgan property, the expansion of the Tebo Pit and the Matilla property, all of which we talked a little bit about.

So that's essentially what's happened between then and now and aside from a lot of testimony coming in.

BARCA: So for the map and the alterations you made, any area on the map that is checkered but shows yellow, it is proposed to remove that from the overlay; is that correct?

MABREY: That's correct.

BARCA: So as we look at the map if you see it's checkered and it has the yellow coloring on it, it's already planned to come off. What makes it a little difficult is to understand portions of that overlay may be in white and then would be remaining. So we have to be clear when we're talking about what portions of the overlay are part of the discussion. Okay?

MABREY: Okay.

BARCA: So we talked in the work session about dealing with owner requests, right, as a separate matter for the map, and I would like to have the Planning Commission discuss before we go into public testimony if we are going to deal with some of the map items individually. The discussion was owner requests separately from the remaining overlay map that had designations based on the DNR designation and the minerals task force, and then we would deal with the documentation that is part of the proposal for modifications of the UDC and the comp plan change as separate items as well so...

PUBLIC: Is there any way to turn the volume up back here so people in the back room can hear?

MCCALL: I've done all that I can. I'll turn you guys up individually if they're not able to hear you.

GIZZI: Well, we're trying. We're doing the best we can. I believe she's got it turned up all the way, but she'll turn it up individually as we comment.

PUBLIC: Bring the mic closer. Bring the mic closer to you.

BARCA: We will continue to make adjustments and make sure that we do the best we can. So we hear you, can you hear us?

PUBLIC: Yes.

BARCA: So the discussion was segregating the agenda and taking it in portions so that we can get testimony for the most relevant parts and not hear all of everybody that's here for testimony before we have any type of deliberation. And I'm interested in hearing the Planning Commission's discussion with that.

BLOM: I think that's the best way to handle it actually.

JOHNSON: Anyway, just be efficient here, Ron, I think that will be fine.

BARCA: Then we are going to start with owner requested land being brought into the mining overlay. So anybody that had signed up for their parcel of land to be brought into the overlay, this is your opportunity to come up and speak. Did you hear me in the back?

PUBLIC: Yes.

BARCA: I just want to make sure.

MABREY: If there's nobody ready to testify, we received something from the owners of Number 1 today, or their representative, and it included a map of the existing resource as well as test results and kind of the whole package that would allow us to narrow down this really large green blob into a narrower -- I can bring it up on the screen if you like, but I think you have it.

BARCA: Would you be able to tell us what document that was?

GIZZI: Mike --

MABREY: Maul Foster.

BARCA: Maul Foster, okay, that's very helpful.

MCCALL: Orange logo on the front.

GIZZI: So we basically - for those that can't see except can see the map - we're talking about Parcel 1 and we have an engineering study that actually includes pictures of an existing quarry on the site and states that the site is a good source of bedrock materials.

BARCA: And going through the WAC and discussing the concept of dealing with landmass that's above the 100-year floodplain, they do have a documented number of what they believe is a percentage of available rock above the 100-year floodplain. So looking at the map that they have here, it appears to be a smaller boundary than what was proposed?

MABREY: Correct.

BARCA: So basically here's our testimony. And our discussion at the work session was the owners were to come forward with some type of documentation, this appears to have met that criteria. Can we deal with Section 1?

### **SECTION 1 ROLL CALL VOTE**

QUIRING: Yeah. I move that we reduce the size of Section 1 to meet with this study and leave it on the map as such.

BLOM: I second.

BARCA: So we have a motion and a second to reduce Section 1 size based on the scientific study data that's been provided. Any discussion?

GIZZI: No.

BARCA: All right then. We will deal with Section 1 separately right here. Roll call, please.

JOHNSON: AYE

QUIRING: AYE

BARCA: AYE

BLOM: AYE

GIZZI: AYE

BARCA: Now, remaining parcels from owner requests.

### **SECTION 4 & 9**

MABREY: That would be 4 and 9 and there's been no documentation provided, neither of them have identified aggregate resources.

BLOM: And to clarify, 4 where the existing mine is, the mineral lands task force did not find on their report that was not included; correct? That's only on there because they asked for it to be included?

MABREY: Right.

GIZZI: And the same with Number 9 which we kept referring to as the --

MABREY: Matilla.

GIZZI: -- Matilla property.

MABREY: Correct.

PUBLIC: What is Number 4? What name is Number 4? I don't have a map.

GIZZI: This is the expansion -- oh, go ahead, Mike.

MABREY: Yeah, that's the Tebo mine.

PUBLIC: Okay, thank you.

BLOM: Do you need a motion?

BARCA: We have several people wishing to testify about Tebo. Now just for clarification and to help move the process along, I would like us to understand if we are taking the owner request component and approving or denying, it doesn't change their permitted right on the existing property, just so everybody is clear on that statement. And I think because we have these people going forward on Tebo, I think we need to hear before we vote. Okay. Was there anybody that wanted to speak about Matilla's property?

PUBLIC: Is that the Tebo pit expansion?

BARCA: I have Tebo here, that's Number 4 on the map, and we also are discussing Parcel Number 9 if you can move that forward right there.

PUBLIC: Well, I wanted to speak about the extension into the Tebo pit.

BARCA: So we will go ahead and we will bring the people up for the Tebo mine, okay, and we'll get through this. So just to go over the rules again, three minutes, okay. And when you come forward, please state your name, spell your last name and then give us your address, and I won't start the clock until after you do that. Okay. So --

QUIRING: Mr. Chair --

BARCA: Yes.

QUIRING: -- as they're coming up or whatever -- oh, you're going to call them. I just have a question about what we discussed in our work session regarding --

PUBLIC: Use the microphone, please.

QUIRING: I have a question about what we discussed in our work session about these owner requests to be brought in. My understanding was that we were going to require from owners a similar packet that we got for the other Number 1 for instance. So I'm --

BARCA: Right.

QUIRING: -- I'm wondering if we do that and we haven't heard from these two people exactly what -- I mean I understand we need to hear from people, but our idea already was that we would be requiring owner requests to verify resources anyway.

BARCA: Yes. All right. So to try and clarify it, I believe what Commissioner Quiring is actually saying is in our work session we had said if the owners do not come forward with documentation, we were going to deny their requests. I wanted to make sure everybody had an opportunity to speak.

If you knew we were going to deny their requests without documentation, how many people still want to speak about Tebo? One, two, okay. So we will hold the vote off until we have the people come forward.

JOHNSON: Were those owners notified?

BLOM: Well, they made the request.

GIZZI: They made the request.

JOHNSON: They made the request, but --

QUIRING: Were they told.

JOHNSON: -- then at the work session a different criteria was set up, were those owners notified after that work session?

MABREY: No, not all of them, they weren't all easy to reach so...

QUIRING: Well, we can't do it then.

BARCA: So I had two hands of people that wanted to come forward, and I'll start with this gentleman closest at hand right here, and please come on up.

WEBB: Well, I guess, my name is Jim Webb.

BARCA: Could you sit down. And because of the people in the back, please speak clearly and loudly into the microphone.

WEBB: My name is Jim Webb, W-e-b-b, and I live at 24508 NE 92nd Avenue, which is the corner of 92nd and 244th. So I'm basically I'm just, like, two long blocks away from what looks like where this is going to happen. I haven't done any -- on that -- I just barely found out this meeting was happening tonight, so what I'm doing here may not have any consequence whatsoever.

But I do have concerns about the rock pit because on the already existent Tebo rock pit, they really messed up my well. I mean I've burned up three pumps on my well in a short period of time only to find out that they had dug into the water table and that's why my well was full of mud. Well, nothing was done about it. I called them several times, they wouldn't talk to me until I threatened them with an attorney, then they paid attention to me.

And now I'm on a little skinny road there that's going to go up to 244th, are they going to come along and take my property away from me now so they can run their trucks up and down the street? I mean that's kind of some of the concerns I have.

And the trees that I planted so I'd have privacy, are they going to knock those down too? I mean where are they coming and going from this rock pit? And like I say, I don't want my well messed up any more than it already is because it's not the same well that I had when I originally bought the place and moved in, and it was a great well until a few years ago. So that's where my concerns are at.

BARCA: And as far as road access goes --

WEBB: It's not a very big road for trucks, it's barely big enough for two cars.

BARCA: Whatever access they're using today at this location would be the proposed continued access for them.

WEBB: So they're going to drive from this new gravel pit into their old gravel pit and then up the road? Okay. But I still have concerns about my well.

BARCA: Absolutely.

WEBB: So that's basically where I'm at. Thank you.

BARCA: Thank you, Mr. Webb. You, sir, in the back, please come forward.

EATON: My name is Dennis Eaton, E-a-t-o-n. I live at 24908 NE 92nd Avenue. My property, Tebo's property joins all of my property, so I'm very well aware of the pit and everything, and I'm very opposed to having more expansion because Storedahl is not a good neighbor. Like he said on his well, they went down 140 feet, and I've got pictures of water coming out of the side of the cliff there where these people's wells are and it just don't make any sense to disturb all that.

I got pictures that I'd like to turn in tonight of the dust, the road being all tore up, and it's

just -- doesn't make any sense to extend that because these roads out here aren't designed for that. Tebo's trucks are licensed for 110,000 pounds and they're huge. They got the pups and the big spreads and when they come down around Manley, they can't make that without going completely into the other lane. I've got pictures. I didn't bring them tonight of that, but I've got pictures showing where they go three or four feet into the other lane.

And I got some stuff here where pictures of 92nd Avenue on the Battle Ground highway and it's got tore up there six feet off the road, cracks running out there eight or nine feet. 239th and 92nd there's cracks and all kinds of stuff because the trucks can't turn those corners, these are little farm-to-market roads.

And so anyway, Storedahl is not a good neighbor. He just, he just doesn't do anything he's supposed to. I got pictures of pumping stuff into the creek with six-inch pipes, got pictures of small pipes pumping water out, dust coming out of the pit, mud on the road. I mean they're just -- he just doesn't care.

And I noticed on this new mining overlay this is going to replace - and this is some of the existing stuff that's supposed to take care of here - all this other stuff that's in here, like, the property should be fenced, you know. Because on the back of my property of mine right up to the property line, and if you stepped off of it, you'd fall 60 feet right off just straight down. And so I look at this and it looks like to me that if this is brought in, it has to be fenced, the whole mining area has to be fenced. Is that my understanding?

MABREY: This would only apply to new permits. So whatever their current conditions are, would not be changed.

EATON: And then it says here that night hours of maintenance no beepers. And I've called up Linda I think Moorhead or whatever at Code, and the noise levels and all that, and I called her up every morning for, like, three weeks and they sent somebody out and was going to test the dB measurements on my property beings it adjoins the pit, and every day they're mining and crushing gravel, and they said, okay, we'll come out like on a Tuesday at 11:00. And what do you think happened on Tuesday at 11:00, they must have went to lunch, they shut everything down because they've never done that, no sound whatsoever. So I don't know.

I'm just not very happy with what's happening with the County. It seems like to me they're just turning a blind eye to all this stuff that goes on as far as the roads and the dust, the beeping, and just there's just no sense to all this mining and all that stuff there in a residential area. And like you said, the roads aren't made to handle those big loads, you know. Can I turn these pictures in tonight to you guys too?

BARCA: Yes, Mr. Eaton. Thank you for your testimony. And please turn the pictures in, or if you have electronic copies, you can get it to Marilee.

EATON: Well, I just made these up here and I got more stuff. Now is this the only hearing that's going to be on the expansion of this or is there going to be another hearing with the Commissioners?

BARCA: The Commissioners will definitely hear this. We are just an advisory board, right.

EATON: Now will we be able to testify to the Commissioners or is this the only testifying we get?

BARCA: Oh, no, I'm sure you'll have your opportunity to talk to the Commissioners as well, they love to hear from you. And, everybody, you'll have a chance to talk on all of this again. Okay.

EATON: Well, I just --

BARCA: Thank you for your time, Mr. Eaton.

EATON: Thank you.

BARCA: We're talking Tebo, right, and if you come up for Tebo, please make it relevant to what's going on. Ma'am, please come forward.

CARNER: Sandra Carner, C-a-r-n-e-r, 8707 NE 244th Street, Battle Ground, Washington 98604. Thank you for the opportunity to share our concerns. Our neighborhood concern is the Tebo gravel pit which joins the neighbor's property on the north of 244th Street. This concern is the possibility that this pit -- I'm sorry, I'm going to try to do this. -- this pit may be active again and invade further to the south and be very disruptive to our homes, our land value and our quality of life.

Our homes may be affected by the dust, the noise and the unpredictable working hours of the mining. All this is known by conditions that were experienced before when the mine was active. To bring it further into our neighborhood would be even worse. The noise factor alone is a concern because of the negative affect noise can have on human life which was explained so well by a lady from Camas at the last meeting.

Next, our land value which was set by the County will be devalued. Jim and I have lived on our home for 54 years and have been good stewards of the land as have all our neighbors. We have paid taxes consistently which have been increased 231 times while we have been here. We felt it is our part to contributing to the needs for all in the county, so we did not mind paying our taxes because we feel it's a privilege to live here.

And, finally, expanding mining further into our neighborhood would affect our quality of life. We all moved here for the gentle, rural life this neighborhood promises with the rich land for growing gardens and crops and a lifestyle that is healthy and offers a good environment to raise our children. Mining here so close would change all of this in an adverse way.

It is the opinion of the more majority of the people on our street and in a mile radius of families around us that we are against this mine being enlarged. Would you please join us and think as if this was your homes and neighborhood being affected and recommend to the County Commissioners not to approve the overlay and not consider the Tebo mine to become active with a mine to invade our neighborhood. Thank you

BARCA: Thank you, Sandra. No applause. Come on now, let's keep this moving. Anybody else for Tebo?

GIZZI: So just so folks understand what we're talking about because maybe it got lost, we're actually talking about removing the Tebo Number 4, the increase in size of the Tebo pit from the proposed overlay at the moment. So we're talking about taking it off which is what the current set of discussions are.

BARCA: I think they know, yeah.

PUBLIC: But it's not yellow. Shouldn't it be yellow?

BARCA: No, it shouldn't be yellow because the yellow was a determination by the task force to remove it. Now we are looking at what else we want to do with the map as far as modification goes, so that's why it's not yellow. Dave, please come forward if you're going to speak.

ROGERS: David Rogers, 18114 NE 317th Street, Yacolt, Washington 98675. I didn't come --

HOLLEY: Spell your last name, please.

ROGERS: Pardon me?

HOLLEY: Spell your last name, please.

ROGERS: R-o-g-e-r-s. I didn't --

BARCA: Slow enough that nobody gets in trouble.

ROGERS: Thank you. I didn't come here to talk about the Tebo pit. Tebo pit was closed quite some time ago because of carcinogens. Why would we even consider opening up that area when the rock and what comes into their ponds is the carcinogenic and this County's already closed it down? They cannot use it. Why would it even be a consideration for this group at all if it's already been closed because of carcinogens? Thank you.

BARCA: Thank you. Next.

SCHNEIDER: I just have a quick question. It was my understanding that if the owner did not -- the owner needed to supply documentation for resources before the Commissioners --

BARCA: Listen, that's not a quick question.

SCHNEIDER: It's just that --

BARCA: So would you like to come forward and pose your question to us? Please, we're trying to do public testimony right now.

GIZZI: Right. That's the reason for speaking slow and making sure you're up at the microphone is because all of this becomes a matter of public record and that's the only reason for the request, it's not to force people to sit by themselves.

SCHNEIDER: No, that's fine. My name is Deirdre Schneider, the last name is spelled S-c-h-n-e-i-d-e-r. I live at 8813 NE 244th Street, and we're right near the Tebo pit mine. My question is that at the working session if the owner did not come forward with documentation of resources, they were going to be removed from consideration but they had until the Commissioners' meeting in November to provide that information. So what we're concerned about is that if we don't testify now and then the owners come forth between this period and the meeting in November, we lose our chance to say anything, so we're kind of confused by the message here. Are they going to be removed?

BARCA: We are only an advisory board, okay, so we can be as radical as we want to on this map and we are not the final say. Your testimony is relevant both for this hearing and for the hearing for the Commissioners. Once you testify tonight, you're on the record.

SCHNEIDER: Right.

BARCA: And of course you'll be able to come before the Commissioners and speak your piece at that time as well.

SCHNEIDER: I was just making sure because as we talked among ourselves, we weren't sure what was going on.

BARCA: The criteria for no documentation and removal, that was this Board's determination to try and narrow the discussion and also understand where the pressing commercial needs were versus the idea of overlays for the sake of minerals.

SCHNEIDER: Correct. Okay.

BARCA: Okay?

SCHNEIDER: Yes. I just was wanting to clarify that. And then, you know, that was all I had to say except for the fact that our urban growth boundary as shown for Battle Ground up there is at the corner of 92nd and 239th. In discussions with Battle Ground and Sam Crummett there in the planning division, he did note that our area would probably not come into play in the next planning session which is 2014, adoption in 2016, but in the five year to ten-year planning our area is

definitely on their scope and --

BARCA: Sorry.

SCHNEIDER: That's okay. I'm just saying that, you know, if this is the Planning Commission and the Commissioners are looking to the future, our area is in a growth area and we want to make sure that's on the record. Thank you.

QUIRING: Mr. Chair, with regard to her question and whether these owners got a notice, I assumed after our work session that the owners would be getting, you know, notification that they should turn in some of these materials, and of course prior to the actual Commissioners, the County Commissioners' hearing, you know, they'll have that time, but it does change it a little bit if we, even for us I believe if we haven't seen something from the owners.

BLOM: We do have testimony from Storedahl, it's just that they didn't ask about that parcel, and it was dated the 14th so they did submit something. So they were aware that we were meeting and discussing this.

QUIRING: Well, are they verifying the mineral --

BLOM: They commented for eight pages on the code revisions.

GIZZI: And then could I add just one thing, that your concern is valid, so even if we make the recommendation to lift the overlay for that area, you would definitely want to be at the Commissioners' meeting.

DENTLER: Yeah. My name is John Dentler. My address is 8920 Franklin Avenue, Gig Harbor, Washington 98335.

BARCA: And you're going to spell your last name for us.

DENTLER: D as in Delta, e-n-t as in Tango, l-e-r. And I'm testifying on behalf of Storedahl, and I only want to clarify that Storedahl has not and will not request an expansion of the Tebo mine. That's the only thing I wanted to clarify.

BARCA: Well, that's very helpful. Thank you.

QUIRING: Thank you.

BARCA: Then hearing that testimony, you're still welcome to come forward.

WOOLSTON: Yeah. Deanna Woolston, 8816 NE 244th Street in Battle Ground right by the Tebo pit, and Woolston is W-o-o-l-s-t-o-n. And the reason why I'm still testifying, that's great news about Tebo, I mean about Storedahl, but I think it's also relevant for other people to hear kind of what actors Storedahl are, and then if another company was interested still in developing that resource because it is close to other infrastructure for the mine.

When I first heard about the gravel mining overlay changes, my only purview was my own experience living next to the Tebo pit, and it scared me of what was potentially to come because I know about the wells. One of the wells on our property was dried up, and I knew that when we had a problem with Storedahl, it was almost impossible to find out who would address our concern. The company was operating 24 hours a day at one point, and they were frequently operating well after dusk and well before dawn. It was like living next to a frat house that played really bad music.

Now after a month of staying up long after I put my kids to bed and writing you a letter filled with errors because I stayed up way too late, I learned that I have more questions and I'm even more frightened of having a mine expand on our road.

The gravel mining industry, and in particular Storedahl who I think the County gets most of its gravel

from, are bullies. The reason it's hard to find out who can handle our noise complaint is because there's no one person in the county responsible for gravel mining and you get tossed around when you do a call in about noise or water quality, and then frequently nobody calls you back.

And then there's County, State and Federal agencies, so for a layperson to try to get up to speed on what to do, it's very difficult. And the fact that our concerns with noise were never addressed as the norm rather than unusual oversight is complaint driven. There's no person going out there checking on a regular base to make sure they comply with water quality or noise or any truck traffic or anything else.

And if you're lucky, and you have the time to be tremendously persistent and you call and complain and complain and complain and maybe you get to go to before the County or a Court, and even if they rule in your favor, then oftentimes the company will still commit violations.

For instance, in 2003 Storedahl was found to have been dumping gravel slurry in Dean Creek that runs into the Lewis River, precious Steelhead habitat, and five years later in 2008 they were still doing the same act that they got fined for. And that was a U.S. District Court that ordered them to stop, and they had to come back five years later and told them to stop again. In 2007 that Storedahl was fined \$43,000 for polluting another creek running right alongside 92nd near my road for the same thing, crappy water going into as a tributary into the Lewis River.

In 2008 Storedahl sued Clark County because they didn't even want to pay a small, small pittance of a clean water charge in order for the County to uphold the Clean Water Act. It was like 8,000 bucks for this big company and they didn't want to pay it, so they sued the County. Then in February of 2010, U.S. District Court ruled against Storedahl for their habitat conservation plan for their Daybreak mine. So it's just again and again they're fined, and again and again they continue that behavior.

And there's a neighborhood association at the bottom of 92nd that worked in good faith with Storedahl and Storedahl went against every single thing they agreed with. And then when the people continued to complain, they issued to slap suit on them in order to shut them up. So even if you have time to ensure your voice is heard, oftentimes nothing will be done.

Reclamation doesn't happen, so they abandon their mines because the reclamation bond is poultry. For that 70-acre parcel that Tebo now operates it's a \$230,000 bond, so it's better for them to just abandon their property and let the taxpayers pick up the bill which seems like it happens frequently. It's ridiculous for this county, its residents and its vital rivers are sacrifice zones for gravel mining companies. It should be on the burden of the gravel mining company --

BARCA: Deanna, time.

WOOLSTON: -- to show they could act in good faith. Thank you.

BARCA: I appreciate that. Thank you. Ma'am, please come forward.

BAKER: My name is Sue Baker, B-a-k-e-r, address 8710 NE 244th Street, Battle Ground, and I'm here regarding the Tebo pit. I have some letters here, I don't know who can distribute these to you.

PUBLIC: Can't hear back here.

BARCA: Right in that microphone nice and tight.

BAKER: One thing I didn't mention when I was here last time - thank you for hearing me again - was that a few years back down at 92nd Avenue and 219th Street I was involved in an accident with a gravel truck pulling a trailer which came around the corner too fast and too wide, scraped down the entire side of my car and totaled it. Fortunately my son and I were not injured. The driver told the Sheriff's Office or sheriff's officer who responded, well, I thought I was allowed to

drive in the other lane going around corners, and the sheriff said, well, not when someone else is in it.

Then another experience I had with a truck was last Friday. I had gone down to the end of our road which is a dead-end road, I had gone to the opening onto 92nd and I had to stop because there were three semi-trucks with belly dump trailers, those big long ones, coming up 92nd southbound, they were just leaving a County paving project which was taking place over on 72nd. I was waiting for them to pass, and as the first one passed me there was this loud boom. And I looked, I kind of ducked instinctively, then I looked and I thought, okay, it didn't take out my windshield. And my daughter said, mom, the window behind you is cracking.

I drive a Volvo station wagon and one of these trucks kicked up a rock or something, I didn't see what because I wasn't staring at them when this happened, but it took out a whole window which I am now going to have to replace at the cost of several thousand dollars because it's an encapsulated special window.

And when I contacted Taylor Transport, who was the owner of the first two of the three trucks that were coming up the hill, and the rock came from one of their trucks, they told me they would contact their insurance agent who would be getting in touch with me. Well, their insurance agent called me this Monday and said that their feeling was because I did not actually see the projectile come off their truck, that it was not their fault and I couldn't prove it, and that --

BARCA: One minute, Susan.

BAKER: Yes.

BARCA: One minute.

BAKER: Uh-huh.

BARCA: No, you have less than one minute.

BAKER: One minute. Okay, thank you. Anyway, I gave you a copy of that letter in which they deny any responsibility at all which just kind of gives you some idea of the callousness of their concern for citizens in this county. There were no other vehicles on the road, there were no other -- there was no one out, nowhere else this could have come from.

Lastly, I would say if the new pit were allowed and someone else were to mine it other than Storedahl, it would be within 20 feet of our well which is already compromised by mining that was 950 feet away several years ago and it has never been restored to the former quality and quantity of the water we had before. So I would ask that you strongly recommend this be removed from the mining overlay. Thank you.

BARCA: Thank you. Anybody else about Tebo? All right. Seeing none, let's bring it back to the Planning Commission.

JOHNSON: Mike, on 4, is that a different landowner than Storedahl?

MABREY: Yeah. Yeah. There are two landowners there that just kind of contacted me, they both thought that maybe they could sell to somebody that would like to mine because they're adjacent to the mine.

JOHNSON: So this is not as the testimony said a Storedahl project?

MABREY: It's not.

JOHNSON: This is a private landowner, two of them coming forward wanting to put an overlay on their property. And correct me anywhere if I'm wrong, after the work session, these two landowners were or were not notified based on the criteria that the Planning Commission at that

time had put forward?

MABREY: They weren't.

JOHNSON: So they do not know as of right now that if they wanted this to happen, they're not Storedahl so they're not in, it has nothing to do with this testimony?

MABREY: Correct.

JOHNSON: They have basically no idea right now that they needed to be here; is that correct?

GIZZI: Well, now wouldn't it be fair to say that if your property is involved in a proposal in front of the Planning Commission and you had an interest in it, you would want to be at that meeting?

JOHNSON: I don't know. Not necessarily if it was put out for in the context of, hey, basically all you have to do is say -- and again, I'm learning here so...

MABREY: Right.

JOHNSON: If you say, look, I want an overlay on my property. Initially this was a pretty easy process. Call you up, correct, and say I'd like to submit -- and so it --

MABREY: Right.

JOHNSON: Initially it's not necessarily that you'd have to be here, you just follow the rules as it was there; correct?

QUIRING: Yeah.

MABREY: Yeah. Right. So it will be new information to them, but I don't know that that would preclude you from making a recommendation one way or another.

JOHNSON: Yeah, I understand that. Yeah, I get that. Yeah.

MABREY: I think they should be notified certainly between now and the Board hearing.

JOHNSON: Right, for sure.

BARCA: So we have Parcel 4 and Parcel 9 in front of us.

#### **SECTION 4 & 9 ROLL CALL VOTE**

GIZZI: So I make a motion that based on the fact that there are no folks standing up on behalf of those properties, and the DNR resource inventory shows no known resources on either of those sites, that we remove them from our recommendations that go to the County Commissioners.

BLOM: I second.

BARCA: So we have a motion and a second. Any other discussion? Roll call, please.

BARCA: AYE

BLOM: AYE

QUIRING: NO

GIZZI: AYE

JOHNSON: NO

BARCA: We've knocked out three of them.

PUBLIC: Can you clarify what "knocked out" means?

BARCA: That means they're done on the agenda. It doesn't mean anything more than that. I know it's graphic terminology. You might think or hope it meant more, but, no, it just means that

we're done with them on the agenda. So I guess we go back to the --

QUIRING: You know, well, anyway. I guess we voted, but we didn't have a discussion about that motion before our vote.

BARCA: I did ask for discussion.

QUIRING: No, you didn't.

BARCA: Oh, I'm sorry, I did, yeah, and you can check in the record.

PUBLIC: Review the tapes then.

QUIRING: Will do. Thank you.

BARCA: So I would like us to move forward. We have parcel as Number 2, and can we go there, please.

JOHNSON: Did you want to do 9, or was that 4 and 9?

BARCA: 4 and 9 are done.

JOHNSON: 4 and 9?

### **SECTION 2 & 3**

BARCA: Yes. And the story with these for the record is?

MABREY: These are part of a larger area of identified resource. And the mineral lands task force took a pretty good look at this area, and there's very steep slopes and very poor access throughout this area, so those portions were removed. I think the resource also extended over to close to Bratton Road and the parcelization and the presence of the creek adjoining Bratton Road kind of led them to think that this was not an area that was suitable for additional resource designation.

BARCA: So you're saying the task force did not believe that Parcel 2 or 3 were suitable?

MABREY: No. Everything but 2 or 3 was not suitable. So 2 or 3 was what remained after they looked at the access problems and the slope problems in that area.

BARCA: So they think that I think the terminology is identified, is that our terminology as opposed to hypothetical or --

MABREY: Correct. They're all part of a larger identified area, right.

BARCA: So two items here recommended by the mineral land task force and shown to be in bedrock as identified. So is there anybody out there that wishes to testify on either of these two parcels? Can you hear me in the back?

PUBLIC: Yes.

BARCA: So if you have interest, this is the time to come forward, north of Bratton Road. Okay. Seeing no interest from the public, I'm going to bring it back to the Planning Commission.

PUBLIC: (Inaudible.)

BARCA: Sir, if you would like to testify, please join us.

BLOM: Do you need a motion?

BARCA: We need something.

### **SECTION 2 & 3 ROLL CALL VOTE**

BLOM: I make a motion to include the Parcels 2 and 3 in the surface mining overlay.

JOHNSON: Second it.

BARCA: Motion and a second. Any discussion? It appears to meet the criteria. And looking at what we had in the WAC, it seems to fall in line with both the 36, or sorry, 365-190-040 on the Process. And it also appears to meet the criteria on the Mineral resources lands, physical properties of the resource includes quality and type, the effects of proximity to population. We haven't had anybody come forward, and so as we do so we will give them opportunity to speak before the Planning Commissioners, I mean before the County Commissioners. So we have a motion, it's been seconded, roll call, please.

MCCALL: Discussion?

BARCA: We had discussion.

BARCA: AYE

GIZZI: AYE

JOHNSON: AYE

QUIRING: AYE

BLOM: AYE

MCCALL: 5 in favor, 0 against.

#### **SECTION 5**

BARCA: So we are going to move to Number 5.

MABREY: 5 is a small extension of an existing mining operation east of Amboy. The owner also owns the parcel that's being under consideration, that's all of the land that he owns. There was a somewhat larger blob of identified resource which extended kind of this way, and the mineral lands task force for various reasons, including parcelization and types of development existing, recommended that the remainder be removed and just Parcel 5 be maintained.

BARCA: So we have people who have signed up on the sign-up sheet that was just declared as OTHER AREAS. Is there anybody that wishes to come forward and speak to Parcel Number 5 that is on the map at this time? Anybody in the back? I know you can hear me. So we will just bring it back to the Planning Commission then.

#### **SECTION 5 ROLL CALL VOTE**

GIZZI: Well, I make a motion given the fact that it is part of identified resources and all the other sections of the WAC that you cited earlier that we include or we approve Number 5 for inclusion in the surface mining overlay.

QUIRING: Second.

BARCA: Motion, seconded. Discussion, Karl?

JOHNSON: No.

BARCA: No? All right.

JOHNSON: I'm good.

BARCA: You just kind of looked that way --

JOHNSON: Oh, no, I was --

BARCA: -- so I thought I'd give you a shot at it.

JOHNSON: -- looking at 6 and 7, sorry.

BARCA: Oh, okay. So we've had an opportunity for discussion. Roll call, please.

BLOM: AYE

GIZZI: AYE

QUIRING: AYE

JOHNSON: AYE

BARCA: AYE

MCCALL: 5 in favor, 0 against.

## **SECTION 6**

BARCA: So we are going to move to 6.

MABREY: Number 6 is, again, a small isolated area of identified resource. It's adjacent to another small closed pit. It's really only half of a parcel up on a hilltop. I don't know that the property owner has any interest in doing anything mining related with it, but since it was identified and there was no real disqualifying characteristics, it's on the map.

BARCA: So here we are, going to do this again. Parcel Number 6 on the map, just outside of Chelatchie Prairie, north on a hill. Anybody want to come forward and testify? Everybody's here for Livingston Mountain, aren't you? I made a mistake, I won't do it again. So we will go ahead and deal with Parcel Number 6, bringing it back to the Planning Commission.

JOHNSON: I make a motion we accept Parcel 6 as written on the map.

GIZZI: I'll second that.

BARCA: A motion and seconded. Discussion from the Planning Commission?

BLOM: Question for staff. I think it's going to come up when we get to Livingston Mountain, is there any problem with putting the overlay on only half of a parcel?

MABREY: None that I'm aware of. No, there's nothing in the statute that addresses that.

BARCA: Yeah, it's not a zone, it's just the overlay.

BLOM: Just clarifying.

QUIRING: And I have a question, too, regarding this parcel, was it the landowner that asked for it to be included --

MABREY: No.

QUIRING: -- or the task force who just identified it?

MABREY: No. It was neither one. It was on the map basically and so there was no reason to take it off basically.

QUIRING: Oh, okay. Thanks.

BARCA: It was on the map but it wasn't cross-hatched.

MABREY: No. It was on the identified resource, it's got identified resources. There was no disqualifying characteristics. The property owner didn't ask for it, probably wouldn't care if you took it off one way or the other, but I don't know.

## **SECTION 6 ROLL CALL VOTE**

BARCA: So we have a motion and it's been seconded. Any additional discussion? Then let's roll.

JOHNSON: AYE

GIZZI: AYE

BLOM: AYE

QUIRING: AYE

BARCA: AYE

MCCALL: 5 in favor, 0 against.

#### **SECTION 7**

BARCA: Parcel Number 7, east of Chelatchie Prairie.

MABREY: Yeah. This is adjacent to Chelatchie Rock which is an active mining pit, and also the Chelatchie Prairie industrial area at the end of the railroad line. That's about all I can tell you about it. It extends onto properties outside the ownership I think of the existing mining operator, but it is identified resource.

BARCA: Anybody from general public wish to come forward to talk about Parcel 7? Seeing none, bring it back to the Planning Commission.

#### **SECTION 7 ROLL CALL VOTE**

GIZZI: I make a motion that we include Parcel Number 7 as part of our surface mining overlay.

BLOM: Second.

BARCA: Motioned and seconded. Discussion from the Commission? Seeing none, roll call.

JOHNSON: AYE

BARCA: AYE

GIZZI: AYE

QUIRING: AYE

BLOM: AYE

MCCALL: 5 in favor, 0 against.

#### **SECTION 8**

BARCA: What could be next.

MABREY: I think it's Yacolt, now I just got to get to it. Yeah, there we go. Yacolt Mountain.

BARCA: Yacolt Mountain. So we do have a sign-up sheet for Yacolt.

MCCALL: That would be 8.

BARCA: That is Number 8, yes, and on the sign-up sheet it was called the YACOLT QUARRY AREA. And of course the very first --

STYRES: Let me answer for you, I was the first one to sign it.

BARCA: Well, then please step forward, sir, and when you state your name and spell your last name, I will write it down here.

STYRES: Make any difference which one?

BARCA: Just speak up real close and tight to it when you choose.

STYRES: My name is James Styres, and the last name is spelled S-t-y-r-e-s. I live at 18615 NE

Yacolt Mountain Road. And my concern is the fact that my well has went dry for one thing. Storedahl washes their silt off the road into my property. And every time that they know somebody's coming out from the County, they try to do things. I set right there one day and watched them wash the road seven times; the next day they didn't wash it at all. So they're getting word from the County that we're coming out. And personally I think in my opinion they should expand none of these pits until these truck drivers and the rock people straighten out the mess that they've caused already in this county. And that's basically all I have to say. Thank you.

BARCA: Thank you, Mr. Styres. John Dentler.

DENTLER: I'll pass for now, please.

BARCA: And, Mr. Rogers, since you've spoken on one, I'm going to drop you down on the list.

ROGERS: I want to go back to hunting camp.

BARCA: I know you want to be on camera, but other people want that same opportunity.

GIZZI: He wants to back to hunting.

QUIRING: Hunting camp.

BARCA: Oh, hunting. All right. Sorry. It sounded like camera to me. Howard Jones.

JONES: My name is Howard Jones. I live at 31815 NE Kelly Road, the spell my last name is J-o-n-e-s. The main thing I have against this overlay is if they think Livingston Mountain has a problem with roads, I worked for years hauling gravel out of Livingston Mountain and out of Yacolt Mountain, there's absolutely no way possible to take a truck and trailer down Kelly Road and stay in your own lane.

We have one 10 mile an hour corner that's absolutely impossible to get around in your lane, and at the bottom where it intersects with Rock Creek, sometimes there's 300 feet in the wrong lane before they can get that truck and trailer back in their own lane. There's absolutely no way that Storedahl is even trying to comply with any -- they've been cited three times and they just gap it off and just keep right on doing business. We have pictures of three truck accidents on Kelly Road. Excuse me.

And the dust on the front hundred feet of my property, I have to put on a mask to be able to mow my own lawn on account of the dust that comes off those trucks. We have pictures of all of this. So that as far as I'm concerned, like Jim Styres says, they ought to be forced to fix the problems that they've created.

Over 30 of our wells on Yacolt Mountain have went dry. And the ones -- mine I can't even get the pump out of my well on account it's caved in, and we had to pay 12 to \$1400 apiece for ten houses to bring City water up. And there's just no way that they're going to be good neighbors, they don't even try. And that's about all I have to say about it.

BARCA: Thank you, Mr. Jones. Gayle Rundstrom.

RUNDSTROM: I'm not going to testify at this time.

BARCA: Thank you. Spencer Brown.

BROWN: I'm not going to testify at this time.

BARCA: And Mary Brown.

BROWN: I will pass.

BARCA: Alan Greene.

GREENE: Hi. My name is Alan Greene, G-r-e-e-n-e. You can reach me at P.O. Box 2844 in Battle

Ground.

PUBLIC: Speak up.

GREENE: I own -- I don't physically live up there on Yacolt Mountain Road, but I own property up there.

BARCA: Get real close to the mic.

GREENE: It's really loud up here.

BARCA: I know, but it isn't back there.

GREENE: So I think based on other people's testimony with the problems that they've been having with wells and the trucking and the roads not being properly maintained or not being designed for large trucks, I think that the, let's see, the Mineral Lands Comprehensive Plan Policies should not be amended and changed. As the way they stand right now are not really being enforced, any of these water rules are not being enforced.

And I included a packet here of things that I think should be added and things that should not be deleted from this plan. And I think that once the mining operations in Clark County kind of clean up their act and everything, then maybe everything can be looked at, but I propose that the surface mining overlay be removed.

BARCA: Removed specifically from Yacolt Mountain?

GREENE: Yes. And I think that these other rules should be adopted in addition to the -- oh, what is this called here -- Mineral Lands Comprehensive Plan Chapter 3 Rule and Natural Resources Element, Pages 3 through 21 and then 3 through 23. I think that the proposed things that are supposed to be deleted here should not be deleted. And that's all I have to say.

BARCA: Thank you very much, Mr. Greene.

GREENE: Thank you.

BARCA: Stan Greene.

GREENE: I'm Stan Greene, G-r-e-e-n-e, P.O. Box 227 Heisson, 98622, and I'm the father of Alan who just spoke preceding me. Alan gave you information on what we believe, and we've talked to other people on this, the changes that should occur in that amending the Mineral Lands Comprehensive Plan Policies, don't delete what the task force has recommended.

And that those suggestions, they should also be applied to these other proposals that you're going to change, the changes to the districts, amendments, alterations and amending UDC 40.250.020. In other words, there should be the thousand foot buffer and there shouldn't be any overlay on any parcel that has a residence on it. Read through what we have submitted to you.

We also disagree with these changes to districts, amendments and alterations, 40.560.202 (sic). The surface mining, I'll quote from this suggested that the staff or the committee has proposed, "The surface mining overlay may be applied to an area if both of the following conditions are met: The site is 5 acres or larger."

Well, you've heard testimony and you'll hear more from many people how they're affected by mining. Nobody wants to have a mine right next to their house or a hundred feet away. There should be a thousand foot buffer and the size should be larger than five acres. There should be a thousand foot buffer to not only residences, but to streams. And many other people have spoke about the quality of the streams, I spoke about it when I was here last.

So I guess I have one question, tonight are you going to make a decision recommending or not recommending on these changes to 40.250.020 and the Mineral Lands Comprehensive Plan Policies

or can we have a continuation on it? Because I've just begun to research it and I find that I would need more time. I've addressed, we have addressed this issue of amending the Mineral Lands Comprehensive Plan Policies, but I've just given you brief coverage on the other parts.

BARCA: One minute.

GREENE: So the question is are you going to vote on this tonight or can we have a continuation on that part of it?

BARCA: Well, if that's your question, it's our hope and intention to get through the agenda tonight, but there's no guarantees.

GREENE: Thank you. And thank all of you, thanks to all of you for putting your time in and listening to the public. Thank you.

BARCA: Thank you. Dani Buslach. Did I get that close? Dani? I guess I didn't get it close. Jack McIntyre. No? How about Sam McIntyre. All right. It looks like Dennis Dykes.

BLOM: I think there's someone coming up.

BARCA: Yeah, somebody coming from the shadows. Both microphones work, just get close.

DYKES: And I understand it's loud. Good evening. I am Dennis Dykes --

BARCA: Get closer.

DYKES: -- D-y-k-e-s, and I live at 3800 NE 399th Street in La Center. I am here speaking on behalf of the Friends of the East Fork, and Richard Dyrland who typically speaks he was away today and was not able to come this evening. The Friends of the East Fork is primarily concerned with the health of the East Fork of the Lewis River and its entire watershed.

There have been on the order of \$22 million worth of restoration work on the East Fork to date, and this is expected to continue to increase. So it's a significant effort, a significant revenue to the county, I guess you could look at it that way. The other point is that restoration of the East Fork will increase fishing on the river. If you restore the habitat for Steelhead and other fish, you will draw people in because it's well-known for as a fishing, for the fish on the river.

There was an article in the Columbian today about the wild Steelhead sanctuary that is being proposed for the East Fork, I would refer you to that rather than go into any details about that. But the concept there is to protect the gene pool of Steelhead in Washington in part, and the East Fork was selected out of the streams in this region particularly, you know, because of its, it is amenable to protection of the gene pool for Steelhead.

Mining does have the potential to impact the water quality and habitat in the East Fork of the Lewis River, particularly Yacolt Mountain. And I think another, there's another area, Bell's Mountain I think it's called in Dole Valley is on the overlay list as well as the Tebo pit, and we have concerns about these areas.

We have some experience with Yacolt Mountain, that's why I'm speaking on this portion of the testimony. Mining, the mining overlay must consider the risk of degrading the habitat that we're trying to restore on the Lewis River. There are risks from sedimentation obviously.

BARCA: One minute, Dennis.

DYKES: One minute left?

BARCA: Yes.

DYKES: I thought I was going faster than that. There's sedimentation of course you've heard about, washing off of the roads and that it comes out of the mining, that will go down into the river

and has been shown to do that from Yacolt Mountain. Nitrate pollution from the explosives, there's also metals within the sediment and you're also changing the groundwater.

Now I'm a hydro-geologist, I got my Master's in hydrogeology over 25 years ago. When you blast you do affect groundwater, and you've heard significant testimony about that. You are -- you affect the flow of water through the ground and that reduces the base flow of the river. Now base flow of the river is critical to the habitat of the East Fork of the river, of the Lewis River, okay, that is critical to restoration of this habitat. So we're also obviously concerned about the effects in the community, you've heard lots of testimony about that. Sedimentation is a major issue and we have --

BARCA: Last thought.

DYKES: The last thought is that --

BARCA: Take your time.

DYKES: Take my time, I will. Sedimentation is an issue. Blasting has affected groundwater which will affect the base flow and there are steep slopes there which you have previously, or that staff has previously reduced the overlay for other areas on. Please consider the health of the East Fork and the potential of its contribution to the economy and health of, environmental health of Clark County.

BARCA: Thank you very much.

DYKES: Thank you.

BARCA: It looks like Keith Rast. Keith Rast. David Rogers, speaking about Yacolt Mountain.

ROGERS: That's correct. David Rogers, R-o-g-e-r-s, 18114 NE 317th Street, Yacolt, Washington 98675. First off, gentlemen, I gave you this eight sheets of paper, that is what Maul Foster who represents Storedahl sent out through Axel to me. And if you look at Page 2, you'll see how far they are out of line as far as what is allowed. The second one down is 47.68 and it's only supposed to be 1.

As you go through all of this paperwork you'll see how many contaminants are going in. This is just wells that are in the immediate vicinity that was agreed to by the County and by the people that live there as to their well was going to be tested and the result was to be handed on to them. The arsenic, the alkali and the nitrates in every single situation are higher than what the State allows. If you can go on with that, I'll let you look at that at your convenience.

But I just wonder how can this county consider expanding Mountain Top Quarry and jeopardize critical water that is intended to be the future of north Portland and Vancouver. This is the sole, the Troutdale sole aquifer, that is the recharge zone for what is going to be the last of the waters. Columbia River cannot be reclaimed enough to be used for drinking water. There is no other choice, that's why it was named a sole source aquifer. And that quarry sits right in the middle and it wasn't taken into consideration when this went through and the Commissioners' signed for it.

Storedahl has shown us that there is no water available to run the Mountain Top Quarry. His taking of water from hydrants and illegal pond and refusal to continue with the quarry agreement to use PUD tank water, that was a gift at the ratepayers' expense, we all paid for that.

BARCA: One minute.

ROGERS: I'm just about done there, sir. There are more trucks on the roads and this equates to abuse and a violation of Clark County codes. Blind corners, speed limits and tracking into the other lane for 70 to 100 feet - and I've taken pictures of that - and I'm being told by our Commissioners that that is normal in the country, that's okay for the people that live in the country, but those

trucks tie up the whole eastbound lane where you get to Heisson bridge.

And we've already spoke about the East Fork as being named for a fish recovery. I don't understand how that we could even consider the expansion of that quarry with the notes that you already have. And Maul Foster is the company that was hired by Storedahl to go ahead and test the wells around there, so it is a legitimate report. Thank you.

BARCA: Thank you very much. So that is my sign-up sheet for Yacolt Mountain Quarry. If there's anybody else that wishes to testify for Yacolt Mountain Quarry, please, sir, come forward.

POLIMENI: My name is Anthony Polimeni. I issued the written testimony --

BARCA: And you're going to spell your name.

POLIMENI: Oh, Polimeni, P-o-l-i-m-e-n-i. Address, 22312 NE Lucia Falls Road, parcel directly impacted by this overlay. I wrote the written testimony for the last hearing on behalf of Huntley Heritage and the Huntley Family Limited Partnership, I don't really want to repeat any of the things I have issued for testimony previously.

There are a couple of things. As far as the driving implications that Storedahl & Son does, I have actually changed my complete driving habits just because of the dual trailer trucks that they actually do use, it does implicate numerous barriers. There are a couple of things within that, the improvements that the County requires for businesses for coupled with improvement based upon those roads.

For forestry management, if we actually use log roads, we are required to help improve the public roads. I would actually want an official document stating what the County has done to improve those roads based upon these business licenses. Kelly Road being an example, Rock Creek, adding additional merge lane for the trucks, those are requirements within the County Code for these types of business licenses.

Additionally, the expansion, what is the future use of the rock quarry after it's been exhausted. Issues like this have not been addressed at sites like the 192nd Avenue have been because they are in a master plan development zone, so those issues after it has been exhausted are actually within those. For this area, no additional future plans, which you are required for only a 20-year plan, have not been addressed at all. So as landowners that we have actually owned these lands since 1934, we want to know where are we going because we've owned it way longer than you are required.

Beyond that, the forestry versus mining and what is going to be a more valuable resource for the county, we are strictly we have been in forest management. Weyerhaeuser has owned this land for since 1910 when they bought it from Northern Pacific Railroad. I have actually looked at those deeds. Those deeds actually bring up additional issues from 1910 because they actually separate the mineral rights from the land use rights, and I don't know if any of you have actually looked at what is being done and who actually owns those rights.

Back in 1910 Northern Pacific actually separated and it supersedes all surface rights. I don't know if the State of Washington has addressed those. They -- from what I have seen they have not. And if you actually read the exact legality of those, I don't know currently how that would play out in the State law so... Thank you for your time and my additional testimony.

BARCA: Thank you very much. Just one moment before you begin. Did you take note of the mineral rights issue there?

ORJIAKO: In terms of the lease and the conflicting potential rights issues, yes.

BARCA: Thank you.

MARINIER: I wasn't prepared. I'm Patricia Marinier. Is the mic on?

BARCA: It is now.

MARINIER: There it is. Okay, thanks. I'm Patricia Marinier, 32302 NE Kelly Road, Yacolt, Washington.

BARCA: And the spelling of your --

MARINIER: My last name is spelled M-a-r-i-n-i-e-r. I live about a hundred feet off of Kelly Road. I wasn't prepared to speak tonight, but I'm going to speak of life and limb. Just this week my grandson was driving north on Kelly Road - and there is no shoulder - there was a Storedahl truck coming down the hill, and for some reason Kelly Hill is a favorite place for bicycle riders to go up and down, the bicycle rider was going down the hill, the Storedahl driver, you know, very graciously moved into the other lane and a blind corner to avoid hitting the bicycle rider. My grandson who's 25 and very mature was driving my Jeep up the hill - and there's no shoulder - and had to swerve to the right to miss having the Storedahl truck hit him.

It was two or three days later when the same thing happened to me, only there was no bicycle rider, there was simply a truck coming down that had crossed over into the left lane as I was coming up the hill, and I too had to swerve to the right.

I also, like other people have spoken ahead of me, had my granddaughter taking pictures of trucks that are overloaded and are not covered and of them taking that right turn at the bottom of the hill and taking up almost the entire space that we have to pass them after we come down the hill so that we are unable to pass them. Thank you.

BARCA: Thank you. Anybody else wishing to speak on Yacolt Mountain? Anybody else? Not seeing anybody coming forward, I'm going to bring it back to the Planning Commission. Discussion?

GIZZI: Well, I mean we had heard that trying to designate resource lands is important to this process. We know that these pieces have conflicting resource uses, be they mining and also forestry, and when you look at the impacts to the East Fork and the designation as the East Fork for a gene pool of wild Steelhead genes, I think we need to factor that into some of what we've heard tonight when we make our decision about this parcel.

BARCA: So was there something you would like to weigh in on? Please.

COOK: Yeah, thank you. This is Chris Cook, I'm a Deputy Prosecuting Attorney. And, Commissioners, I wanted to draw your attention to WAC 365-190-060 Sub (3), which is on forest resource lands, and the --

BARCA: Oh, that's right, the one we don't have.

COOK: Yeah, the one you don't have. And my iPad's dead so I can't bring it up for anybody. At any rate, this concerns classifying, designating and de-designating forest lands. The lands in Section Number 8 as I understand it are currently designated for forest use. So this would be adding the mineral overlay to that; however, those uses are generally not terribly compatible. If you have a rock mine, you're not going to be using it for forestry.

So Sub (3) says that "Counties and cities may also consider secondary benefits from retaining commercial forestry operations. Benefits from retaining commercial forestry may include protecting air and water, maintaining adequate aquifer recharge areas, reducing forest fire risks, supporting tourism and access to recreational opportunities, providing carbon sequestration benefits, and improving wildlife habitat and connectivity for upland species."

So it says that they are only potential secondary benefits from retaining commercial forestry

operations and should not be used alone as a basis for designating or de-designating forest resource lands, but are valid reasons if there are other reasons to maintain something in forestry, or if you're considering in the other direction to take something out of forestry.

So I just wanted to bring that particular portion of the WAC to your attention. It's in the same chapter as the other provisions on designating resource lands, forest, mineral and ag are all resource designations.

GIZZI: Yeah. Now I was only talking about our work session discussion. We also talked about the erosion potential, and I can't remember the overlays that Mike showed for this parcel, but steep slopes and erosion were -- this parcel was shown to be very prone to erosion and something else, Mike, instability I think it was, and I think that was something we had also talked about taking into consideration. And then the fact that it was also in a forest rezone was something that we thought we should also take into consideration.

QUIRING: Mr. Chair.

BARCA: Yes.

QUIRING: Ms. Cook, could you repeat which WAC this is, the number, please.

COOK: Yeah. It's 365-190-060 Sub (3).

QUIRING: Thank you.

COOK: You're welcome.

BARCA: Other comments?

BLOM: Were we pulling up the slope map?

MABREY: Oh, yeah, I just had it open a second ago, I'll do it again. So these are the 10-foot contours, and they're so close together you can't really distinguish --

BARCA: Are you able to enlarge this for us, Mike?

MABREY: I could go to 200-foot contours if you'd like.

(EVERYBODY TALKING AT THE SAME TIME.)

MABREY: More?

BARCA: Is that adequate for you?

BLOM: That looks good, yeah. Thank you.

BARCA: Does that tell the story? Well, it shows itself to be quite steep, and I think we're aware of the drainages from the drainage map. I think we've had adequate testimony that really explains the effort that the County has used to try and bring back and enhance the East Fork of the Lewis River. The discussion in context of the native Steelhead and the tourism component of it I think really puts it into light with the testimony that Chris Cook gave concerning the idea that with the forestry overlay, we do not lose any of those other potentials by having the forestry designation on it, but we threaten in my opinion most of those by changing that designation.

So I had looked at the Mineral resource lands WAC which is the 365-190-070 and looked at it in terms of, you know, we are to be designating as a needed basis. The County put many of these existing overlays in place some time ago and we don't have any way of taking that back in. Many of them probably would be disputable under our current situation today if they were all to be new proposals.

But that being said, when we go ahead and we enhance them and enlarge them, I think we have to take those impacts into account. And the way I see it is we start off by just saying what is the

need, and we don't have a clear definition of what the need is. So not having a clear understanding of what the need is or the long-term projection, we've tried to go through these and say that there is some mineral lands available.

As I look at Yacolt Mountain, I see this one as being particularly troublesome and a threat to the type of lifestyle that we want in Clark County. And, yes, there's an operating pit on it, we're not going to be able to undue that, but I certainly don't see the value for us expanding it. So that's kind of my take on this particular one, and I'm interested in hearing from the other Commissioners.

JOHNSON: Well, I, you know, we're trying to protect resources in the county for use. And my problem -- it's very easy with testimony to find the bad guy, and Storedahl seems to be the one that's put out there, but this to me has nothing to do about Storedahl as much as it has to do about looking at the holistic approach.

Yes, we obviously need to protect our streams and we need to protect our watersheds, but at the same time I really, you know, we're picking on Storedahl, 90 employees, not to mention how much consumption, how much material is cheaper here, there is a value and that value is to this community. And so as much as we've got to balance those two things, and for me in these times right now, the economics and these times, I think that's just as important as everything else that's been put out on the table. And so I'm inclined to, or not inclined, I just I want to make sure that we're looking at the economics of this too as part of the, as part of the matrix.

PUBLIC: Do you live by any of those resource zone overlays?

GIZZI: So I agree, Ron.

BARCA: Please. Please.

GIZZI: Or, yeah, sorry, Karl. I agree completely, which I think is part of the reason we've had unanimous consent on approving the overlay for I think five parcels already tonight, and the economics there certainly were taken into account. But I think we too often concern ourselves only with the economics and don't concern ourselves with the impacts on our environment and our future quality of life.

And I would venture to say that always looking for the cheapest option is really what's gotten us deep pink slime. I mean the lowest quality option is not always desirable. So I agree with you, I think we do need to factor in economy, but on this parcel I think it's probably not the mitigating factor.

QUIRING: I think with the WAC, the 365-190-040(7)(b), we find that "If two or more natural resource land designations apply, counties and cities must determine if these designations are incompatible" and so forth, I mean we can all read it from here.

I do think that this gives us an opportunity since it is designated forest right now and this mining overlay is being laid over top of the forest, and it seems to me with the topographical map we're looking at very steep, steep sides, and from the testimony we hear the roads aren't adequate, and so I actually think that we have a way to deal with it with what exists in the statute already.

BARCA: Thank you.

BLOM: Off of what was just said, looking at the map, I think the topography anyplace south of the existing overlay is certainly not -- should not be included. My thought would be to perhaps amend the map to say that we're going to remove everything south of the existing and then just leave the -- expand the overlay just to the north, east and west knowing that that's only the first step and that people will have plenty more time to talk about those issues and look at those small areas if anyone ever did want to mine them.

But putting the overlay there so if somebody wanted to, they could at least start the process and

then we could look at it more carefully on an individual lot basis as someone moves forward with a permit if someone does. So that would be my thought would be somewhere in between.

GIZZI: So if we do look at the contour map, Mike, if you could bring that back up, I thought, and this is where not having the overlay on the contour map gets kind of difficult to see, but I was under the impression that this was a mountain all the way around and steep on the north side as well, and that was part of the concern.

BARCA: Blow it up, Mike.

MABREY: Is that a question?

BARCA: No. Blow the map up. It's not a literal, yeah.

MABREY: Yes, sir.

QUIRING: Is that a question.

MABREY: I don't think you're going to be able to see parcels on this then. No, they're not the right to scale.

GIZZI: No.

BARCA: No.

GIZZI: But so you see the contours to the north and the south all the way around the mountain are quite steep, and that was the concern.

BLOM: They're looking at -- go ahead, Ron.

BARCA: Well, I was going to say the depth of the dark color says that that terrain is dropping off so significantly the lines are just basically blended together.

BLOM: Can we pull the overlay map up again to try and see if those roads --

MABREY: Sure. So in relation to the road, yeah, that really steep slope I think is right following this contour here.

BLOM: I was thinking that was further north of Yacolt, so I was misreading the map, sorry.

GIZZI: No. No worries. That's why I thought I'd bring it up.

BARCA: Yeah. I think as Eileen pointed out and Chris Cook also alluded to, we do have a resource designation on this property right now. That resource designation of forest is to me much more compatible for all of our other considerations in the county than trying to expand the mining.

GIZZI: So I -- I'm sorry.

BARCA: I was going to say, but this is basically the choice that we are facing. The resource designation of forest remains or we overlay mining resource on top of that.

GIZZI: So I was going to make a motion that we remove Parcel 8 from the surface mining overlay map that we're going to present to the Commissioners.

BLOM: I second.

#### **SECTION 8 ROLL CALL VOTE**

BARCA: We have a motion and a second to remove the additional overlay on Yacolt Mountain. So the existing quarry still stands as permitted.

QUIRING: I do have a question about who is it again, just to clarify, was it the task force that identified this resource or is it the property owner?

MABREY: It was the Division of Geology that identified this resource.

QUIRING: All right.

MABREY: Yeah.

BARCA: I'm sorry, sir, we're not taking questions from the back.

PUBLIC: No, I was just going to say, if you could afford a two to five-minute break, those of us that have had our say would be glad to leave the room for the ones that are standing out in the hall.

BARCA: So as soon as we wrap up this particular item, we will be taking a break, I guarantee it.

PUBLIC: Thank you very much.

QUIRING: That was the question I had.

BARCA: Any other discussion? Hearing no more discussion, I'm ready for roll call.

BLOM: AYE

BARCA: AYE

GIZZI: AYE

JOHNSON: NO

QUIRING: AYE

BARCA: That takes care of Parcel 8. Ladies and gentlemen, we are going to take a 15-minute break.

(Pause in proceedings.)

## **SECTION 10**

BARCA: We are ready to begin. I need it quiet in here, please. Oh, so now you can't hear me, huh. We have dealt with Parcel 9 and we are going to move on to Parcel 10.

MABREY: Bell Mountain.

BARCA: Bell Mountain. And can we do the topography map and the stream map, please.

MABREY: Sure. Absolutely. Oh, this silly thing, it's a double click on. Okay. Open. Thank you. There's topography. The area in question is surrounded by steep slopes but does not have steep slopes on its own. There's a small area of wetlands. And this is, I forgot the name of the creek, but this indicates endangered species, I think it's a -- I think it's Fall Chinook, or Steelhead, I'm sorry. I'll get closer.

BARCA: So we have some Steelhead habitat.

MABREY: Down below the area, yes, to the east.

GIZZI: And if I'm reading the map right, it's about a mile and a half, is that 7500 feet down at the bottom?

MABREY: A mile and a half from where?

GIZZI: So it's 2500, 5,000 and 7500 on the bottom is the scale; is that correct?

MABREY: Yes. Yes. So it's probably 3,000 feet to the stream from the overlay, potential overlay. Close some of these guys. This is the geohazard map which shows steep slopes outside of the or on the edge of in the perimeter of the resource area. And this is the habitat map which shows there are some small tributary streams that come up to and drain at the top of Bell's Mountain which would be right in here. So that's a little bit hard to guess exactly where the

overlay is, but it's all at the same scale, so the overlay is right in the middle.

BARCA: And the designation of the zoning now is forestry resource land?

MABREY: Correct.

BARCA: So can you return it to the street map, the one to the left.

MABREY: Sure.

BARCA: So there's no active pit here at this point in time?

MABREY: No.

BARCA: No. Are there people wishing to testify for Bell Mountain? Okay. I see a couple of hands. So, Mr. Madsen, please come forward.

MADSEN: Commissioners, my name is Steve Madsen, I'm a local land use attorney. I represent a company called Crystal Peak Holdings which is owned by Mark and Roberta Ghiglieri, residents of Camas. We're very new to this issue. I apologize. We're very new to this issue.

Mr. Ghiglieri learned about this mining overlay on October 4th, two weeks ago.

What you need to know is Mr. Ghiglieri, and he's here tonight to speak to you as well, that Crystal Peak purchased this property in mass for cash in August of this year. Since that time -- and so I can see where the task force would have thought this was kind of low-hanging fruit because this property had sat basically in a trust, in a cashless trust, so it was probably facing tax -- some kind of tax foreclosure at some point.

But in addition to that, this place was trashed like Appalachia, we're talking over 700 acres. Already Mr. Ghiglieri and his company have removed 18 tons of tires, a number of dilapidated mobile homes that had been used as meth labs, and it is his intention to not develop that property other than to -- and if you were to show the Google Earth vision, you would see that the pinnacle of Bell Mountain is a beautiful about 80-acre plateau where he intends to build his private residence and establish a winery.

I prepared written presentation for you which I'm sure somebody will go through in the future. Again, I apologize for getting it to you at a late date, but it was just the nature of the notice that we got.

What I can tell you is that we are in discussions with the Department of Fish & Wildlife. This is the headwaters of Salmon Creek. There probably is -- and you can stand there and look at it, I've been there, it's incredible. I have a hard time understanding the topographical map because it's virtually all steep slopes as you drive up that ridgeline.

So how this property -- and I have some experience with surface mines in Southwest Washington, how this gets developed into an active commercially viable surface mine I can't imagine. What I can tell you is that the current property owner has no intention of letting that happen. There will never be surface mining here.

What will likely exist is are series of conservation easements to protect and preserve and restore the existing wildlife habitat. I would point out that 20 parcels, not all of which I think are in the overlay but most of them are, comprise about 700 acres and that most of that acreage is FR-80 and will remain so. I really have no other comments outside of my written comments. Mr. Ghiglieri can talk to you about his plans for it.

To me the fact that there's no access, really the only entry point to the entire property is off Allworth Road and -- oh, one of the things my comments do is walk through the staff report. One of the things I wanted to point out is that at least in the staff report that I received from the August

staff report was using a rather dated version of the WAC, I believe it's 190-070, at least the one I was looking at this last couple of weeks, is substantially different in its organization and structure. I imagine most of it's similar, so I just wanted to point that out.

One of the other concerns -- and for those of you that are familiar with me, I've worked in the land development in this county for a long time, one of the things that I find hard to understand in the planning process, and Commissioner Barca alluded to it, is that there really is no -- not only do we not have a global inventory of assets in terms of what our aggregate mine capacity is in the county potentially, but we don't have a need, we don't have an understanding of what the demand for it is.

So until you can really look at, as was suggested, are we just looking for the cheapest product that we can get because it's close, you know, until you really take the hard look at what the needs are going to be and what the real cost of import versus homegrown rock is, I don't think you can really make the determination that this is a -- that there's a long-term commercial significance to the asset here. And so that would be the close of my comments I guess. Thank you.

BARCA: Thank you very much, Mr. Madsen. Next testimony on Bell Mountain. Sir, come forward.

REDDISH: Terry Reddish, that's R-e-d-d-i-s-h, 23809 NE Alva's Road, A-l-v-a-'s, Battle Ground. I have just three concerns. The first one I think was mentioned earlier, you have the two tributaries, one going towards Salmon Creek and the other going towards the East Fork that start on this piece of property. That's a real concern to me as far as blasting and surface mining, not only what it could do to the surface water, but what it could also do to the aquifers.

My other two concerns are the only ingress and egress through this property is Berry Road. Berry Road has a surface, it's a chip coat, it's not I don't think suitable for a lot of heavy trucks. And it is also very curvy and very steep, a lot of tight corners, places where trucks, large trucks would definitely have to come into the other lane. I think safety is really probably one of my primary concerns.

But there's just absolutely no way the top of a mountain that has two tributaries that go to two of our pristine streams and creeks should be having mining on it. So my request to you would be to remove this from the overlay.

BARCA: Thank you. Anybody else wishing to speak? All right. In the back, please.

IRETON: Hello. My name is Sharon Ireton, I-r-e-t-o-n. I live at 24717 NE Alva's Road in Battle Ground. The reason I want to speak to you is for a few very important reasons. One, I'm concerned about the wildlife up there. I have met the people that have bought the property there and they are going to be doing a lot for the wildlife. I'm very impressed by that. We have owls up there. I don't know if they're on the endangered species or not, but it is so enjoyable to listen to them. We also have deer and occasionally we do have Bobcats and we have Black Bear.

I am in forestry. I have a little over 20 acres there. I've lived there for over 25 years. My first concern when I heard about this was my wells. I have a shallow well and a deep well that's 643-feet deep, it was very, very expensive to install. I called Hansen Drilling who did the drilling of the wells, they told me my shallow well definitely would go dry and they had concerns about my deep well, especially with the arsenic. We had arsenic in our water after we had an earthquake and this lasted for at least a year. I'm wondering what will happen to this well.

My closest neighbor is a mile away which means I'd have to bring City water up. And talking to the City Water Department, the pump alone would be over \$100,000 and I would have to pay for that and maintain it. There's no way I could afford that. I'm a widow lady. I have some of my grandchildren living up there that have health concerns, I need my home. And if I don't have water, I can't live there.

My other concern is the air quality and the erosion, and this is going to affect all the neighbors, not just myself. Thank you for your time and I do hope you consider of taking this off the overlay. Thank you.

BARCA: Thank you. Others to speak on Bell Mountain? Come up, sir.

GHIGLIERI: My name is Mark Ghiglieri, last name G-h-i-g-l-i-e-r-i. Address, 23006 NE Allworth Road. My wife and I bought the property all 744 acres because we saw something that was beyond magnificent and realized it was a big endeavor. Since we bought the property a couple of months ago we've removed 64 cars, 54 40-yard dumpsters full of trash and garbage and oil barrels, actually now about 30 tons of tires.

But our plan was to beautify a property that we found was spectacular and restore those streams. There's a picture of that's actually the headwaters of Salmon Creek, a 50-pound Chinook Salmon in 1971, and after they logged it, those streams were devastated. But that the topographical map that you're showing, that flat area is my property.

That top 450 acres is the summit of Bell Mountain. It is the most pristine undisturbed property in Clark County. It's the highest point, it's the summit of the highest point in this county. And on the top of that mountain there are two lakes that are fed by breccia pipes that are naturally occurring that come up out of the ground.

And we had -- I had a marine biologist with Fish & Wildlife and somebody from Clark County, Jim Wittler, Jeff Wittler, and they were literally in a state of shock when they saw the property, because there's Brook Trout up there and in the stream going down from the ponds are Steelhead and Sea-Run Cutthroat right now. Now I'm going to be getting 3 to 5,000 fish stocked in that stream after a one-mile restoration that had literally began yesterday on that property, those are spawning grounds for Steelhead, Cutthroat and we're going to put 3 to 5,000 Coho in that stream.

So my plan and vision was to beautify it, clean up something that was neglected. It was homesteaded in 1848 by the Cresap family, it's been in the family for over 150 years. And as I think one of the most pristine pieces of property, it needs to be protected and preserved and taken care of. And any mining in that area, and I would never allow it on our property. And I'm all for mining and rock quarrying and that, I'm an entrepreneur, but not on mountaintop pristine -- there's old growth fir on that property. It's just beyond incredible.

And if you walked it and you saw Mount St. Helens and Yacolt and the beauty up there -- and there is three Black Bear on the property, two Mountain Lions, four Bobcats and there's a heard of 27 Elk in the meadow two days ago, so it's full of wildlife. And I want to protect and preserve that mountain and all the surrounding neighbors because it's just it's one of the last greatest resources that we have.

There is a lot of rock around, and I respect the County and the State's needs for resources for rock, for roads and everything else, I get that, I understand that, but this property and the streams and tributaries that come off of it are full of fish, and they're going to be full of a lot more fish when we get done cleaning it up.

I would ask that the County and the Commission really, really rethink this particular piece of property. So thank you for the time. And just walk it, come up and look at it. You in no way, shape or form would you ever want to destroy this property. Any mining would ruin those ponds and the water pressure on that mountain. It's naturally spring fed and it's the largest contributing body of water to Salmon Creek, it comes right from those top ponds and it's the flat area of the topography of that mountain. Thank you.

BARCA: Thank you very much. Any others to speak on Bell Mountain? Come on up.

DENTLER: Mr. Chairman and Commissioners, thanks for the opportunity to testify. Again, my

name is John Dentler, the last name is D-e-n-t-l-e-r, 8920 Franklin Avenue, Gig Harbor, Washington. I wasn't exactly sure when to address this issue, and the other attorney that was up here Mr. Madsen had noted this and I just kind of wanted to underscore it, and that is that there doesn't appear to be a forecast for aggregate needs in the county, at least I haven't seen one.

The document that was passed out tonight refers to estimates back in 1991, those are very, very old estimates. Also what I haven't seen is a very rigorous application of the Department of Commerce guidelines as applied to various parcels. And so I guess as a background, as parcels are included or excluded the issue becomes will the forecasted need be met within the county. And I don't know that anyone here can come close to answering that question, and it seems like it's something that needs to be answered. If in fact you're going to designate mineral resource lands and protect those lands from conflicting uses, and I just don't see that that's been done.

It is clear that no one wants a mine as a neighbor. It's also clear that mineral resources, aggregate, sand and gravel are sorely needed in the county now and in the future. They're the basis of our roads, our foundations, all sorts of public and private infrastructure, so those are some fairly important things.

I guess the other point I would like to make is it seems as if there's a lot of confusion regarding operational requirements versus the designation of mineral resources lands. So there's many development regulations and criteria that regulate how mining could occur, and for example just the comment about forestry resources conflicting with mineral resources. It may be true that as mining takes place trees would need to be removed, but that doesn't preclude that land being planted with trees afterwards, and often that's a requirement of reclamation. So that's just another point that I would like to make.

And also that fish and wildlife resources can be accommodated with mining. And the point that I would make there is the Daybreak habitat conservation plan in which mining is used to create fish habitat, conservation easements are then placed on it and it's preserved in perpetuity. So those are just a few points. It's not specifically to this parcel, but just some general issues regarding the designation of mineral resource lands. Thank you.

GIZZI: So could I ask a question, because you seem to be pretty well versed in at least the industry, and certainly in our work sessions it is obvious that understanding not just forecast, but also the existing resources is key to being able to decide how much land we need.

And I think at one time or another each of us asked the question, and the response we got was that industry was reluctant to share their existing inventories and project when those usages might be used up, and that certainly makes it difficult for us to decide how much land needs to be set aside when people aren't willing to openly discuss rates of consumption and the duration of use for the existing facilities. So it's not a new topic to us, and I appreciate you bringing it up.

I also believe there were industry representatives on the task force and it still wasn't able to be addressed.

So, you know, it's hard to decide -- a forecast is only one piece because you've got existing resources as well and we don't have either of those pieces and it's not through lack of requesting.

DENTLER: Yeah. I'm fairly new to the process. So I mean as far as I'm aware, no one has specifically gone to Storedahl and asked, you know, when are various mines going to be depleted based on current usage. I know that during the approval process for some of the mines that there were forecasts made.

So I mean I think it's within the County's ability to go back to some of those approvals and look and see what the forecast was for, you know, using up those resources. But I don't know that, you know, there's much benefit to having any one mine owner or operator telling you, well, this mine is

going to be depleted within X number of years, every single one would need to be done that way. And I don't know if the County has made a request and tried to do a more current survey, but data from 1991 is probably not going to do a very good job for you.

GIZZI: Yep, agreed. We noted that as well, yeah.

BARCA: Thank you very much. Anybody wishing to speak about Bell Mountain? Please, come forward.

PETKUN: My name is Bob Petkun.

BARCA: Hang on. Hang on just a second.

GIZZI: She has to turn your mic on, sorry, Bob.

MCCALL: No, it had some static so I had to turn it off, sorry.

BARCA: Sir, just to be clear, this is not specifically about Bell Mountain; right?

PETKUN: No, it is not, but it's relevant to the questions that have just been raised.

BARCA: So he snuck one by me.

PETKUN: Oh, I didn't mean to sneak by you.

BARCA: No, no, not you. But I really would like to keep -- because what we're going to vote on is specific to Bell Mountain, and then we will be dealing with all of the documents necessary to codify what we do in the way of changes concerning the overlay, but I really would like just to get through the parcels. So can you --

PETKUN: I will be very short.

BARCA: And not related to Bell Mountain.

PETKUN: Oh, I think it's related to Clark County in general.

BARCA: You have three minutes. Go.

PETKUN: Three minutes, okay. My name is Bob Petkun, I live on Livingston Mountain. I think I have a lot of credibility -- Petkun, P-e-t-k-u-n, and I live on Livingston Mountain. Now you can start my three minutes. I think I have a lot of credibility as a planner. I have been trained at MIT at Harvard Business School in planning and I spent four years at the RAND Corporation, a very predominant think tank doing policy studies for the Office of Secretary of Defense and other places.

The key to planning is data. I've heard you mention, Mr. Barca, how much gravel do we need? We don't know. Where is the gravel? We don't know. Where is it feasible to mine gravel? We don't know. What impact does the gravel have on the neighbors? We don't know. How can these impacts be minimized to you, Mr. Johnson?

If you can't deal with the specifics of a project, you can't understand how best to minimize the impact. What is the best strategy for sourcing gravel in Clark County, should it be a centralized, a small number of large mines; or decentralized, a large number of small mines, those have different impacts.

Finally, and I think the real question needs to be asked is why is this staff report absent all of the data that you guys need to make a responsible decision. I don't think you can make a decision with the data you have in front of you. With that said, I recommend that you go back, ask staff to do their homework properly and professionally so that you have the data in front of you to make an intelligent decision. Thank you.

BARCA: Is there anybody that wants to talk about Bell Mountain? Seeing none, I'm going to bring Bell Mountain back before the Planning Commission. And I heard some very significant

testimony from the owner of the parcel that is what would be designated to be mined.

QUIRING: Mr. Chair, I just have a little bit of dissonance here about this because what's being done here is identifying land where there would be resources. We have the property owner here saying he's not going to do this. And so there would -- so identifying resources is simply a fact of what the task force came forward with.

And by the way, there is a policy, the Mineral Lands Comprehensive Plan Policies states 3.5.1, "Support the conservation of mineral lands for productive economic use by identifying and designating lands of long-term commercial significance," it's basically an identification process.

And I think some of the questions that were asked - just by the gentleman that came forward - actually are not questions for us, the task force probably addressed some of these. And what's before us is basically a map that the task force created to identify resources, and that was their purpose, and we're going through it parcel-by-parcel.

But in Number 10 what I see is it's going to be protected already by its property owner, so leaving it on the map should not be a problem. And I want to know why that -- well, I guess I can't ask the audience why that is funny.

BARCA: No, please don't ask.

QUIRING: I'm not going to.

PUBLIC: If it was your land --

BARCA: I understand that there's, you know, an opportunity of rebuttal was just put out, but this isn't how we're going to work. This is going to be the discussion amongst the Planning Commission, thank you, and we'll need to try and puzzle through this ourselves.

And so I guess my response back is the idea that indeed Mr. Petkun posed some very pertinent questions and we do not know what the genuine requirement for aggregate is or the long-term significance of whether we did or did not designate Bell Mountain as a resource overlay.

Now it is already resource land which is a designation in itself as forestry and we do not clearly have a mandate that says we know how much we need to do over what period of time, so we are working with the concept of what is open now and what we can potentially put together.

My take on this is we are trying to minimize the conflicting impacts to the rest of Clark County's uses and the citizens who live there. And so when I say that the landowner has come forward and asked for the designation not to be put on his property, I think there's an opportunity for us to respond either by saying we have data that says we need that at least to be potentially available or we can't say that. That's my take and that's why I said that at his recommendation I think it's valid. Now, please.

BLOM: I think in other cases we've had land that was designated where we got requests from owners that it be removed from what we're considering; is that correct? Aren't there some of these parcels here that we sent out the notice saying this is proposed to be --

PUBLIC: Half the parcels are on my property and half of them are on State land. So if it was still 50 percent of it could be mined, there's about 1,000 acres there roughly. So if they were mined, even if it wasn't on our property, it will devastate the tributaries because it's a funnel that runs right down that shoot into that valley. So I just wanted to make that clear.

BLOM: Is that correct that some of the proposed parcels were removed at owners requests?

MABREY: No, not if they had the -- not if they showed up on the Department of Geology map as identified resources. This wasn't just an opt in and opt out procedure. So the resource is there and --

BLOM: So the people that opted out, some of those yellow parcels were it was just previously there but there was no identified resources --

MABREY: Right.

BLOM: -- that's who said, no, we don't want it?

MABREY: Right. Right.

BLOM: Then I would still agree with the Chair that there's conflicting resource land there, there's better uses for it.

BARCA: Other Commissioners?

JOHNSON: Again, I mean a lot of what I've said it's kind of redundant, but I think the biggest thing is that, and I want to make, Mike, just make sure I'm clear here, we are just identifying resources, we are not permitting mines. We are not, you know -- I mean I'm trying to say kind of where I'm coming from this is this is a potential resource. Now granted there are other property owners in there.

I like what the representative from Storedahl said which is, you know, no one wants a mine next to their house, but it's an identification of resources, that's what it is to me. There's a potential by geological standards a resource there and that's what we're doing. We're not placing mines in people's backyards, that's not our capacity. Yes, we need to look at circumstances around there, but at the same time it's a balance.

So in this case I kind of refer back to, okay, there seems to be limited places in Clark County where we find these resources, and our task in the surface mine overlay is to identify those. And so I can give you lots of reasons why not and I can give you lots of reasons why we should, but the fact is that's a potential resource.

GIZZI: I have no comments. I'm good.

QUIRING: Mr. Chair, the other thing that I want to note, when the attorney came up, Mr. --

BARCA: Madsen.

QUIRING: -- Madsen, he said something about this being low-hanging fruit because of the -- because the property was in bad shape. That is -- that -- this isn't about low-hanging fruit, this is about a resource that's identified. And so I think that that comment I believe was disingenuous to what we're doing here as well, it has nothing to do with it. The task force didn't find low-hanging fruit to identify a resource.

BARCA: So...

#### **SECTION 10 ROLL CALL VOTE**

BLOM: I make a motion that we remove Parcel 10 or Number 10 there from the surface mining overlay.

GIZZI: I second it.

BARCA: We have a motion and it's been seconded. Additional discussion? Well, I think just for the record, I don't think we can discount at all the headwaters and tributary of Salmon Creek to the point that we say we're going to trust science to take care of it and engineers. I don't believe that they're going to do a better job than nature does. No, no, no, no, no, no, no, no, come on now, this is my turn to speak, okay. So that's my comment, and if there's no others, then we're ready for roll call.

QUIRING: NO

BARCA: AYE

GIZZI: AYE

BLOM: AYE

JOHNSON: NO

MCCALL: 3 in favor, 2 against.

#### **SECTION 11**

BARCA: We are ready to move on to Number 11.

MABREY: Huh. Oh, that's interesting. I think this is on there because it's already been approved. It's an expansion of the spotted something, the spotted -- well, at any rate, it's a DNR owned mine. They --

BARCA: Spotted Deer Mountain.

MABREY: Deer Mountain, yeah, Spotted Deer. And it as far as I know has already been through a process of approval but didn't get on the map. At any rate, that's all I can tell you about that one.

BARCA: So this is the routine, Number 11, Spotted Deer Mountain, anybody wishing to come forward and speak on this matter? Okay. Seeing none, bring it back to the Commission. We have a little piece of information. It's adjacent to a working quarry, DNR land.

#### **SECTION 11 ROLL CALL VOTE**

GIZZI: I make a motion we include Parcel 11 in the surface mining overlay.

JOHNSON: I second that motion.

BARCA: Motion's been seconded. Any discussion?

JOHNSON: DNR owns that green piece; is that correct?

MABREY: Yes.

BARCA: Roll call.

BARCA: AYE

GIZZI: AYE

BLOM: AYE

QUIRING: AYE

JOHNSON: AYE

MCCALL: 5 in favor, 0 against.

BARCA: Okay. The money round.

MABREY: Now the moment you've all been waiting for.

#### **SECTIONS 12, 13 & 14**

BARCA: So we have Parcel 12 segregated from 13 and 14.

MABREY: Yes. It's on State land, it's identified as the WSDOT parcel. Pretty much the whole parcel had resource, but the task force looked at access issues to the north and stream issues and recommended that only the southern third be retained. I should note that this parcel is only

accessible by Livingston Road.

BARCA: Only accessible by Livingston Road.

MABREY: Right.

BARCA: And we have a recommendation about Livingston Road.

MABREY: You do.

BARCA: We do. Now I don't believe that -- okay. I don't believe we segregated Livingston Mountain by these individual parcels. So I'm going to ask people to look at this map, and let's go through Parcel 12 and see if we can knock this one out by itself.

POND: No, you can't.

BARCA: No, we can't. Would you like to come forward and testify?

POND: I would. I'm sorry, Mr. Chairman, I'm number one on the list of those to testify for Livingston Mountain.

BARCA: I have a lot of sheets. Are you Bob?

POND: I am Bob.

BARCA: Wow, it happens to be on the first one of the sheets I'm holding, that's great.

POND: I'm sorry to jump up. My name is Bob Pond, P-o-n-d.

BARCA: You're going to have to speak like right into this thing.

POND: My name is Bob Pond, it's spelled P-o-n-d. I live at 9011 NE 312th Avenue in Camas, Washington. I'm a public health physician and I'm also the president of CALM, the Citizens Alliance of Livingston Mountain, and this is a nonprofit organization that has been formed in the last month to represent the concerns of numerous homeowners on Livingston Mountain about the existing mining practices and about the proposed changes to regulations and policies that we're discussing hopefully we'll get to this evening. As you look around the room this evening you may notice a number of folks who have stickers like this, and in fact if I can ask those who have such a sticker to raise their hand.

BARCA: It's your time.

POND: That's fine. These are the members and representatives of and those supporting CALM. The slide that you see before me as if you like a group photograph of Livingston Mountain. And if we can go to the next slide. I think we're only seeing a portion of this because of the way that it's projected.

But the basic message is this, this is an important residential area. It has the same characteristics as areas within urban growth boundaries. It has numerous, hundreds of households, some of the finest in Clark County. It has school bus stops and road maintenance needs. And I would just implore you as you think about the economy of Clark County, it is more than gravel production, it is these homes and it is these homeowners that you see behind you.

We're here because we have three concerns. We think that the surface mining overlay is deeply flawed. It was prepared with criteria that are overly narrow and don't take into consideration the balance that State and County codes and policies require. We also think that those criteria have been applied inconsistently by the surface -- the mineral lands task force. And some of those who will testify - assuming we find time - will speak especially to this issue of the SMO overlay.

Second, we are most strongly concerned about the policies and the changes to policies in codes that have been proposed. Several of the local homeowners are going to testify to the fact that the

current comprehensive planning and regulatory approaches need strengthening, not undermining as these proposals would do.

And finally, we're here to express strong concerns about the process, the process for designating lands for mining, the process for approving the site plans, the process for overseeing and enforcing those site plans. We recognize that this is our best chance to provide some balance to these processes, that's why we're here. And I turn it over to my neighbors to express other aspects. Thank you.

BARCA: Thank you. Jayne, and you'll spell your last name.

SIROSHTON: Good evening.

POND: If we can take this down.

SIROSHTON: Not working. Hello? My name is Jayne Siroshon, that's spelled S-i-r-o-s-h-t-o-n. I live at 30210 NE Spud Mountain Road, Washington, 98607. Gentlemen and lady, it's been a long, long road since I sat in front of you less than a month ago and I've had to -- we've all had a crash course in this whole Alice in Wonderland like process that is planning.

I would like to say that I think the minerals lands task force, most of those guys were working for the mining industries, so they would be the perfect people to actually decide which areas they'd like to mine in the next 20 years, and I'm sure they were very well qualified, did a great job of that.

I would like to talk about balance really quickly. It isn't just about identifying the land, it's also about looking at the compatibility of land use, I mean that's what planning is all about. So, you know, you really have to use correct criteria. And the Clark County Comprehensive Plan 3.4 has a matrix, and it's all about impacts, impacts to the water, to the blast impacts, impacts to homeowners. And, you know, when you listen to all these people talking, they're not complaining, they're telling you about the impacts that are occurring and happening to them because this mining is occurring in the wrong location.

You know, it's time to start thinking about the cost of mining in human terms as well as in terms of just how much aggregate you need or jobs. Like you guys were saying tonight, we just don't have the information that we need to make a proper decision on whether -- on how to make that balance happen, and it's absolutely imperative that we do.

When you were talking tonight about Bell Mountain, there's no, you know, resolution until for us until you go up against the Commissioners, and we need more time, okay. This is a very complicated thing that we're looking for, that we're looking at a long-term strategy, and I feel that it's being rushed through, we just need more time to get this thing right. And thank you very much.

BARCA: Thank you. Jack Kane.

KANE: Good evening. Thanks for your time. My name is Jack Kane, K-a-n-e. I live at 28011 NE 67th Street, Camas, Washington. Since 1982 I've been involved, actively involved in motor carrier operations. I currently am an owner of an interstate motor carrier, public warehouse, international, freight forwarding and domestic freight forwarding enterprise. I'm a (inaudible) of the industry, and I've been working with CALM as the chair for the road safety committee.

In the last few weeks we've been able to identify several areas of concern that deal with safety and also with capacity of the road system. And the map up above me, 12 I think has already been addressed with your own internal staff where the road has been deemed inadequate, Section 13 and Section 14 is what I'd like to address tonight.

The traffic along 53rd Street, 262nd Avenue and SR-500 has over 184 large commercial vehicle trips every day. This was measured by one of the committee members in an 11-hour period, 184 trucks.

The original traffic impact study in 2008 projected somewhere between four and six trucks per hour in an 8-hour day, way over capacity based on the forecast.

These roads are shared with school buses. The Camas School District maintains picking up and dropping off students, they have over 22 routes and they have over 500 students in both the day, the morning trip and the afternoon trip. The road is also shared with U.S. Postal Service making deliveries to rural post boxes, and one of the interesting points on that is, in a lot of cases the resident is required to cross the street in order to get his or her mail. We also have Thursday garbage collection, and we also have other commercial delivery vehicles running up and down the road. Plus we have the residents accessing the roads to and from their residence during the day.

The traffic is dense. The road widths are not sufficient in many areas to support the engineered specifications of road width, and I'll refer to your internal member, and I will also include in my package Washington State Engineering Standard for road width and turn radius and site deprivation on grades and curves.

The point is that we feel that you as Planning Commissioners have got to do your due diligence and understand the impact that the current mine operation has and any future mining operation has. And your decision should be based on -- the first thing you should do is create the infrastructure that can support the projected traffic and travel, improve the roads, put traffic controls in.

The other thing that we would highly recommend that you put in your report to the County Commissioners is to enforce the current ordinances and the permit processes to ensure that what we know where the projections are in fact what the exercise is of that. For instance - thank you, one second - for instance, in a one-hour period, 21 trucks were observed going to and from the mine in that one-hour period, 6 of them were observed to commit a moving violation; i.e., crossing double-yellow line on a road. Thank you for your time.

BARCA: Thank you very much. Randy Dunn. Randy Dunn. Mr. Dunn?

QUIRING: Ron, so did we decide not to do Parcel 12 separately? Why did we not do that, just because somebody jumped up?

BARCA: I think it's in the best interest just to carry on. Go ahead, sir.

DUNN: My name is Randy Dunn. I live at 5207 NE 276th Avenue, Camas, Washington 98607.

HOLLEY: It's D-u-n-n?

DUNN: D-u-n-n, correct. Basically I'd like to talk a little bit about the water situation. I know that the PDS Engineering put out a report stating that, you know, there would be no basic problems with a quarry going in the overlay position there. Like all things that I run into, in my work I work as a contract manager for DOD for Army Corps of Engineers and for NAVFAC in the Army and GSA, I run into situations where they give you a report, the report states one thing. One thing that we don't take into consideration is that the report is as if the ground sat there and there was no disturbances such as blasting, which can change an aquifer or drainage in a heartbeat, in one second in can be all over, gone.

So those things are obviously just, you know, things to think about in making a decision on putting a quarry close to homes where we have problems with water, depths and quantities already. I noticed from the averages of the wells and their depths and their gallons per minute in our area that they're very small. I mean our gpm's there on an average are about four gallons if you average it out all per minute which is very, very, you know, that's less than a half-inch pipe can put out in one minute, that's just about half of what it can actually put out, so it's very shallow on the water in that area. So we have great concerns about that.

Any disruption whatsoever is going to affect so many different people there that, you know, life

would be hard. And then the City actually owns a lot of those wells and they're going to have to put out money to come out and try to repair these situations with the residents.

So we're looking out for the Planning Commission also, trying to give you guys information that you don't necessarily have or have had the time to put it together. So we as a community would like to help out with that situation if possible and give the information that we found to the Commission to help out and make the correct decisions for our community.

You know, I look at it this way also is if for some reason, I know you don't make the final decision, but if they were to make the final decision and it was wrong, as it's happened in the past and we all know about it, the cost of that to the County is huge. Now how are they going to pay for that? Well, they're going to pay for it with our tax money. And how are they going to recover that tax money, raise our taxes or are they going to rob Peter to pay Paul? Anyways, it's a huge community problem and we want to help out, and anything we can do to help you make a decision to help people in the Mount Livingston area, we want to do it. Thank you.

BARCA: Thank you. Amy Hansen.

HANSEN: My name's Amy Hansen, H-a-n-s-e-n. I live at 28400 NE Hancock Road. I'm a member of the Citizens Alliance of Livingston Mountain and am testifying tonight as a representative. I'd like to urge you to do five things on behalf Livingston Mountain.

Number one, I'd like you to keep the map amendment process for designating an SMO a Type IV legislative process. As I've heard each of you talk tonight, this is a comprehensive planning tool. The map is not just a map change, you're setting policy for our county for the next 20 years. You're looking at setting aside lands for mineral resources, and you're making long-term policy plans for our county in for the long-term future. So we need to have the types of discussions that we're having tonight and we need to have the multilayered discussions that can happen through this policy -- this type of process. It needs to be a Type IV process. It needs to have the type of balancing of priorities.

Number two, I'd like to urge you to apply the balancing and designation criteria, and consider the testimony about impacts on Livingston and elsewhere in the community that you have at your fingertips with the 3.4 matrix in the comprehensive plan and also in the Washington Administrative Code in Section 365-190-060 I believe it is.

And, number three, I'd like you to consider removing the Policy 3.5.11 which allows expansion of the SMO into residential areas. This policy will allow the outright expansion into residential areas where there's an existing mine in the vicinity and allow daisy chaining through the application of SMOs. And when you buy a piece of property where there happens to be a mine, so in the case of Livingston Mountain there's an existing mine near Parcel 14, if you live up at the top by Parcel 12, you don't anticipate when you buy a parcel up there that there could be a mine in your backyard, and there shouldn't be based on the policies, so we would ask that you would remove that from the policies going forward.

Number four, require that all nonextraction mining activity require a conditional use permit. Not all mining activities are applicable to all site-specific criteria, and so you should go through the conditional use permitting process. And, number five, create clear standards that include provisions for buffer zones and mining ombudsman. Over and over tonight we've heard testimony about how you need a point of contact within the County for people to go to when they're having problems with the mining activities that are happening on these parcels.

At this point this is still a process that needs some work, and we would like to meet you at the table to help work through these issues before you make some final decisions. Thank you for your time and consideration.

BARCA: Thank you. Terri Silvis.

SILVIS: Yes, sir. I'll be quick. So my name is Terri Silvis, S-i-l-v-i-s, and I live at 28502 NE 67th Street in Camas, Washington up on Livingston Mountain. By day I'm a real estate development and financial professional and I hold a Ph.D in urban studies and policy analysis, the rest of the time I'm a mother, wife, a member of the PTA and an engaged community resident.

Like so many of my neighbors around the room, I'm completely aware of the complexities and importance of the issues being discussed. Rather than repeat the many, many eloquent statements made by my colleagues, I'm here to present to you a petition signed by -- I stopped counting at 200, well over 200 people.

BARCA: Terri, speak more into the microphone, please.

SILVIS: More? Oh, I'm usually fairly loud. So there are 200 people that signed petitions tonight who support the proposals put forth for your consideration by the Citizens Alliance of Livingston Mountain as well as the Friends of Livingston Mountain. So it is our intent to provide you this documentation for our position for the public record and in a manner that does not further diminish the time you have for your deliberations, so please accept these.

BARCA: Thank you. David Mann.

MANN: Good evening. My name's David Mann, address -- Mann, M-a-n-n, address is 1424 Fourth Avenue, Suite 715, Seattle, Washington 98115. I'm here tonight -- I am a land use and environmental attorney. I'm here tonight on behalf of Friends of Livingston Mountain. You should have received from me a fairly lengthy letter with several exhibits attached, and also tonight as I came in I handed in one additional report from Greenlight Engineering which is an additional exhibit. Several points I want to cover tonight. I'll try to be very brief and not repeat what's in my letter.

The first point is I don't understand why you're going through this process at this point. Under the GMA you're required to address your mineral lands when you come through your major comprehensive plan updates. You're going to have to do this for the 2016 cycle, and that's when it should be done so you can be looking at your mineral land designations at the same -- and mineral land policy at the same time you're looking overall at updating your comprehensive plan, not in a piecemeal manner. That would allow you to have the information that you need to look at the competing policies, to understand quantity, what the needs are in this county before you move forward in this type of process.

Second point, you should have the information in front of you in a cogent manner. You shouldn't have to be looking at a map that has one map of an overlay, another map with slopes, another map with streams. You should have had all this information in a clear package, and the process is SEPA. And to issue a DNS, a Determination of Nonsignificance, and say you're going to look at it later is not how SEPA works. The GMA rules are very specific that you should be starting at the big picture. When you're doing your comprehensive planning, that's the time you do the environmental impact statement and then you do supplemental work later. But you're robbing yourself of having the information that you need, and you're robbing the County Commissioners of having the information they need. SEPA should have been done in reverse, not the Determination of Nonsignificance.

Moving on specifically to Livingston Mountain. First of all, the GMA goals are not met by this proposal. GMA Goal 12 requires the County to ensure that the public facilities and services necessary to support the development are adequate, they are not. The road system to serve 12, 13 and 14 is inadequate. Your County engineers have confirmed this for 12, 13, those roads cannot support mining truck travel into those areas.

You've already heard from CALM, they've had their traffic review, we've provided you an additional

traffic review from Greenlight Engineering addressing the roads, 53rd and 262nd and SR-500 to access the other area, it's also inadequate for the same reasons.

BARCA: 30 seconds.

MANN: What?

BARCA: 30 seconds.

MANN: And the president, if it's okay, the president of Friends of Livingston Mountain is on the next list and he's ceded his time to me if that's okay so I can finish. Tyler McCullough who's next on the list.

BARCA: Oh, he conceded. Go for it.

MANN: Thank you. The roads to serve blocks 13 and 14 are also inadequate. The same issues, it's tight turning radiuses, poor sight, they do not meet County standards at present to serve even the existing truck traffic. There's photographs in the Greenlight Engineering already showing trucks just two days ago over the centerline both directions, plus the truck traffic breaking off the side of the road in both directions where they're already going off the road, it's inadequate to serve what's there. Without having the adequate public facilities, GMA Goal 12 cannot be met.

GMA Goal 10 is the environment. The County is to protect the environment and enhance the state's high quality of life, including air, water quality and availability of water. That's a goal that needs to be met before you make these designations. You don't have the information in front of you. How can you make that determination? You can't. And the information we already know on traffic tells you that it's inadequate. Greenlight Engineering's conclusion is that the proposed mining overlay would create traffic safety hazards and would materially aggravate safety issues. Without meeting that, again GMA Goal 10 cannot be met.

And finally I want to talk about GMA Goal 6, property rights, something that's often left out of the equation. And a question was asked earlier tonight of why would it matter if we put the overlay on the property. It matters because under your code, Clark County Code 40.510.020.D.5, once this is a mineral designated land it goes on your deed. If you want to sell your property, you have to notify the subsequent owners. Not only the land within it, but the land adjacent to the overlay. It would go on any plat.

So if somebody wanted to sell one of these parcels or split one of these parcels out, they could not without a deed restriction. That's a property rights interference, and that can't be met under the GMA Goal 6. You're also looking at a large portion of north of 13 -- of block 13 is already a homeowner's association which has CC&Rs on it that would prohibit mining. So to make that a mining overlay, how do you deal with that and the property rights for those people that have already invested, you can't do it.

The last thing I want to make, it also doesn't meet several of your comprehensive plan policies. Mineral Lands Policy 3.5.2, 3.5.3, 3.5.7 cannot be met under with this proposal. I'll ask you to review those. I've gave you the details in my letter.

It's also finally inconsistent with your matrix. The matrix the County has set out in its comprehensive plan - which it is not repealing - requires you to have the information to address the impacts of truck traffic, the impacts and compatibility on blasting on neighboring property owners, you don't have the information. You shouldn't be making a recommendation to the County Commissioners on any of these, but particularly tonight I'm here for Livingston Mountain and you do not have the necessary information. At this point what you do know is it will conflict with several GMA goals in your own comprehensive plan, and we ask that you take this off. Thank you.

BARCA: Thank you.

BLOM: One quick question. Would you give me the number again on the deed, where was that?

MANN: CCC 40.510.020 and it's Sub D.5.

BLOM: Thank you.

MANN: Thank you.

BARCA: And, Mr. Petkun, you have spoken?

PETKUN: Yes, I've spoken.

BARCA: Then we are at Thomas Freund.

FREUND: Close enough.

BARCA: Close. You'll be able to straighten it out here in a moment.

FREUND: You didn't take German in high school. Hi. My name is Thomas Freund, that's spelled F-r-e-u-n-d. I live at 27701 NE 66th Way in Camas, Washington 98607. I'd like to just re-emphasize and say that I agree with --

PUBLIC: Louder.

FREUND: I'd like to just re-emphasize and say that I agree with what Amy Hansen said. I was looking at blast vibration specifically. You have all my e-mails in the record. There needs to be an ombudsman that deals with mining issues. I just, you know, I'm having a hard time finding blast reports or anybody who tracks them, you know. So my questions are, who collects the data? Who looks at the data for violations? And who enforces any penalties if something is violated?

When I talked to, or I exchanged e-mails with Jan Bazala in regards to blast reports, he told me I've only requested a few of these records as I don't have time or resources to keep track of them on a regular basis. Okay. So you'll find in my report what I did is I included my personal interests for, you know, why these blast vibrations would affect me. I'm within 500 feet of the proposed overlay. I'm on a cut and filled driveway. The utilities for our homeowner's association run down my driveway, and every plumber I have come out there says if you have any lateral movements on your driveway, you're going to crack these water pipes, okay. So this is a real concern to me. Because not only does it affect me, it affects, you know, 14 to 16 people in my neighborhood, okay, and that's a catastrophic failure.

So when I -- I heard in the last meeting that Richter measurements were on the order of 1.0 for blasts in that area, so I went on the U.S. Geological Service. I found out this information actually comes from the Pacific Northwest Seismic Network, okay. And Richter measurements are always on the, you know -- for any mine it always qualifies these things as quarry blasts and they always seem to be about 1.0, but there are a few other blasts that are a little bit larger, there was one at 2.0, there's ones at 7.

When you convert these things into peak velocity, which is blast vibrations, you find that these are well beyond recommended standards. Okay. So it worries me that, you know, if we're not looking at this data adequately, then we have no idea how this is affecting our homes, our property. Certainly there are other people up in the mountain they probably have the same concerns about me as cut and fill, okay, and how this affects their pipes. Okay.

So I would just say that, you know, we need a supervisor, somebody we can talk to, a focal point, somebody we can go back to, okay, somebody who's actually watching this data, looking at it and enforcing it. Okay. Those are my comments. And I thank you for your time.

BARCA: Thank you. It looks like Randy Stewart; is that correct?

PUBLIC: He's gone.

BARCA: Gone. One page down. Jeffrey Gibbons; is that right?

PUBLIC: He's gone.

BARCA: Gone. Karen Pickering.

PUBLIC: She had to leave.

BARCA: Cliff Chon. Aaron Halling. Aaron Halling. Grant Christenson.

PUBLIC: He won't be speaking tonight.

HOLLEY: What did he say?

BARCA: He said he won't be speaking. Dennis Eaton. David DeMello. Somebody's already spoken for him. Let's see, we had Terry Reddish. Is Terry Reddish wanting to speak specifically on Livingston Mountain? Looks like no. John, is it Horvath?

HORVATH: No.

BARCA: No. All right. Nancy Hill. Nancy Hill. Kelly Wheeler. Scott Springs or Springer. And Conrad Clark. Very good.

CLARK: My name is Conrad Clark, C-l-a-r-k. I live at 5700 NE 280th Avenue in Camas, Washington. I'd just like to take the opportunity to oppose the overlay. I agree with all of the statements that CALM has made. You know, we can't do anything about the existing quarry, but expanding it would not be good for the mountain, for the environment, or the safety of our people or the value of our property. Thank you.

BARCA: Thank you. Gayle Rundstrom.

RUNDSTROM: No.

BARCA: Lisa Rose. Randy Dunn.

PUBLIC: He already spoke.

QUIRING: I thought he already spoke.

BARCA: Well, we have a Livingston Mountain so we're giving it a whirl. Lew Baileu.

BAILEN: Bailen.

BARCA: I'm sorry, Bailen.

BAILEN: Okay. My name is Lew Baileu, B-a-i-l-e-u. I live at 28703 NE Lookout Road, Camas, Washington 98607. I basically agree with what's said by most of the CALM people, but I wanted to bring up one issue, and I can give you a little background. I am retired from Motorola Communications & Electronics and Motorola Government Electronics.

And the County is about to spend a huge amount of money in 2014 and 2015 to improve all their digital communications for CRESA and also the Washington State Police, and those -- all that radio equipment is located on Livingston Mountain within 25 to 50 feet of the overlay. And I think nobody has paid any attention to that and what the ramifications of any mining, any vibration, dust and things like that might happen, so it's something to look at. Because I don't know if you know what the price tag of this new project is, but it's immense. Thank you.

BARCA: Thank you, Mr. Bailen. Larry, wow.

LINDLAND: Lindland. That's okay.

BARCA: Spell it for us, Larry.

LINDLAND: L-i-n-d-l-a-n-d. I'm going to be really, really brief.

GIZZI: Larry, they're going to ask you to pull your microphone down.

BARCA: So hang on a second and then you'll want to give us your address as well.

LINDLAND: Ready? 28101 NE 66th Street, Camas.

BARCA: Talk into the microphone.

LINDLAND: 28101 NE 66th Street, Camas.

BARCA: Don't look at her, talk into the microphone.

LINDLAND: Yes, sir. I'll do it, I'll move the microphone. I've already passed out some folders to you guys, and I apologize they're shortly populated, I just got back in the country again, so they came off my computer and onto a printer and to you guys.

My real concern is simply the dust, and it needs to be something that you maybe want to consider because it's something that if you look at the national averages from NIOSH, which is the National Association of Industrial (inaudible), if there's 200 people in this room, within the next five years two people will die from silicosis.

Silica along with oxygen are, and probably sodium are the three most pervasive elements that we have in the earth today. And as you fracture rock, you develop silica, you develop crystal and silica by fracturing it or you release crystal and silica. The two reports you have are one from NIOSH which is the National Association of Industrial (inaudible) and the other one is from Oregon OSHA.

If you look at the numbers that I got right now, and it is such a growing problem especially with the mining of sand for fracking, that in the last seven years there have been in excess of 15,000 independent studies that have been initiated by government councils on industrial (inaudible), OSHA and various state governments. You can go look at Minnesota and Wisconsin and they are probably the farthest ahead of anybody.

When particles reach ten microns and less, they're called hazardous; when they reach 2.5 microns to something in the neighborhood of about 700 nanometers, they become acutely toxic. They're referred to in a lot of the reports as PM-2.5 and 4, 2.5 micron material. It takes one-tenth of one milligram to be toxic to human lungs, that's 1,000 parts per million. That's not -- that's a tiny, tiny fraction of what's available in the air.

When this gentleman talked about having to put on a dust mask to mow his lawn, the same thing happens to kids standing beside bus stops. When the wind blows right now with the current mine, I have some white lawn furniture, when we get ready to start putting things back, we have white and black lawn furniture just from the dust with the mine as small as it is right now. So please think carefully about regulations that would dictate that the mines and the mining operators are very cognizant and the County is cognizant, no one wants to be responsible for somebody, silicosis is non-curable. Okay. Thank you.

BARCA: Wendy Garrett. Brian Clark. Lisa O'Malley. Is that a hand back there? Priscilla Christ.

PUBLIC: What was the name?

BARCA: She'll tell you, hang on.

CHRISTENSON: Is this loud enough?

BARCA: It appears to be.

CHRISTENSON: My name is Priscilla Christenson, it's C-h-r-i-s-t-e-n-s-o-n. I live at 29503 NE 70th Circle in Camas, Washington. I'm here tonight, I don't have long testimony, but I do support the written and oral testimony of Mr. David Mann, the comments made by Friends of Livingston

Mountain and those of CALM.

In hearing all this excellent testimony and heartfelt comments and recognizing the hard work done by all the people in the audience, I would like to make the comment to you and say you should be glad that there are this many people in the audience who care about their community and care about where they live and are involved and take the time to be a part of their community, because I've lived places where people are not, and I think that's a proud thing that you have a part of.

And you should recognize the hard efforts of these people and be glad that they're a part of the community where they live, and I hope that you're glad to be a part of it too and will recognize the hard work and heartfelt comments here tonight. And I, again, I support the comments of the people spoken ahead of me. Thank you.

BARCA: Thank you. Julia Lovell.

LOVELL: I don't wish to speak at this time.

BARCA: And what about Lloyd Lovell.

LOVELL: I pass.

BARCA: Jade Insko. Teresa Valentine. That one works fine.

VALENTINE: Can you hear me?

BARCA: Yes.

VALENTINE: My name is Teresa Valentine, Valentine like February 14, V-a-l-e-n-t-i-n-e. I live at 27619 NE 46th Street in Camas, Washington 98607. I wasn't going to testify, but a lot of things I've heard tonight, not only do I agree with them all, there's a couple things.

One, when you were discussing things amongst yourself, I never heard anybody say anything about population concentration being a deciding factor and the feasibility of mining. Like I heard earlier, this is a residential area, this is a very active, very concentrated population of people. And I know that tourism is an important factor, fish are important and every other animal on this planet, but as far as I'm concerned people are the most important resource that we have.

There is a huge population of bicyclists that I haven't heard anybody mention that are riding down these roads all the time. One of my greatest concerns is the health of our aquifers, and not just the people on the mountain, but the people, the citizens of Camas are going to be affected by this.

And I know that you mentioned that your decision process tonight has to do with determining the resources available as far as the overlays go. And I got to thinking, you know, I have a gold tooth, does that mean that that's a resource of Clark County and when you decided that you need that resource worse than I do, does that mean that it's yours? That's all I have to say. Thank you.

BARCA: Charles DuFort. How about Micki DuFort. Left together. Heather Wheeler. Brian Bowers. Please step forward, Mr. Bowers.

BOWERS: Brian Bowers, B-o-w-e-r-s, 27205 NE 61st Street, Camas. I'm going to try and get past being pissed off. What you guys have already done is really unconceivable. You've already got a mine up there that is completely disruptive, it abuses the roads, it abuses the land. Has any one of you taken a southern exposure look at the mountain? Any of you?

GIZZI: Yeah, sure.

BOWERS: Big gash in it, isn't it? I thought strip mining was illegal a long time ago because that's pretty much what you're doing, okay. And as far as any reclamation, there's nothing ever going to grow there. The last mine that I seen that they reclaimed they put a Walmart in, okay. So these trucks, constant noise.

You've already inadvertently or indirectly are responsible for one death, okay. When those trucks come down 262nd Avenue, it's one steep hill, okay. Those trucks are mechanically driven, they break. There's a house that crosses right in their direction when it comes down to the bottom of the hill, that truck driver that sacrificed his life in order to miss that house went through the trees, he's dead, it will happen again, okay.

So to be honest, I think you guys are about as close as stealing as you could possibly get when it comes to the equity of mine and the rest of these people here. You're just ripping our retirements right out from underneath us, and who do you think you are. The greed in some of you that I see is oozes, okay. Some of you are very reasonable, but I've watched you all, pretty good at reading people, some of you are pretty fair.

Oh, it appears that you're already going to do this, because the other last week as I'm trying to go home, I spent a half an hour trying to get up the hill following one heck of a big mining piece of equipment that everybody had to pull off the road to let it get up through there, okay. So it appears that this is kind of a moot effort, you guys already got the game rolling.

You put in a mine that shouldn't be there to begin with. You ought to take the one, stop the one that's going right now because someone's going to die again, it's just a matter of time, okay. And God help anybody -- all right, timeout.

I'm going to talk about the explosions real quick because it's kind of like an earthquake. I already got one window, nice big window, it's cracked. Came home one afternoon, Tuesday, was it the 7th or the 8th, 4:13 in the afternoon my whole house shook, okay, the sound comes afterwards, okay. The actual explosion travels through the ground. I will admit my well does run better though this year because usually I go dry this time of year because of how deep it is, it's 600 feet --

BARCA: Thank you, Mr. Bowers.

BOWERS: -- but it does produce a little bit more, I think you guys opened her up for me.

BARCA: It looks like Jeremy Anderson.

ANDERSON: I pass.

BARCA: Is it Ron Bright?

BRIGHT: I concur with everything that's been said.

BARCA: Thank you. Karen Nelson. Teresa Miller.

PUBLIC: She's gone.

BARCA: Barbara Rider. Come on up, Barbara.

RIDER: I hate speaking after all of these eloquent speakers.

BARCA: That's okay, that's not on the record.

RIDER: My name is Barb Rider, R-i-d-e-r, not Ryder trucks, I wish. Thank you all for staying so late. And I -- no one can see it, but I too is really curious where the mining overlay was in respect to all the watershed and the topography. So I did something at home, I found them both, found them both and then projected them by hand. And what was interesting to me in listening to the discussion on the, what is it Bell Mountain, was that the little thing I had done by hand looks an awful lot like Bell Mountain only it's covered with a bunch of little houses and little parcels on the lower half, so I'm, like, being on the very top of a flat mountain.

Livingston Mountain is a bunch of bumps and ridges, but it actually has its own little set of creeks and water features that go down. So I guess when I look at this, I'm saying everybody below where the mine is right now and where the proposed 12, 13 and 14 areas are, those are the high points of

the hill where all these houses are situated and all of us rely on wells.

I'm very concerned about well water. I've been told by the, I think it's Hall Pump that we have one of the best wells at our house on the entire mountain, we get 15 gallons per minute. Well, I wonder how much longer we're going to have that if there's going to be a lot of drilling and digging and blasts just north of our house where 13 is, so I'm concerned. And I am a little bit baffled why Clark County has chosen 12, 13 and 14 to designate as an area to mine when there's all these houses right there. So that's all I had to say. Thank you for listening.

BARCA: Thank you. Mark Martin. Blaine Graff.

BLOM: Mark Martin is on his way.

BARCA: Oh, okay, didn't hear a word.

MARTIN: Sorry, I was in the back. I don't envy you knowing all those code numbers, I got to tell you, from the County and the State, my goodness. My name is Mark Martin and I live at 26520 NE 52nd Way, Vancouver, Washington. I don't know how I got a Vancouver, Washington address but I do. It's approximately three-quarters of a mile below the Livingston Mountain/Storedahl mine.

I've read much of the testimony provided by CALM members and the Friends of Livingston Mountain and agree with them that we need to slow down the process of considering expansion of the surface mine overlay in Clark County and specifically in the area of Livingston Mountain.

We have a sensitive area containing two wetlands and three creeks in the Lacamas watershed and Matney Creek subsection in the current project area where the Storedahl mine located on Livingston Mountain. Riparian wetland areas provide numerous functions and values that protect the quality and quantity of our water resources. Riparian areas trap sediment and other pollutants from overland runoff --

BARCA: Slow down.

GIZZI: She has to type to keep up with what you're saying.

HOLLEY: You need to slow down.

MARTIN: Slow down? I'm sorry. Sorry. Sorry about that. I was trying to get it all in in three minutes.

HOLLEY: If he has to give you 30 seconds more, he can put it on me.

MARTIN: Thank you. Riparian wetland areas provide numerous functions and values that protect the quality and quantity of our water resources. Riparian areas trap sediment and other pollutants from overland runoff before they have a chance to enter lakes and streams and groundwater, they also function to reduce the magnitude and velocities of floodwaters. They are an essential component of the environment which is why they are protected by the Federal, State and local governments, they are purifiers. Because of their many cleansing benefits, wetlands have been compared to kidneys, the analogy is a good one. Wetlands and kidneys both help control water flow and cleanse the system.

Surface mining is one of a high-intensity activities that can most degrade and destroy wetlands. The two wetlands on Livingston Mountain are contained in the current project site. Each is at least 43,000-square feet. Both are riparian wetlands meaning they are fed by groundwater and surface water runoff.

Perhaps the most important program involving wetland protection is the Federal government's regulations of activities in wetlands contained in Sections 401 and 404 of the Clean Water Act. This law provides the discharge of dredge material and fill material into wetlands of the United States requires a permit from the Army Corps of Engineers.

The two above mentioned wetlands are located within the project area, the Storedahl mining concession, both are jurisdictionally covered by Clark County wetlands protection ordinance --

BARCA: Mark.

MARTIN: Yes.

BARCA: One minute.

MARTIN: Sure, thanks. -- as well as the Critical Aquifer Recharge Area, CARA, Category II ordinance of Washington State. It would be prudent for the County to make sure that Clark County and Storedahl & Sons are following the current codes of the State and County before proceeding with an expansion of the SMO into areas where more of a negative impact on these resources could occur.

The current State Code 40.450.010 provides no net loss, provides for no net loss of wetlands and encourages enhancement of low quality wetlands such as the ones on Livingston Mountain. Unfortunately - and I'm about to finish up - the water drainage and groundwater flow patterns with the three streams and these two wetlands throughout the current mining area are heavily subject to quarry activities including ammonium nitrate explosions as well as the seven stormwater and wash ponds used by the Storedahl mine.

It seems likely that simple gravity and these flow patterns and a mosaic of groundwater elements will carry chemical contamination below to Matney Creek, Little Matney Creek, the Upper Lacamas watershed and the surrounding wells as happened before at the Yacolt Mountain mining facility.

BARCA: Time, Mark.

MARTIN: That's fine. Thank you very much.

BARCA: Thank you. And after Blaine, Theresa Springer.

GRAFF: My name is Blaine Graff, G-r-a-f-f. I live at 27917 NE 67th Street in Camas. It's our house is about 75 feet south of area 13. I endorse and support the comments of the people that came before me, and I submitted a letter earlier this week. I want to make a couple of points and I'll be brief.

One of these is the visual impact. I work in downtown Portland. From my office I can see my house, I can see the Kanes and the Wobbers house, behind that is the Livingston Mountain west ridgeline. The ridgeline runs east/west about through the middle of that Number 13. If that were mined, that ridgeline would entirely change, disappear. As you drive down Columbia Gorge, beautiful sight, and you daylight out there, and Troutdale, you look to your right you'd see a scar on that hillside, it's that visible, I can see it from 25 miles.

Another point I'd like to make is just general impacts to our livelihood and our property value. I've been building dams and hydroelectric power plants for 30 years, no stranger to hard rock excavation, tightly controlled, highly specialized business. The mine next to my property scares me to death. I urge you to remove area 13 from your recommended map so we can sleep at nights again. Thank you.

BARCA: Thank you. After Theresa, Alan, is it Kabel?

KABEL: Yeah.

BARCA: All right, you'll be next.

SPRINGER: My name is Theresa Springer, and I am reading a letter from one of my neighbors that couldn't be here this evening. Do you want my address or my neighbor's address?

BARCA: It's your testimony.

SPRINGER: Theresa Springer and I'm at 30114 NE Spud Mountain Road in Camas, and I'm reading a letter from Joshua Barnwell who lives right outside of where I live at 7717 NE Livingston Road.

From Josh Barnwell. I am against the mining overlay and I agree with the folks representing CALM. The reason I bought my home on Livingston Mountain was for peace and quiet. By trade I am an RN and work nights. Living out in the East Clark County area affords me the peace I require to sleep during the days.

Additionally, the placement of the mining overlay right across from my home is simply not feasible. His home is right across from Number 12. The road safeties which have been brought to the attention of the Planning Commission by the roads and transportation department of Clark County already. With the numerous school bus stops, cyclists and pedestrians using Livingston Road, adding these large double dump trucks is simply outrageous.

Also there are many streams that feed into the small rivers in the area and those streams will be devastated with the poisonous runoff from the mining. The negative ecological impact will be very great, and the residents of the area will be impacted tremendously with dramatically lower property values even if a home in that area could be sold if the mining overlay stays.

The visual impact will also affect most of Clark County as you drive east on Padden Parkway, Fourth Plain Boulevard, et cetera, and see the large gravel strip mine against the Cascade Foothills. So please remove the Livingston Mountain surface mining overlay from the overall mining map. Thank you, Josh Barnwell.

BARCA: Thank you. And after Alan is Jeremy Coburn.

KABEL: My name is Alan, K-a-b-e-l. I live at 8415 NE Livingston Mountain Road. Thank you so much for listening and for being here. I just wanted to talk about 12 for a second and the topography of the mountain itself, we haven't seen a topography of the mountain. But 12 when you look at that corner, the western corner of 12, that's where the road into that subdivision is and that road is built upon fill. Right off the side of the road the only entrance to that subdivision is about a 30-yard drop that continues down to the DNR road.

So I don't understand the logistics -- there's also a house that sits on the overlay proposal. The logistics of how they would blast and how they would rock crush without that road actually falling off the mountain is what I'm concerned with. And then when you look at area 13, there's only one road to access that area as well, and that road is the steepest thing I've ever seen, the one that goes into Diamond Ridge. So I just wanted to point out the logistics.

And you can see, I don't know if that points out how steep the mountain is and where it's steep, but also the fact that a lot of those homes off of 12, area 12, they sit in the side of the mountains themselves on ridges, so that if there was blasting, I'm sure that the foundations would be damaged. But more than anything, the road that goes from 12, in area 12, the road that accesses that subdivision would probably be destroyed, and it's in the westernmost corner, it lies right on the borderline there. There would be no way for people to get in or out of that neighborhood. So I wanted to request that 12, 13 be removed from the overlay. And I thank you so much for your time.

BARCA: Thank you. So Jeremy Coburn. Keira Coburn. We're down to Steve Barber.

BARBER: I'll pass.

BARCA: Cynthia Lam.

LAM: Pass.

BARCA: Mike Bell.

GIZZI: You got a hand out there, Ron.

BARCA: I see that. Steve or Tammy Sonderen. Another page down. Susan Maszak.

PUBLIC: She left.

BARCA: She left. Sigrund Shoemaker.

SHOEMAKER: I'm here.

BARCA: Come forward. And after Sigrund would be Stephen Bloss.

BLOSS: I'll pass.

BARCA: You'll pass. How about Linda, oh, Linda's already given her testimony.

INGENTHRON: Oh, no I haven't.

BARCA: Oh, you haven't. Okay, then, you're next.

SHOEMAKER: Hi. Thanks for listening to us all and for your patience. First, I'd like to say, though, that I agree with everything that CALM and --

BARCA: Can you start with your name and the spelling.

SHOEMAKER: I'm so sorry, yes.

BARCA: Thank you.

SHOEMAKER: You didn't get that already? It's Sigmund Shoemaker, that's S as in Sam, h-o-e-m as in Mary, a-k-e-r. Address is 29800 NE Spud Mountain Road, Camas, Washington. How's that? I agree with everything CALM and Friends of Livingston Mountain have said, but, secondly, I would like to talk economically,

I look at more than just rock and gravel economically. I'm a real estate broker here in Clark County. 90 percent of my clients are not from Clark County, they come from other places in the United States and outside the United States. They come here because of how the county looks. They look around and I say, well, why do you want to move here from Japan, from California, from Michigan? And they say look around, it's beautiful, look at the mountains, that's what they see.

Of course one of the mountains that they see is Livingston Mountain which is of course where I live. Opening the door for more mining on Livingston Mountain will change that view that we see from anywhere in Vancouver. Drive Highway 500, you look up, you see Livingston Mountain. So I don't want to see a scab up there on Livingston Mountain more so than we already have on other parts because these folks are moving to our county because they've fallen in love with the views.

I don't want to have to tell them that in Clark County rock is more important than the people's homes as we heard at the working group meeting. I don't want to have to tell them that a property owner is never safe from the County's future actions. I don't want to have to tell people that and make them not move here and move to Cowlitz County or Skamania County, that doesn't help my business any. And instead I would like to be part of growing the population of our great county - I love it here - which in turn brings in more opportunities for employers to relocate their businesses here because our quality of life is a great attractor to those businesses and those people, that's what they tell me, so let's maintain that.

And carefully consider the ramifications the task force has presented to you all and let's look at it from a long-term perspective and understand the ramifications up front before it's too late. I would hate to see the County cut off its nose to spite its face, and for me that face is Livingston Mountain. Thank you. Thanks for listening and your patience.

BARCA: Thank you. Linda. And after that we have another Linda, Linda Rectanus.

RECTANUS: Oh, that's me. I thought I was next.

BARCA: Oh, I'll be darned. Well, no, don't go anywhere.

RECTANUS: Can I just sit? Okay. How do you spell the first Linda?

BARCA: Oh, my gosh. It looks like I-n-g-e-n-t-h-r-o-n.

RECTANUS: I'm a different Linda.

PUBLIC: Ingenthron.

BARCA: Ingenthron. Well, thank you. Is she here?

PUBLIC: I don't see her.

BARCA: Linda --

RECTANUS: Rectanus.

BARCA: -- you are the right Linda. Please.

RECTANUS: Yes. I did send you a letter, but I have a few more things to say.

BARCA: Please don't read the letter to us.

RECTANUS: No, no, I'm not going to. Linda Rectanus, R-e-c-t-a-n-u-s, 7404 NE 269th Avenue, Vancouver, 98682. I have the same concerns of course as everybody else with the safety, the traffic, the negative impact on property values, the noise, the pollution. I'm terrified of what I hear about the wells and the groundwater.

But I wanted to be kind of specific. I live in the Highland Meadows development which is that island there between 14 and 13, you know, just north of the quarries. And I want to make clear, I don't know if everybody understands, there are two quarries there, not one. The one is Tapani Rocks or Tapani Tower Rock Product, the other is the County quarry, and I think they're getting very muddled.

262nd is our only access in and out. We have 12 families in our neighborhood, and I count 21 more mailboxes down the rest of the road before you get to Bradford. Not everybody has a mailbox so, you know, that's a minimum of 33 families that are having just the one access in and out.

We've heard testimony that there have been 184 trucks counted. Right now the County quarry has permission to run up to 140 a day, and in special circumstances up to 280 trips a day, that's supposed to be for peak production periods which would be limited to ten days, but there is nothing that says how often those peak production periods can occur. They're also required to have a Memorandum of Understanding with Tapani Rock so that the peak production periods don't overlap.

Now Tower Rock has already approved up to 190 trips a day, but there's nothing specified even if they do get together and decide not to overlap the peak production what will be the total. I have a copy of the Memorandum of Understanding. I also have a copy of the hearing examiner's conditions and the memo of understanding doesn't talk at all about the truck traffic like it's supposed to.

Also my other concern is who is going to take responsibility or liability if we have problems? Both of them are supposed to have responsibility, but again, there's nothing in the Memorandum of Understanding about that as was required by the hearing's examiner, and they were supposed to address noise in that which was not addressed. And I just think we cannot have any more mines feeding out onto 262nd. Okay, thank you.

BARCA: Thank you.

RECTANUS: Can I give these copies to you?

BARCA: We have three more on the sign-up sheet, and then those people that didn't sign up, we will have an opportunity for you to come after that. Hunter Decker.

DECKER: (Inaudible).

HOLLEY: I didn't hear him. What did he say?

BARCA: I don't think he wants to testify. And Lois Decker-Weihl, and she's coming forward. After her will be Jenny Howd.

DECKER-WEIHL: Lois Decker-Weihl, 27219 NE 64th Street, Camas, Washington. And I oppose. I agree with everything that's been said. Our home personally has been shaken to the point of being broken apart. The bathroom tiles now are completely broken. I know that's not a consideration, but we've been fighting since 2008.

We have had them come to our house and put seismograph stuff on the ground. Marc Boldt came to our home saying that they were never going to do this overlay because there was no rock there, this was in 2008. And, you know, my husband said you guys are in bed with the County, you know, everybody's -- you know, this is going to go through because this is already a done deal. And, you know, lo and behold, then later now here's the surface mine overlay. And when they had told us that there was no rock, I think it was Bazala that said there was no rock over in that area, and now lo and behold there is, you know.

And we filed a claim with Tapani's insurance, we've done a lot of stuff, and now everybody's waking up because this is coming true that they're going to try to do it all over the place. And I just want to say that we've been battling this since 2008 and we've seen our home destroyed in a lot of ways, because it's fractured all of the block going up, it's affected the tiles, it's affected a lot of stuff from the blasting. It feels like a tree falling on the house when it shakes, and I literally thought that that's what happened, so I just want to say that.

And I know you guys are working hard and I appreciate your consideration, but, you know, sometimes, no offense, but it feels like a kangaroo court and I don't know what effect anything is going to happen here. I just want to tell you that we're all really frustrated. Thank you.

BARCA: Thank you.

QUIRING: Did she actually say where her parcel was? Can you, excuse me --

MABREY: Can you point out your parcel on the map?

QUIRING: Yeah. Where is your parcel?

MABREY: Are you over this way?

QUIRING: Near 13, 14, 12?

DECKER-WEIHL: It's hard for me to tell. I think right around there. Is that right, Hunter?

DECKER: On the edge of 13.

DECKER-WEIHL: On the edge of 13.

QUIRING: Which edge?

DECKER-WEIHL: Weihl.

QUIRING: West?

DECKER-WEIHL: We're right where the DNR land starts to go.

QUIRING: Okay, thank you.

BARCA: Jenny, it's your turn.

HOWD: Okay, thank you. I'm Jenny Howd, 5600 NE 292nd Court, Camas, Washington, it's H-o-w-d as in Dog, not e. Once you identified the resources, you're opening the barn door. And once the barn door is open, we will be constantly fighting permits, they will go after permit after permit after permit, and I've already spent seven hours of my life here listening to testimonies that people do not want this.

And please be respectful for this. This is our life, this is our peace of mind, this is where we go to get away from the crazy world that is out there, and why should we have to deal with something that when we bought our land was not here. We need you guys to realize that it's not fair to us. We have spent so much money to make our houses homes, and with putting a mine in it will destroy that all.

Also on Livingston Mountain, again, on the corner of 53rd and Livingston, and we're right above the snow line, we have had snow as early as October and as late as May, that's eight months out of the year that we have to worry about trucks going up and down on snowy roads and that is unacceptable with all the people. And if you actually look at the map, it doesn't show all the parcels that have homes on them or can be built and that it's residential, it's not a rural area. We -- just one second, I'm sorry, I lost my place.

Once you put the overlay, I would recommend to everybody who lives on Livingston Mountain to request an assessment and have their property taxes lowered and that will really start costing the County. And when you lower the property taxes of all these parcels that are up here, and then you'll have to raise the taxes so you guys and everybody else all throughout the county will have to make up for the loss of the taxes up on Livingston Mountain, and I don't think you guys realize how many homes there truly are, they're hidden by trees and stuff.

So I really appreciate your time. And I will let you know that the last meeting that I sat here for three hours was the last night that I had with my daughter who went off to college, and it meant a lot to me to be home with her, but this means more to me because this is my life here and my home and my happiness and my sanity with my husband, it really means a lot.

So I hope that the money that the mining companies are paying our politicians for their campaigns do not oversee what our true, you know, what a human being means. And we are the voters, and I recommend that anybody who's here do not vote any of the politicians on that new thing that we're voting on soon, get people who are real people and not paid politicians. Thank you.

BARCA: That concludes the sign-up sheets.

PUBLIC: There should be at least two more sheets. Him and I were both on different sheets and neither of us have been called.

BARCA: So there may have been a sheet called the OTHER that you signed up on, but let's just do it this way, everybody who wants to talk is going to talk, okay, I don't need to go call the names out from here, let's just go through a show of hands on who wants to talk. What do we got? One, two, three, four, five, six, seven, eight, nine, ten. You need a break. Seeing that there's popular appeal for many more testimonies, we are going to take a ten-minute break and then we'll get back to this.

(Pause in proceedings.)

BARCA: So if the first person would come over and take the far microphone, and then I'll get you just to come up and sit here and we'll just go ahead and switch mics, because it's really getting late and we want to try and work this out. So you, sir.

CHRIST: My name is Peter Christ, C-h-r-i-s-t, like Christ, and I live at 28818 NE Hancock Road in Camas, Washington 98607. First I'd like to say I've heard some wonderful testimony here tonight and especially from the CALM people and my colleagues on some of these committees and I agree with most of it.

One thing that came up early on was the on your engineer's, the County's engineer report on Livingston Road and Hancock Road, and I don't think it's really been emphasized enough and I would like to emphasize that because I live in the very first house on Hancock Road west of Livingston Road. The idea of running trucks down this road is total insanity. The road is very narrow and it's windy, that's just Hancock, and then you get on Livingston and that's very steep.

It was pointed out by one of the last people that talked here that we do have snow up there, we have a lot of snow up there, and the idea of fighting a truck coming down that road which is hard enough in the ice and snow anyway, but the idea of doing that for five months of the year is as I say it's insanity and it's something that everyone should really think about. Hancock Road and Livingston Road are totally unsuitable, and I know it's been mentioned before, but I did want to make a point of it.

In the testimony of David Mann, a wonderful attorney, he mentioned that the roads were not suitable for traffic, that is 53rd and Bradford particularly, not only Livingston and Hancock, and he said that the roads would have to be widened to make them suitable. Well, the point is that those roads are right up to property lines. So in order to widen them, most of the roads you would have to usurp people's property and -- yes?

BARCA: One minute.

CHRIST: Oh, okay. And I would -- I also want to mention that the - and we haven't made enough of a point of this - Type IV legislative process and Type III legislative process, if we accept a mine and also go with as I understand has been proposed and also change the Type IV process to a Type III, that means that the mining people can at any time just make a recommendation to go to, say, the next property over and it would not have a legislative process as we're going through right now. And I think this is a very dangerous, extremely dangerous precedent to make, and I'd like to really make a big point of that. And maybe one of you, or since I'm going to run out of time, can explain the difference between Type IV and Type III for the people that don't know. Anyway, thank you very much.

BARCA: Thank you. You'll be next, just one moment. Type III, Type IV, I would like to bring that up when we talk about the comp plan review rather than do it now. So, everybody, I know you were really hoping you'd get to hear it right now, but we're going to stick with Livingston Mountain, okay, and we'll stay focused. Please, go ahead.

POND: Thank you. I'm Angela Pond, P-o-n-d. I live at 9011 NE 312th Avenue in Camas. I spoke to you last month about the hazards, the health hazards from nuisance noise. I'm an audiologist by training and trade. I have two quick points and then I have three recommendations, and I thank you all for your patience, I know it's getting late.

The first point. As part of the site plan review in 2009 for the Livingston Mountain quarry, the County commissioned a noise study by Daly-Standlee, it was presented to the hearing examiner at that time. They found on a day that the quarry was not running the ambient noise measured between 33 and 38 decibels. To put that into context, the sound that a computer fan makes is about 33 decibels. I'm talking to you at about 55 decibels, and if you walked next to a jackhammer in operation it would be about 95 decibels, okay, just to give you some numbers, it's a reference for the numbers.

So a typical peaceful day in our community used to be as soft as that computer fan. Now people

more than a mile from the quarries hear backup beeps, rock crushers and gravel trucks at intensities that we do not know. The Daly-Standlee report stated that operations would not meet SEPA noise standards if certain mitigating efforts were not taken. Were these mitigating efforts taken? We don't know. Is the noise that radiates to adjacent residences meeting the standards? We don't know. No follow-up study has been done.

Second point. Some of our citizens and members of CALM had availability of a calibrated sound level meter and we wondered how loud the trucks are as they go by. The trucks are now going between 5:00 in the morning and 7:00 at night six days a week. The readings -- or I'm sorry. The same Daly-Standlee report estimated, they didn't have a truck to measure, they estimated that the loaded gravel trucks would be 57 decibels -- got it -- the actual readings that we've gotten have been 91. Do these meet the standards? We don't know.

In closing, you the members of the Planning Commission have a great opportunity before you to finally help our county get a handle on the harmful affects of excessive noise that comes from mining.

Three recommendations or suggestions. Please strengthen the comprehensive plan policies that relate to designation of lands by considering how to balance factors like noise, traffic conditions and surrounding land uses. Second, please strengthen the performance standards in Chapter 40.250 so that the decision-makers must consider the potentially harmful external effects of mining. And last, and this is my favorite, please create monitoring and enforcement standards that mean something. Perhaps a mining ombudsman or an office of or a Bureau of Mining Affairs would help ensure that our community concerns, and that's why we're all here and staying until 11:00 at night because we have concerns regarding health, safety and welfare, we like to make sure that those concerns are or that the regulations are enforced. Thank you.

BARCA: Thank you, Angela.

FELVER: My name is Linda Felver, that's spelled F like Frank, e-l-v like Victor, e-r, Felver. I live at 28818 NE Hancock Road, Camas, Washington, that is on Livingston Mountain. I'm a registered nurse and I wish to give you a clinical picture to supplement what was said earlier about silicosis. I also have submitted written testimony which I shall not repeat here with references from both the medical, veterinary literature on health effects of silicosis.

When a person develops silicosis from inhaling minute amounts of small silica particles over time that's amply contained in the dust that has been described by previous people, they go deep into the lungs. Our body has no way of dissolving them or getting rid of them, and in response our lungs start to make scar tissue, and our lungs make scar tissue and scar tissue and scar tissue in what should be flexible lungs.

Until a person who has silicosis becomes symptomatic and they get very short of breath trying to walk across the floor or down the hall to the rest room, and as it gets worse they get extremely short of breath when they're just sitting in a chair. And what I mean by short of breath, if you will think of someone who has just run a mile as fast as they can and they are gasping and their breathing is labored, imagine someone sitting in a chair with that type of labored breathing and feeling short of oxygen.

Only the person with silicosis who is breathing isn't breathing as deeply because their lungs are so filled with scar tissue, so their breaths are more shallow and gasping. And then in the end, they are lying in a bed not even moving and having that much oxygen problem. We have much population density in the Livingston Mountain area, and to submit that many people to the dangers of dust exposure is in my view not acceptable.

I will close with a true story that happened to me which has to do with Hancock Road and Livingston

Road. I'm a runner and I was running on Hancock Road, came to the intersection with Livingston Road. Turned back, I was about 20 feet on Hancock Road going away from Livingston Road which comes down at an angle like this, very steep, goes around a steep curve and Hancock Road comes out about where my knuckles are. And I heard behind me a truck, a very loud truck screeching and sliding and I realized that the truck had gone out of control coming down Livingston Road and would soon be catapulting on to Hancock Road where I was running.

The bank there - there is no shoulder on Hancock Road - the bank comes up at an angle of almost 90 degrees. I hurled myself spread-eagled onto the bank grabbing a bush with one hand and planting my other hand in the dirt. I looked like Spiderman hanging on a wall. And the truck careened with great screeching of brakes 25 more feet up Hancock Road right where I had been and passed me before it came to a stop. If I had not reacted so quickly, I would not be here speaking with you tonight because I would be dead. Fortunately, I'm not dead and so I am here speaking with you and asking three things.

Number one, will you please remove the overlay from the Livingston Mountain area and Number 12 which has to use Livingston Road except for the existing mine which must remain. Number two, will you please consider delaying action on the code and the policies because there is much in there that needs revision. And, number three, will you please, please keep this a Type IV process so that people's voices can be heard in a just government. Thank you very much for your time and attention.

LOVELL: Julia Lovell, L-o-v-e-l-l, 26918 NE Bradford Road, Vancouver, Washington 98682. In addition to the comments I e-mailed you regarding our well and creek, I agree with all the comments of CALM and Friends of Livingston Mountain. I have a child that waits for the bus on the road where these trucks travel. I cross the road to get my mail.

I object to the findings of the staff report and ask you to not suggest area 13 and other Livingston Mountain areas for the surface mine overlay. Why would you recommend these areas adjacent to our R-5 zoned areas? My property is actually even smaller. Earlier you kept referencing the WAC numbers. In WAC 365-190-070 in your own staff report you say you need to consider the surrounding parcel sizes and surrounding uses, it is our homes. Thank you for your consideration.

BARCA: Thank you.

BRONSON: My name is Charles Bronson, B-r-o-n-s-o-n. I live at 27119 NE Bradford Road, 986 -- yeah. Vancouver, Washington, 98682. I live right below the N on 53rd there, the quarry is quite away up the road from us, we feel the shakes in our house. We have a front door that doesn't open all the way that's developed in the last three years, we have leaks on our deck doors from it and we have six cracked windows in our house.

I contacted Storedahl about this. He said he would bring out a seismograph, put it at my house when they were doing blasts. As of 11:05 tonight I'm still waiting for another call because I've never seen him, this was two months ago. We've had a lot of damage. The trucks are very annoying and whatnot.

Mr. Johnson, you referenced the economic impacts and the economic affects of it. You've had 200 people in this room tonight. If all of us own a home there, there's 2 to 400 people affected by this. If each home was to drop between 50 and \$100,000 in value, you're looking at a \$40 million process in that neighborhood in taxes that you collect and so on and so forth and money we will lose.

This is a very big deal, Ms. Quiring, because you approved the overlay, it becomes a rubber stamp for the permits after that.

BARCA: Mr. Bronson, speak into the microphone.

BRONSON: Oh, yeah. It becomes a rubber stamp after this overlay is approved if you choose to

approve it. So I ask you to please keep that in mind when you're either yeaving or naying on the approval of the process. I thank you much for your time.

BARCA: Thank you.

RADKE: Ready? My name is Brian Radke. I live at 5510 NE 274th Avenue in Camas, Washington. And I want to talk to you of all things --

BARCA: Can you spell your name.

RADKE: I'm sorry. Brian, B-r-i-a-n, R-a-d-k-e. And something I haven't heard considered is the fire service. East County Fire & Rescue services 60-square miles, 10,000 residencies, they have five fire stations and Livingston Mountain is serviced by Station 92 which has the highest call volume of the entire 60-square miles because this is the most densely populated area in 60-square miles.

And, additionally, on top of that as we just heard, property values could be - I'm sorry - property values could be impacted \$40 million. Their budget is made up entirely of property taxes, and they have gone from in 2007 their operating budget was over \$2 million, for the current year it's 1.2, they can't give any more. If they lose any more, that's going to impact the emergency services they're able to provide to those entire 10,000 residencies and the entire district. And that was all I really wanted to talk about. Thank you.

BARCA: Well, thank you.

EISNER: My name is Glen Eisner, Eisner. I live at 30600 NE Livingston Mountain Circle, Camas, Washington 98607. I am the president of the Board of Directors for The Summit At Autumn Hills Homeowner's Association.

We are a community of 95 single-family dwellings located at the end of Livingston Mountain Road. The most important job of the Board of Directors is to ensure the safety of our community. As a president, it is my responsibility to do everything I can to ensure that safety. I believe that truck traffic to and from a quarry on Livingston Mountain would significantly threatens the safety of our community.

Let me give you three personal examples to illustrate that point. Livingston Road is often covered in ice above NE 53rd Street. While many residents on Livingston Mountain use chains and put them on and off at NE 53rd, there is no doubt that trucks will not use chains for the few miles on NE Livingston Road.

I remember going down Livingston Road one icy day with chains on and seeing a school bus slide sideways in the middle of the road as it used it's Onspot chains twirling under its rear tires. It slid off the road into the drainage ditch where it stayed until Clark County and a tow truck could pull it free. If a school bus with Onspot chains can't negotiate the hill, and it wasn't the steep part of the hill, what's going to happen when a tandem truckload full of rocks tries to make it down the ice covered hill without chains?

I have a background in the fire service and volunteer with Clark County Fire District 9. A few years ago I responded to a cement truck that couldn't stop coming down NE Livingston Road. It crossed NE 53rd and hit a large tree killing the driver. The grade at Livingston Road near 53rd is very steep.

An empty cement truck doesn't weigh anywhere close to a tandem dump truck fully loaded with rocks. If the brakes failed on an empty cement truck, what will happen when fully loaded rock trucks come down this steep hill? These trucks have to rely solely on their brakes.

Unmuffled compression brakes are not allowed on Livingston Road, and these trucks are virtually never equipped with transmission retarders. Allowing these trucks on Livingston Road is a disaster waiting to happen. I have followed trucks around the sharp curves on Livingston Road above Hancock. I have observed trucks swinging wide into the oncoming lane of traffic with a trailer

usually tracking into the drainage ditch at the edge of the road.

In addition to being a danger to the commuters, we have homeowners who walk along this road and an increased number of bicyclists now use the road. Along with other members of The Summit At Autumn Hills Homeowner's Association Board of Directors, I urge you to exclude Parcels 12 and 13. Thank you.

BARCA: Thank you.

BOYTER: Hi. My name is Mark Boyter, B-o-y-t-e-r. I live at 26906 NE Highland Meadows Road in Vancouver. And my property is in the little island between 13 and 14, and I heard a lot of people talk about 14 tonight, but that's actually probably more concerning to me than the others. I think all three of them should be taken off because it's just not compatible with all the residential.

But I just wanted to point out a couple of things about 14. If 14 was approved, you could potentially double the size of the existing quarries that are there. And the 262nd, all that traffic would be funneled down 262nd. I just wanted to also point out that my -- I've got an 8-year-old and a 10-year-old, when you follow 262nd, it turns to the west a little bit and then it curves back over to the east, the little lag, the south part there of the court, it's not being mined, that's just undeveloped land, but my kids' bus stop is actually right smack-dab in the middle of that thing. So it's a real issue to me.

And then I was also going to point out that the truck where the guy lost his brakes and he swerved and missed the house and he hit the tree and died, that happened 14 minutes, 14 minutes after, it was either before or after the school bus drop-off time. So if he had done that 14 minutes earlier or later, he could have T-boned the school bus.

And I guess all these things and all the testimonies tonight should just paint the picture that mining -- nobody wants Livingston Mountain -- I know there's nothing we can do about having the Livingston Mountain quarry there. But as bad as it is, the worst thing we could do is expand it, and by allowing 14 to be put into place, you're potentially doubling the troubles that we already have. And so I would strongly recommend taking all three of these off. So thank you.

BARCA: Thank you.

CANTRELL: I'm Bill Cantrell, 27202 NE Bradford Road, Vancouver, 98682, C-a-n-t-r-e-l-l. I'm a 35-year resident of Clark County, been up on Livingston for 28 years.

At the time I went to Livingston Mountain to make my home, the sign at the bottom of the hill on NE 53rd was larger than the gravel pit that it announced. It wasn't operational. I moved in to an area that then became a pit. And it wasn't like I moved in next to an existing airport, I didn't. I moved in to a neighborhood and nothing was happening. The silence was absolutely deafeningly beautiful. And now I walk out of my house and I'm nine-tenths of a mile, air miles from the pit, and the pit dominates my hearing which fortunately isn't what it used to be, you know.

When I moved to Clark County, I could go down Highway 14 toward Stevenson and never have any visual oddities other than the beauty of the Gorge, and then we opened up 192nd and revealed what we had been doing behind closed doors, and that was the pit that now exists.

So I think we have a treasure. I'm living with the pit as it is, but expanding the pit at this point in time isn't really a good idea. We're taking the natural beauty and making a man-made crater where beauty used to be. We're not going to put any statues in those after it's all dug out, but yet we're taking the rock out that statues are made from.

So I beg that you really, really think about what you're doing. You can't undue the past, people did that before you got here, but you must look at the future of this county, not in that economic term but in the beauty that lies here. Thank you.

BARCA: Thank you.

JACKSON: Good evening. David Jackson, J-a-c-k-s-o-n, and I reside at 26111 NE 52nd Way, that's Vancouver. I want to thank you guys for your time this evening and thank everyone who came out to give testimony and share their opinions and views.

Waiting a couple of people touched on a few of the things I wanted to talk about, but mostly I just wanted to touch on community, community in the sense of three areas with regards to the expansion. One being the environment, one being the economics as you had mentioned, Karl, the importance of economics, and then third being the system in which we're trying to make this decision in and what we're trying to focus on. And I hope that is community because we're talking about long-term plans, we're talking about the people it impacts both locally and our quality of life, but then greater for the resource base for Clark County.

So I want to start with a few things they touched on, I can go through pretty quickly. On the noise side, the noise permitting or noise violations as we stand and noise levels that we tolerate as a city are very interesting. If we live in town, I can have my neighbor's dog sent out of his apartment for yapping, and this actually works all the way in the county too.

There's very few exclusions for noise we give, and construction is one of them. It's very unfortunate that we make an exclusion for construction; however, if somebody needs to build a home, we can't really get mad at them for how loud that equipment is. Those exceptions are really made under the assumption that some day it's not going to be really loud, that's why we make it for construction equipment.

We also exempt industrial areas. I mean if you move in to an industrial area where all they do is build stuff, it's the same exclusion, it's supposed to be for construction. Unfortunately as everyone's pointed out we're a community. There is no industry out here, there's just homes. The only industry is the quarry and the noise comes from the trucks. So that the noise that we deal with is a little disheartening that I can have a yapping dog come out and dealt with, but when it comes to the noise and any future expansion, 180 trucks a day making over 90 decibel noise is pretty frustrating.

The second part was done really well when we talked about the taxes. A few people talked about how much we generate from property tax in our area. Property tax mostly stays local, and if we look at where we're sourcing gravel, we have a lot of gravel options in the Northwest for where we acquire it. And as far as taxes are concerned, with a B&O tax that we have on all businesses, if we bring it in from Oregon, we still collect taxes on that money. We don't have an income tax for our companies in the same way that we do in Oregon. So on an economic standpoint, I'd love to follow up with you, Karl, and talk more about some good ways to make sure we still have plenty of money in here for the County.

And, lastly, I just want to leave in closing with everyone who's here, you know, I really believe and I hope you guys believe, I know your chairs are taller than mine and I'm looking up to you guys, but in a representative government where the whole point of our job is to represent the voices of the people and the will of the people and doing the best thing for the most amount of people.

And I know we keep saying that there's somebody that's going to benefit from these overlays and it might not directly affect their home, we're not talking about changing anything today. But if we all wanted to paint the mountain pink and we really thought it was a great idea, your guys' job is to talk to us about it, but really to paint it pink if that's kind of what it comes down to. So I appreciate your guys' time today. I hope you're looking at this in terms of, you know, we're on your side, you're here representing some of our ideas and values and the testimony we've brought to you today, and I really appreciate everyone who stayed late to hear it all. Thank you so much.

BARCA: Thank you.

HILL: Yeah, hi. My name is David Hill. I live at -- that's H-i-I-I. I live at 27511 NE 46th Street, Camas, Washington 98607. My whole family lives up here. I came from California about a year and a half ago and I moved here. I looked around in Oregon and looked around at houses and I moved here. And this isn't going to be a lot of statistics, this is going to be I moved here because it was beautiful. It was beautiful, it was pristine, there was wildlife, my family close by and I'm starting to get to know my neighbors a little bit. And through this little endeavor we have going on here, I've gotten to know some of the people around the existing quarry.

And all I can tell you is if you guys -- you guys don't live, probably don't live near a quarry, but these guys are horrible neighbors. They're horrible neighbors and I really feel for my neighbors and I'd like to do something to stop these guys, and I think all the overlay should go away and the mine should be put under close scrutiny. Thank you.

BARCA: Thank you. There's nobody else lined up against the wall.

PUBLIC: That's a rather ominous statement.

BARCA: It was kind of meant in that fashion. We're going to go ahead and bring the deliberation back unless anybody else would choose to speak about Livingston Mountain. Okay. So we're going to bring it back to the Planning Commission. And we heard testimony on all three parcels, and so I am interested in the discussion about Livingston Mountain as it relates to 12, 13 and 14.

QUIRING: I'd like to get some clarification from Chris Cook regarding the issue that Mr. Mann brought up with regard to an overlay appearing on a person's deed.

COOK: Yes, it's on. Yeah. The code doesn't require that notification of the overlay appear on a deed. It's actually not entirely clear that notification of the overlay appear on anything because it's not clear that the overlay is a zone.

What the code requires is that there are plats -- for plats, building permits or development approvals, these documents shall contain or be accompanied by the notice if they are for property, for residential development activities on or within a radius of 500 feet for lands zoned ag, wildlife, agriculture, forest or surface mining.

So I don't think the County has ever entirely decided whether the overlay is a zone or a comp plan which kind of begs the question, if we don't know, then we might ought to put the notice on things. But it goes on plats, on development approvals and on building permits, it does not go on deeds.

QUIRING: Thank you.

MANN: Mr. Chairman, can I address that, please?

BARCA: Because we're dealing with Livingston Mountain, Mr. Mann, I'm going to request that you don't do the rebuttal because the question even though it's in part of our deliberation here, it isn't really part of the decision-making on Livingston Mountain.

MANN: I disagree because you cannot approve this unless it's consistent with the GMA goals and one of the GMA goals is property rights.

BARCA: So you have given that testimony and that remains in the record.

MANN: But I'd like to tell you where it comes from. It's a State law, and I'll just give you the two citations.

BARCA: Please, if you'll be kind enough to give us just the citations for the record and not expand on it.

MANN: Thank you. The first citation is RCW 36.70A.060 Sub (b), Counties and cities shall require

that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural, forest lands, or mineral resource lands, shall contain a notice that the subject property is within the mining area, that's GMA.

Then in the code you have in front of you, WAC 365-190-040, the Process, look to Number 12 and you can read through these shall's that must be included including the shall that you shall not approve any use within the overlay that's inconsistent with the designation. Those are the citations. If the County Code is muddy on this, you're going to need to go back and look at the State law and the State regulations which are not muddy. Thank you.

BARCA: Thank you. So I believe there is the clarification from the County's standpoint and Mr. Mann's rebuttal to that. Is there other things, Eileen?

QUIRING: Yes. I wanted to know about Parcel 14, the green area, who owns that? Is that DNR land?

MABREY: Yes.

QUIRING: Okay, thank you. And then one other comment as long as I have the mic.

BARCA: Certainly.

QUIRING: Placing an overlay is not a rubber stamp, I'm going to defend myself in that, because there are so many people that come forward and are upset about having to fulfill so many things when they try to site something whether it's a mine or whatever it is. We hear complaints all the time how hard it is to get the County to say yes to anything. So just saying it isn't a rubber stamp. There would be a lot to go through before a mine would be -- before this would be sited as an actual mine. This is an overlay, it's not -- we're not siting any mines. Thank you

BARCA: Certainly. Other members of the Commission?

JOHNSON: A point of question. Are we going to vote on 12, 13, 14 separately or 12, 13, 14 together?

BARCA: We have the option of doing that either way. It would be at the discretion of the Commission and whoever would perhaps make the motion, but prior to us getting there I'd really like to have full discussion from the Commission. And, Mike, if you'd be so kind, could you put the aerial map up for me, please.

MABREY: Sure.

BARCA: I haven't taken the floor from you. Please go ahead and continue.

JOHNSON: This is unique, this is a unique overlay, this part of it.

MABREY: Yeah, I'll use his.

BARCA: That would be fine. I suspect it's accurate.

MABREY: We'll zoom on in here a little bit. Dim the lights a little if you would. A little dancing music.

JOHNSON: So, again, you know, I want to be clear about, you know, my balance with economics. I'm specifically looking at jobs, and don't read into that too far. I look at trying to balance use, potential use, whatever, with the areas, you know, what's in the area. And in this case, this one is unique to the other, each of the other ones in the fact that, you know, we have a lot of people here and a lot of people living right there.

And so if I go back to the WAC and it meets, you know, general land use patterns in the area and

available public roads and public services, I do -- this is where we're meeting -- this is where to me we have two competing issues that may outweigh that economic issue. And so -- and I'm not sure it's all three, so just don't -- let me talk my way through it.

But it seems to me that a -- there's a lot of houses up there, there's a lot of people that are very passionate. And I, you know, some of you guys, man, I like the statement from the Storedahl attorney, nobody wants a mine by their house, it's about the most truthful thing I've heard all night, but not that anything else wasn't truthful. But the fact is I'm looking at this now saying, well, maybe the teeter-totter has tipped a little bit or a lot and concerning the amount of people that are up there and where that mine potentially could grow or would grow.

And so I suppose with at least two of those parcels I'm leaning towards this is not a good place for the overlay. For sure 12, if 12's coming into Livingston, you know, that's problematic, that's pretty easy to see. But 13, I mean you look at that thing --

MABREY: Also is only accessed by Livingston Road and Hancock.

JOHNSON: 13 too?

MABREY: Yes.

JOHNSON: Yes. So I -- you know. 14, I'll be honest, I have less problem with. It's DNR land, it's kind of tucked back there. Again, one of the testimony's that was interesting was, well, if you double the mine size, that's double the traffic. I don't know how you get there. I suppose you're going to have a bigger mine so therefore you would have more traffic. I'm not sure about doubling the traffic, so I would be curious about that parcel in handling the -- what was that road, Mike, coming off of --

MABREY: 262nd.

JOHNSON: 262nd. So, again, I think this is a separate and different, different than the others.

BLOM: I think the report that we have from the traffic, our own traffic study shows that 12 and 13 are pretty clearly not suitable for the mining overlay. I'm leaning that way on 14 as well. I would perhaps like if it's feasible before this goes to the Board of County Commissioners to have a traffic study look at 53rd Street and 262nd. I strongly suspect it's going to come down the exact same as the other study that was done, but I'm leaning towards a no on all three.

GIZZI: Well, I mean I look at the people here and I look at the maps and I look at the plat map that we look at and I mean it seems to me you couple that with the traffic study and 12 and 13 clearly were I'd call them an overreach maybe based on proximity to an existing mine. I also feel that 14 as it sits is too close to people's houses.

I mean I've lived under the -- so I do want to back up what Eileen is saying a little bit here, in that it's not a rubber stamp, but it's certainly the first step. And that's the part that you live under and worry about, it's the first step has been made and you're labeled on the map and that's the problem, but it's clearly not a rubber stamp. So I'm, you know, I think it's the wrong place to be honest.

BARCA: Please, please, let us continue to get through this. There was a citing of the WAC 365-190-040, and specifically at Item 12, and it talks about how you are supposed to be protecting resource lands and making them available for the purpose of utilization of the resource lands. This WAC has been in place for a long time, and it's truly my opinion that the County failed the citizens by either siting the mine or allowing the housing and this density to be in conjunction with each other. I'm not going to say which one's the chicken and which one's the egg because what we have is the existing condition. But I do believe to have fulfilled this WAC, the situation that we're dealing with in your neighborhoods should not exist, but it does.

So what do we look at? I look at the comp plan, the comp plan goals and we look at 3.5.2, it's talking about road adequacy and the capital plan. It's the County's responsibility to make sure that the roads are adequate for the utilization of the mine. We've heard a lot of testimony from the people that live there and the general description is it's not safe.

So I can tell you, I work for a very large corporation and safety is on the forefront of our thought process every single day. When we have a near miss, we recognize that as a warning sign that we have a problem, and it's beholden upon the management to take action based on that near miss.

So the County government is the management in this case, and I think for us to say that there would be any opportunity to operate the existing mine safely, we owe a better safety record on that hill. There's no budget and there's no plan right now to do anything with the roads. That being said, I can't see us in good conscience saying to you that we're going to open up for additional utilization of that resource land, and that's the way I see it right now is we owe you more than we can give right now.

QUIRING: Ready for a motion?

BARCA: I am ready for a motion.

**MOTION ON 12, 13 & 14**

QUIRING: I move that we remove Parcel 12, 13 from the overlay map, and that Parcel 14 have an additional traffic study to determine what should be done with that DNR land.

JOHNSON: I second it.

BARCA: So we have a motion and a second for the removal of 12 and 13, a traffic study to validate Parcel 14 as whether it is adequate. Is that a fair statement?

QUIRING: Yes. Yes. Whether it would meet the same safety requirements of what's called for in the --

BARCA: So that's the motion. Any discussion along with that?

BLOM: I'd make a motion to amend that our recommendation --

BARCA: You can ask for a friendly amendment.

BLOM: Friendly amendment, sure. I'd like a recommendation to exclude 14. I mean I think we've heard enough testimony to exclude it. I would just like the County Commissioners to have that additional study by our own engineers looking at it if you're amenable.

BARCA: So he's asking actually to remove 14 as well. Please, don't, don't, don't do this, let us just get through this, okay.

JOHNSON: The problem I have is --

BARCA: It's Eileen's motion and it's your second, so it's a yes or no decision for you.

QUIRING: I would rather take 14 separately.

BARCA: So are you modifying your motion then to just vote on 12 and 13 for removal?

QUIRING: No, I'm leaving my motion as it is.

BARCA: So the motion has been set. Friendly amendment has been turned down. So any additional discussion? Jim?

GIZZI: No.

BARCA: Anything, Karl?

JOHNSON: I just -- well, really quickly on 14, it's going to work its way out. To me -- you know, we're going to come back to it, we're going to revisit it, we're not saying yes or no. Let me see what that traffic says, I'm real curious because I'm not --

QUIRING: I would like to see it.

BARCA: Let's clarify, when you use the statement we're going to revisit it, I think based on Eileen's motion --

JOHNSON: Excuse me, I said it -- I didn't say that right. Just the fact that the traffic study is going to give us clarity, not us, give that issue clarity.

BARCA: So the traffic study will shed more light on the subject, but it will go to the Commissioners with a recommendation of inclusion.

QUIRING: Restate your friendly motion.

BLOM: I would like us to recommend that all three, 12, 13 and 14 be removed and that the study be done just as a follow-up to what the testimony that we've heard. And I've been out, I drove that road 53rd on Tuesday and I know there's no way that the study's going to say it. I would just like to have the County Commissioners see something in writing, an official study just to make it easier for them to support our recommendation.

QUIRING: Okay. I'll accept that friendly.

BARCA: And then, Karl, you have to accept it as the second.

QUIRING: Do you or not?

JOHNSON: No, not at all. Not at all. I want to hold firm on where I'm at. Just I would like the motion to stand, 12 and 13 removed, 14 stays with a recommendation that a traffic study is done on 14 to the County Commissioners.

BARCA: So that remains the motion. So we can take a vote and see how it turns out, and then we may be talking about it a little bit.

QUIRING: So what are we voting on, the first motion with no --

BARCA: The motion that you originally made with the inclusion of a traffic study going forward.

BLOM: So are we discussing now?

BARCA: You are still discussing if you'd like to.

BLOM: I'm just confused. If you think it's going to work itself out, why not just make the recommendation the way you think it's going to go? Can you --

JOHNSON: I don't know that. I don't, I mean I didn't visit, I haven't visited wherever you're talking about. I don't know what that is.

BLOM: And the testimony from the gentleman whose kids are on the road right there, I mean that's not enough reason?

JOHNSON: I've heard the testimony.

#### **ROLL CALL VOTE ON 12, 13 & 14**

BARCA: Let's just see how it falls with the vote. I don't want to cut off deliberation. Has everybody had their say at the moment? Let's do roll call.

BLOM: NO

GIZZI: NO

BARCA: NO

QUIRING: AYE. It was my motion.

JOHNSON: YES

MCCALL: 3 against, 2 in favor. Motion fails.

BARCA: So here we are.

GIZZI: So I'd like to make a motion if I could.

BARCA: I would like that.

**MOTION ON SECTION 12, 13 & 14**

GIZZI: I'd like to make a motion that we do not include 12, 13 or 14 in the surface mining overlay.

BARCA: Any discussion of a traffic study?

GIZZI: No.

BLOM: Second.

BARCA: So we have the exclusion of 12, 13 and 14 from the surface mining overlay. Friendly amendment to add the traffic study as information passing on to the County Commissioners.

GIZZI: I'll accept that, that's a good idea.

BARCA: Second?

BLOM: I'm good with that.

BARCA: And any discussion?

JOHNSON: We're okay, man.

BARCA: We're okay?

JOHNSON: We're okay.

**ROLL CALL VOTE ON SECTION 12, 13 & 14**

BARCA: All right, then, let's go ahead and take roll call.

QUIRING: AYE

BARCA: AYE

JOHNSON: AYE

GIZZI: AYE

BLOM: AYE

MCCALL: Motion passes unanimously.

BARCA: So we have other items on the agenda, but seeing that it's quarter to 12:00 and I'm getting up at 4:30, I am going to continue this hearing concerning the comp plan amendments and the development code changes, but I am closing public testimony for the map. Okay. So does everybody understand that? The hearing remains open for the procedural parts and --

MABREY: Sorry, there's one more and it's going to be a quickie.

BARCA: Oh, my gosh.

MABREY: This is existing Washougal mine. It's covered under the comp plan, but it's not, doesn't have the surface mining overlay so...

GIZZI: And we're not, the proposed area isn't any larger than the existing mining spot?

MABREY: No. No. The existing mine is only being covered. Okay. Sorry.

GIZZI: Can I make a quick motion that we approve?

BARCA: All right. Go for it.

GIZZI: Or should we wait for public testimony?

MCCALL: You have one written testimony on that particular one.

BARCA: Pardon?

MCCALL: You have one written testimony on that.

BARCA: We have one written testimony. Is there anybody who would like to come forward from the public speaking on the surprise Section Number 15? Okay. Seeing none.

#### **SECTION 15 MOTION & ROLL CALL VOTE**

GIZZI: I'll make a motion that we approve the SMO for Parcel 15.

BLOM: Second.

JOHNSON: Second.

BARCA: Motion and seconded. Deliberation? None being had. Roll call, please.

JOHNSON: AYE

GIZZI: AYE

BARCA: AYE

QUIRING: AYE

BLOM: AYE

MCCALL: Unanimously passes.

BARCA: So are we in a position to close testimony for the map?

COOK: (Nods head affirmatively.)

BARCA: Testimony for the mining overlay map is now closed, it remains open for the procedures and the comp plan amendments. Is that an adequate way of saying that?

COOK: Excellent.

#### **TESTIMONY FOR MINING OVERLAY MAP CLOSED**

BARCA: I'm not going to even ask about new business. We're done.

COOK: We need a date.

BARCA: We need a date certain?

COOK: Yes.

BARCA: And can that be provided this evening, Oliver?

ORJIAKO: I can ask Marilee to check and see what the next possible time, probably in November that the Planning Commission can hear this. And to also ask whether the Planning Commission wants a work session on the policy and the development regulations?

BARCA: Yes, I think a work session is very needed.

MCCALL: What your current calendar has is you have a work session on November 7th that currently has bi-annuals on it, but there could be room to include this with a follow-up hearing on November 21st.

BARCA: November 7th for the work session; November 21st for the hearing.

COOK: And the hearing would be at 6:30.

BARCA: And the hearing will be at 6:30.

MABREY: Here.

GIZZI: Here.

BARCA: Meeting is adjourned.

## **ADJOURNMENT**

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The record of tonight's hearing, as well as the supporting documents and presentations can be viewed on the Clark County Web Page at: <http://www.clark.wa.gov/planning/PCmeetings.html>.

Proceedings can be viewed on CTV on the following web page link:

<http://old.cityofvancouver.us/cvtv/cvtvindex.ask?section=25437&catID=13>.

*Minutes Transcribed by: Cindy Holley, Court Reporter/Rider & Associates, Inc.  
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