

**CLARK COUNTY
PLANNING COMMISSION MINUTES
Thursday, November 21, 2013**

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

6:30 p.m.

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

BARCA: Okay, ladies and gentlemen, we are going to go ahead and start the Clark County Planning Commission hearing for this evening. Can we go ahead and start with roll call, please.

II. ROLL CALL

BARCA: HERE

BLOM: HERE

GIZZI: HERE

MORASCH: ABSENT

USKOSKI: ABSENT

QUIRING: HERE

JOHNSON: HERE

III. APPROVAL OF AGENDA & MINUTES

A. Approval of Hearing Agenda for November 21, 2013

BARCA: For the beginning of the proceedings, can we approve the agenda.

QUIRING: Where is it? I don't think we have an agenda.

BARCA: That would make it hard to approve it without one.

MCCALL: Do you not have an agenda?

BARCA: Thank you. Okay. We do have an agenda in front of us. Can I get a motion, please.

GIZZI: I make a motion that we approve the agenda as written.

PUBLIC: We can't hear you.

GIZZI: I make a motion we approve the agenda as written.

BLOM: Second.

BARCA: Motion to approve the agenda's been seconded. All those in favor.

EVERYBODY: AYE

B. Approval of Hearing Minutes for October 17, 2013

BARCA: The first step we have the approval of the hearing minutes, October 17th.

GIZZI: I make a motion we approve the hearing minutes for October 17th.

JOHNSON: Second.

BARCA: Motion and seconded. Any additions or deletions? Hearing none, all those in favor of

approval of the hearing minutes say aye.

EVERYBODY: AYE

IV. COMMUNICATIONS FROM THE PUBLIC

BARCA: And now we're going to come to the part of the agenda for communication from the public. So this is the point in time that if the public has something that is not on this evening's agenda but would like to bring forward, this is your opportunity to do so. Is there anybody that has something that's not related to tonight's agenda?

V. PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION

**A. CPZ2013-00015 SURFACE MINING OVERLAY UPDATE
CONTINUED FROM SEPTEMBER 19 & OCTOBER 17 HEARING**

Not seeing anything, we will go ahead and move on to the hearing items which is CPZ2013-00015, surface mining overlay update. And just to be clear for the general public, at our last hearing, like, this continuing saga that we're on, we have approved a map already, so we will not be revisiting any of the map selections, that can be taken up with the County Commissioners at the point in time when they hear this. We are working specifically with policies and specific code just to be clear on that, okay, so that is the testimony that we're looking for. And let's start with staff, please.

ORJIAGO: Thank you, Planning Commission members and the public. Mr. Chair, I think you summarized this evening's hearing, the PC will be considering proposed draft policies and the development regulations, and we've had a work session with the Planning Commission where you considered the draft policies and the development regulations.

Since then we have received comments from CALM and other interested parties. You did not make any decision at the work session, but we've incorporated based on what we heard at the work session and all the other comments that have come in since then and tried to incorporate and consider those recommendations to the draft policies and development regulations.

Mike Mabrey who's the project manager on this will go over those changes and draft and then you'll take public testimony and be able to ask those questions, and we are here with our legal counsel to help you through your deliberations and comments. So I'll turn it over to Mike.

MABREY: Marilee, could you open that document, I can't seem to get to the F drive. Thanks. You have before you a 14-page document with the policies and regulations that were recommended to you on November 14th in bold and alternative proposals that we've received since then immediately below them. So you can consider the changes that are being proposed to each section without going back and forth to other documents, hopefully this will help us move through this fairly quickly.

So, again, the bold is what you were -- what staff created at your request and sent to you a week ago, and the not bold below it is strikeout and underlined text and who it came from. In addition, there were a few other -- well, I think it will be pretty clear as we go through exactly what's being requested.

I don't know how you want to do this in terms of considerations and public and the testimony. Do you want to hear from people first and then go through these one-by-one?

BARCA: So we will bring it back to the Commission here for a moment of discussion, but we have a document that is dated November 21st that appears to have the considerations of the additional commentary besides the draft policy changes that we had which was dated November 14th.

MABREY: I could actually -- we could go through this and sort of characterize quickly what the proposed changes would look like and then people can testify about them and you will have already

looked at it one time if you want to do that.

BARCA: Because I think inevitably we're going to have to go through it basically line item by line item.

MABREY: Right.

QUIRING: I do have a question, though, Mike --

BARCA: Into the mic.

QUIRING: -- there was something we received from Mr. Dentler today on the 21st, are those included?

MABREY: Yes. To the extent that they were specific recommendations for changes to the draft language they're incorporated.

QUIRING: I just didn't see that name there.

MABREY: You'll find some further down.

QUIRING: All right. Thank you.

MABREY: So if that's the way you'd like to proceed, we can kind of walk through this pretty quickly.

On the first page, Policy 1, David Mann has suggested an alternative which adds some language at the end regarding inconsistent uses and other criteria that should be considered in identifying designated lands policy. And the second one there are two suggestions related to specifying that the access roads to be used as haul roads that would be considered would be public and the second one has to do with connecting to market.

PUBLIC: Could you speak up, please.

MABREY: I'm kind of faraway sadly enough.

The third policy the suggested change is just to add "surface and ground" to the term "water." Fourth is a completely different idea which was submitted by Mr. Dentler. Oh, I can do louder.

The sixth one is pretty much a yes or no. There either we allow an exception to designating rural residential land if there's an existing mining site or we don't. There were several additional policy proposals submitted by CALM, and I will move past those and let them testify on them. With regard to the policies that we recommended be deleted, there were a few that we received comments on and those are shown here in italic.

Moving on to Page 4, the strategies. David Mann suggested additional language that could be added to this proposed strategy that would drill down into some more detail.

Moving on to the procedural section. As we suggested the mineral lands task force changes to move to a Type III and adopt criteria and that as if it were a zone change, we're suggesting not be adopted. Instead because we are in agreement that changes to the surface mining overlay should be a Type IV, we have suggested additional criteria, and there are some commentaries and suggestions.

Mr. Dentler suggested that we not refer to applicable specifications, and had some other language that would change the meaning of b as well so that it would be simply -- well, that the quantity and characteristics of the resources would suggest that mining is economically viable. More than one party suggested we eliminate c referring to haul road conditions. There was suggested changes to language on d which would change the distance from 1,000 feet to a half mile and change the way things are measured from area to lots, and we have some suggestions about how to incorporate

that perhaps. Both CALM and David Mann had other criteria proposals shown as e and f here and e, f, g, h, i.

There were no suggestions for changes to the removal criteria, so we move on to the standards where there were lots of proposed changes. Several parties would like to see the language changed to include expansions of existing mines or operations. Under permitted uses Mr. Dentler recommends that sorting, crushing, stockpiling also be permitted. There are several comments on proposed changes to the temporary office section. And under conditional uses there is again proposals to delete rock crushing, processing and/or stockpiling.

Under setbacks that would apply to mining uses abutting residential uses there are some suggested word changes. Maul Foster for instance suggest that we rather consider existing residential structures or adjacent residential, rural residential zoning, and David Mann suggests that we not allow the approval authority to reduce setbacks. Let's see. The third is a replacement of completely different language.

Moving on. There's a number of proposed versions of the noise section, and you'll hear testimony from various parties on these. Alternative suggestions on days and hours of operation. An expansion of the language on maintenance activities to show -- list what's excluded, and note that "noise levels must comply with night-time noise requirements." Gees, we're only at Page 8, my goodness. Let me move a little faster.

BARCA: We're fine.

MABREY: Okay. Page 9, working outside of normal hours, there is just a difference of -- well, some parties would like to limit that to Public Works or public-funded type projects, that's sort of just a yes or no which way would you like to go, a policy call. And CALM has recommended some language that would limit those kinds of exceptions to 10 consecutive days and not more than 30 total days in a calendar year. There's various ideas on how to word the emergency clause. Our attorney suggested we make this a Number 5 and change a little bit of this language, and I have an alternative version when we get there.

Stormwater control. Notice of blasting and how that should be posted or provided, there's a number of opinions on that. Regarding odors, dust, smoke and lighting, CALM has some additional language they would like to see as does Mr. Mann. This bottom one is not very well structured because it didn't -- it responded to a previous version of the code. But the concept is from Ms. Streeter is that you can't always get an accurate reading at the property line, you shouldn't be limited to measuring some of these affects because the property line could be way down in a ravine and the impact could be up on the adjacent property at the house, and so we need to take some care that we don't limit the point of measurement to only at property lines.

There were a number of opinions about how pavement wear agreements should be structured and what authority the planning, the Public Works Director should have, what level of evidence should be required before some action is taken to reduce impacts on adjacent roads. The internal access road issue boiled down to whether the language of wheel washes and other methods should be retained or not.

Under 12, which has to do with identification of potential sources of water, there were again multiple opinions about the level of detail that needs to be provided and at the stage. There were several suggestions for changes to the submittal requirements, the hydrogeology report. Mr. Mann suggests that if there are wells within half a mile of a proposed site, then a mitigation and monitoring plan should be required.

This is new language on that clarifies what should be included in a noise study which we didn't have in the past. This language about a traffic impact analysis is also something that I was working with

Public Works on before and didn't get really much of a response, I didn't get a clear response before I had to send out the draft, so this is all language that I crafted in response to their information, what they would like to see in a traffic impact analysis. CALM would also like to see a submittal requirement that includes a plan that addresses material entering the County right-of-way as a direct result of mining operations.

CALM has some concerns about the language regarding temporary uses. And Maul Foster has some changes, proposed changes to the language regarding notices that essentially says the same thing I think in an old but clearer way. CALM has a monitoring enforcement section they would like to see added to the code, and there it is in its entirety. The question of whether construction-type trailers should be treated the same as on mining sites as they should be treated, as they're treated in construction sites is one of some controversy. And that is the end of our document.

BARCA: We'll give them a moment.

MABREY: Sure.

BARCA: Any questions for staff from the Planning Commission? Seeing none, let's talk about procedure for public testimony. We are going to go through the seven sheets of sign up and we're going to ask you to do a couple of things, there's eight, we're going to ask you when you come up, please spell your name for the record and that will be the beginning wherein you also state your address.

I'm going to ask you not to read whatever you have already written to us and is in the record already. I'm going to ask that if you want to concur with somebody else's opinion, just remember who they are because it will be in the record and just say that you agree with them, don't reiterate it point-for-point. And I'd like to do this so everybody has a chance to talk and we're not here till midnight, so please be considerate of the people behind you and limit your testimony to the relevancy of what we're dealing with tonight.

Now that being said, we're going to start with John Dentler, and right behind John Dentler will be Bill Beadie.

DENTLER: So is this working?

BARCA: It is working.

DENTLER: Thank you, Mr. Chairman. My name is John Dentler. The last name is spelled D as in Delta, e-n-t as in Tango, l-e-r. I'm an attorney for J.L. Storedahl & Sons, Inc. testifying tonight on the matters before you. I had submitted a letter a couple of weeks ago addressing the surface mining overlay code and I'm not sure, it looks like some of my comments didn't get incorporated.

The letter that was sent to you most recently assumed that you were going to have before you the recommendations made by staff that was circulated a couple of days ago. And my comment regarding the staff recommendations is I actually think the staff has done a good job in that document, I think they actually kind of hit the mark in terms of a good balance of policies for the Commission.

We do have a number of concerns, and before addressing those, I do want to say we have a number of experts here tonight that will testify as to issues like blasting, silicosis, some allegations that have been made previously which may help you consider some of the surface mining overlay code requirements or development regulations and they will be following me. So I'll just try to hit some of the highlights in terms of remaining concerns, and again the focus is on what the staff previously recommended to you.

So one of the first ones would be the comprehensive plan policies regarding the designation of

mineral resource lands. I think you need a policy that adopts the minimum guidelines that are in the regulations or the rules adopted by the Department of Commerce, you don't have that in your current policies, you have little bits and pieces of it here and there, but I would advise the Commission and the staff to go back and actually incorporate some of that language.

One of the things that I think should not be done is not fail to or to fail to designate lands as mineral resource lands simply because the current road conditions may not be adequate for subsequent mining, and the reason for that is the GMA has provisions so that you can plan. And when you get to the point where you -- if someone does have a proposal to mine on a specific piece of property, you have the opportunity to adopt conditions to bring the road up to standard, that's a condition, that's the concurrency requirement under the GMA. So I would suggest that you not include a provision that says we won't designate if the current road conditions are not adequate.

I also believe that there should be a policy that adopts language verbatim from the GMA that basically states the County should adopt development regulations that seeks to ensure that adjacent uses do not interfere with the extraction of mineral resources, that is the law in this state, it's right out of the GMA, and I think you should incorporate a policy that includes that.

I'll kind of move on to adjacent uses and, or actually that was adjacent uses. The next issue is actually the changes in the staff recommendations regarding permitted uses versus conditional uses. And in the existing code a conditional use permit is generally required when a crusher is involved in mining. And the language that would be changed now basically says that you would need a conditional use permit if it involves processing and stockpiling, and as far as I can tell those terms are not defined. But what I would like to point out to you is whenever mining is conducted, material is taken from the ground and it's put somewhere, the next scoop comes out and it goes on top of that material, that's stockpiling. And so the way this is phrased, any time mining would occur requires a CUP, I doubt if that's the intent of the staff.

So typically in the past you've reserved conditional use permit requirement for those activities that are more, I guess more of a more intense industrial nature, not just stockpiling material. And the same as for processing, most any mine requires that material be sorted by size, that's usually done by simply screening and that's processing. So my point to you is if this language is adopted, any mine will be subject to the CUP requirement and I doubt if that's the intent.

The other issue I'd like to address is setbacks. Currently you're recommending that you have a 200-foot setback and various people have made suggestions about how to modify that. What I would like to point out is I'm assuming part of the reason you, the staff has recommended a 200-foot setback is due to noise concerns.

And, again, my point to you would be the Department of Ecology has adopted rules that are, you know, very detailed regarding noise requirements, they are exclusive unless noise requirements are adopted by the Department of Ecology, so I mean it seems like that issue is already addressed. And if you take 200 feet and say no mining may occur within that boundary, that's a lot of land, a lot of material. If you can't access it, it makes mining much more expensive, it makes the material more expensive, so I think that particular issue needs to be given some more thought.

Days and hours of operation I'll move to next. I don't think and we don't think that the County should be dictating to any industry what days they may operate, and I think you still got some legal issues involved with prohibiting work on Sundays. We typically don't operate on Sundays, we don't operate on holidays, we don't want to, but we also believe that the County should not be dictating to any business what days or holidays they may operate on.

Moving to backup alarms. That particular issue is regulated by MSHA, it's probably best for the County not to delve into it. I will tell you that when we operate in the winter hours during dark, we typically try to use strobe lights where possible, but you have to be pretty careful about what

you're directing the industry to do to make sure that it does not corner us into a position where either we comply with MSHA or we violate, you know, County standards.

Finally, I'll just end with the notice requirements, and I will say that the notice requirements that has been recommended which includes a one-mile radius of the site including any area that starting at the haul road to county collectors and arterials and state highways, that can be a huge area. And so before you adopt that particular provision I would suggest that you think about the cost of notifying every property within that radius, it's huge. And also as you become more distant to mining it would seem that there's probably less interest in the activity itself. So the current code includes a much lesser area. I think you really need to think about the cost involved with that kind of notification, I think it's going to be costly and it will be excessive.

So you heard that when I introduced myself I live in Gig Harbor, I am going home soon. So I will just say if you have any questions you want to ask me, I'll try to answer them. If you have questions after I leave, I'd be happy to try to answer them via e-mail. And with that I'll just leave it as-is and turn it over to some of the experts that are going to testify if that's okay.

BARCA: Questions for Mr. Dentler?

JOHNSON: So on the notice requirements you're saying, I know you had problems with the one-mile radius, but are you saying the current code is adequate?

DENTLER: Yes. Yeah. In fact, you know, I guess in response to that, I started out by saying I think the staff has done a good job of making some recommendations to you, there's some things that we have issues with, but overall I think the recommendations that the staff came to you with are pretty darn good ones.

GIZZI: So I have your comments that you had talked -- referenced that were e-mailed to us, and you had made some notes about, let's see, I'm sorry, there's so much paper here, but it was additional criteria for surface mining overlay changes and you were concerned over the condition that the quantity of resources is sufficient to economically justify development based on the size of the deposit, depth of overburden, distance to market, and I think you had said that the Planning Commission should note that it goes without saying that no mining company would seek to develop a site. I just -- I want to -- I believe that the reason we worked this in was to minimize or even mitigate anyone who wanted to create the surface mining overlay on their own parcel would have to prove that it was going to be.

DENTLER: I see.

GIZZI: So I didn't quite understand the reason for your comment based in the section that we had. Does that make sense?

DENTLER: Yeah. I'm assuming that what you were looking for is some sort of proof that it was going to be economically viable, and I guess part of the issue is, well, how do you do that. And my response is, you know, before there's any proposal to conduct mining on a parcel, there's a lot of analysis that goes into it.

GIZZI: Correct.

DENTLER: And we would never submit a proposal to mine on a particular site unless we knew a lot of things going into it which is depth of the resource, quality of the resource --

GIZZI: Right.

DENTLER: -- overburden, so I mean that's part of what I was trying to get at.

GIZZI: Yeah. And I think that's what we were trying to get at, so it sound like we agree.

DENTLER: Maybe --

GIZZI: Our intent was to keep someone --

DENTLER: Gotcha.

GIZZI: -- from saying, hey, I want my property, I want it to be SMO and not go through any due diligence, that was the reason for that statement. So I just wanted to make sure that you were aware of that.

DENTLER: Thank you.

GIZZI: And then the minimum 200-foot setbacks you had made some statements, and I did read everybody's stuff but it's hard to keep it straight, so I apologize for --

DENTLER: I'm impressed.

GIZZI: -- for falling over my own words here, but I'm guessing that between when you wrote this and now, you realize that the 200-foot setback is only for abutting residential properties, it's not for the entire boundary of the mining property.

DENTLER: I wasn't clear on that.

GIZZI: So that we do have that in Section D.2.

DENTLER: But I will point out the same point, and that is to the extent that the 200-foot setback was designed to ameliorate issues such as noise, there is already limitations on noise. So I guess what I'm suggesting is if you take 200 feet away from a mine, it begins to be significant in terms of the amount of rock that you are foreclosing and you may or may not need that 200-foot setback.

GIZZI: Understood. But, again, this statement was to protect residential property owners that abutted a mine and it is specific in stating all mining uses abutting residential uses.

DENTLER: Yeah, I understand.

GIZZI: Okay. Okay.

COOK: I should -- is it on?

GIZZI: Go ahead, please.

BARCA: Oliver will give you his.

COOK: I would also like to point out that having a significant setback is part of what protects the mine from inconsistent nearby uses, and I know that that was a concern of Mr. Dentler's, but setbacks are protection for users on both sides of the property line.

DENTLER: Yeah. And I suppose in response to that I would point out that there is a requirement in the GMA that basically says the County will adopt development regulations to protect mines from uses that prevent the excavation of minerals.

COOK: If the residence are already there, which is what this applies to, then there isn't a whole lot to do except remove the residence and that's not going to happen.

DENTLER: No, I don't think it implies that the residence is going to be removed. What it does imply is that the County does have an obligation to protect the mine so that it can in fact mine whether the residence is there or not, and I'm just pointing out that a 200-foot setback may or may not be required. Anyway, we may just have a difference of opinion and I don't want to belabor the time of others here.

BLOM: So one question, and I see what you're saying that there's other regulations that make the 200 perhaps overly great. I also see the point that there needs to be some protection in terms of things other than noise, things that wouldn't be regulated, you know, someone sneaking onto the mine, you'd probably want some space there.

Is there another number that you would feel more comfortable with if saying, okay, we're going to have some setback, you're still subject to all the other regulatory requirements in terms of noise, but to have some kind of space setback, is there 100 feet, 50 feet or something that would be --

DENTLER: I mean, I guess I'm a little hesitant to say, you know, use a prescriptive one size fits all response. You know, it can depend on such things as, okay, well, if there's a residence on a five-acre parcel and that residence is at the far end of the parcel, do you need a 200-foot setback? You know, you can see how things change rapidly.

BARCA: Come on, everybody will get their turn, but we have one person at the mic right now. Thank you.

MABREY: For 20 minutes now. Come on, let's move along.

BARCA: So, sir, just to be clear based on the question that was asked of you, so we have a proposed alternative from Maul Foster that says, "The setback may be reduced by the approval authority if the purposes of this chapter can be met with the reduced setback," would that kind of wording put you in a position of saying that you understand the setback and you can negotiate a reasonable alternative?

DENTLER: Well, I think if you give the hearing examiner some flexibility it certainly helps.

BARCA: Any other questions?

GIZZI: I just wanted to point out because I don't think everyone has seen the whole document, or maybe they have because they are a matter of public record, but you had talked about notification and I thought you had a phenomenal idea on here which was basically electronic notification through either a website through the County's web page or something, I thought that that was --

DENTLER: Oh, on blasting, that was blasting in particular.

GIZZI: Correct. A blasting notification, yeah.

DENTLER: Yeah. One of the suggestions was that, you know, it becomes difficult to send out notice every time a mining or company may want to blast, and I'm just suggesting that maybe, you know, if that's something that the Commission wants to pursue it might -- an easy solution might be for the County to post on a website an overall notice about when blasting will occur, so it just it streamlines the whole process. It does presume that individuals do have the ability to access, you know, the Internet to gain access to the County website.

BARCA: And it does relieve the burden of notification from the blaster then also.

DENTLER: And the County. I think it probably helps the County enforcement people to respond to a situation.

MABREY: No, we don't have any role in notification of blasting now so you would be adding it to our notification.

DENTLER: I'm happy to do that.

BARCA: One more item for the record then.

DENTLER: Yes.

BARCA: Who is your client?

DENTLER: Storedahl.

BARCA: Storedahl. And we also have on the record Maul Foster Alongi and they are also representing Storedahl?

DENTLER: They are going to testify for the mining industry in general, and I think they also have

some comments regarding -- it may tangentially involve Storedahl, but it's basically about some regulations that I think will be helpful to the consideration of the standards under the surface mining overlay.

BARCA: Did you hire them?

DENTLER: No. Did I hire them?

BARCA: Yes.

DENTLER: No.

BARCA: No. Okay.

PUBLIC: Who hired them?

BARCA: Thank you. So after Bill Beadie is Neil Alongi.

BEADIE: Hi. My name is Bill Beadie and the last name is B-e-a-d-i-e, I'm an industrial hygienist with Maul Foster & Alongi.

PUBLIC: Speak up.

BEADIE: Sorry. I'm an industrial hygienist with Maul Foster & Alongi and the address is 400 East Mill Plain Boulevard, Suite 400 in Vancouver, Washington 98660. I was hired by Storedahl to conduct an assessment of silica and dust exposures around the mine. As an industrial hygienist or a certified industrial hygienist my job frequently involves assessing exposures to chemicals and assessing risk from those exposures. And as part of the assessment we collected a lot of samples that were summarized in a report that was submitted, and I'd like to just highlight some of the fundamental points of that report for those of you who may have not read it.

BARCA: Can you make it relevant to the specific points within the document that we're reviewing.

BEADIE: There was one suggestion having to do with air emissions and controls, and the reason I was asked to do this assessment was apparently there had been a number of comments raised in the previous hearing about silicosis and questions about the risk of silicosis. And forgive me if I don't remember exactly which one of these points - I can pull it out here - having to do with dust. Here it is, Number 9 on Page 10, Dust and Smoke Control.

And the crux of the assessment was trying to identify if there were significant impacts from dust and silica for those people who live near the mine during the mining operations. And so the assessment included collecting several samples along the gravel haul road as well as along the paved road, and even within the mine itself during a day that was dry and many days before the sampling had been dry and sunny and there was a heavier than average volume of truck traffic during the assessment, so the goal was to make measurements that would be higher than average exposure.

During the assessment we were keeping track of the conditions, we were making observations, we were taking photographs, and what we found was even by placing samplers within approximately ten feet of the road, both the gravel road and the paved road as well as in the breathing zone of an operator who was loading the material in the mine, we didn't detect silica at the detection limits that we had which were very sensitive. We detected it in the bulk samples to know that there was in fact silica in the material, but the airborne silica measurements were below the limit of detection, and the limits of detection were far below any established legal guidelines or professional recommendations.

Given that these samples were collected on a higher than average day, and essentially we are measuring at a limit that's consistent with background levels of silica in an ambient environment and we don't observe silicosis in general background ambient environments, it seems reasonable to conclude that there doesn't have to be an increased risk of silicosis for people living around the

mine.

In the report there's a lot more detail, but I really just wanted to hit the highlights understanding that there were a lot of people that have questions and comments that they want to make. I'm certainly available to answer questions now. I also have obligations after this, so if you have questions after this, my contact information is all in the report.

BARCA: So as I read what you have put forward and what we're looking at on Section 9, you have no recommendation for modification to that?

BEADIE: Right. I don't see any reason to suggest that you would have to have additional controls for dust if the concern is the risk of silicosis.

BARCA: Are there other questions for Mr. Beadie? Thank you very much.

BEADIE: Thank you.

BARCA: After Mr. Alongi, Jim Maul.

ALONGI: Good evening. My name is Neil Alongi, A-l-o-n-g-i, at 400 East Mill Plain Boulevard, Vancouver Washington. I'm a professional engineer and been asked to testify on behalf of J.L. Storedahl & Sons. I submitted a letter for the record and I'd like to just synopsise a couple of items there in three categories, stormwater, blasting and mine permitting, this basically relates to the standard section.

BARCA: If you can point out the specific sections that you're trying to give your testimony, I think that would help the Planning Commission.

ALONGI: Sure. Stormwater is Number 6, blasting is in a couple of locations, Number 8, and then the mine permitting just relates to the mine operation considerations that are included in there in several locations. So just I'll try to be brief and answer any questions when I get done.

The stormwater and the process water if there's processing done at mine sites, is controlled by a State permit for stormwater and those are the same permits for all mining operations. The permit requires monitoring and reporting to the State, and basically compliance with that permit is protective of the State's water quality standards. So basically if you're complying with the permit, then water quality standards established by the State are being met.

So if a discharge limit is exceeded, which it does occur in probably any mining operation on occasion, the permit has a requirement to address those exceedances of a permit effluent limit for the water quality and to correct that and report the corrections to the State, and Storedahl in their mining sites are in compliance with their permits.

So on the subject of blasting, again it's controlled by the Washington State Department of Labor & Industries. At Storedahl's locations they've been required to conduct pre-mining surveys of surrounding structures as a baseline of conditions before blasting is done, before the mining operation is begun at the site. Now this is important because it's both protective of the mine operation and the people. If there's a problem, it can be compared with a baseline and there's really very little argument about whether it was mine related or whether it was a pre-existing condition, and that type of monitoring is done prior to the blasting so you really get a precondition look at the surrounding structures. Also the monitoring of Storedahl's quarries shows that regulatory limits established by the State have not been exceeded.

On the subject of mine permitting, the Washington State Department of Natural Resources regulates mining and mine reclamation. These permits have many controls in them for how the conduct of the mine is to be done. They include things like setbacks as well as reference to other standards in the State regulations such as noise. I think this is important because these mines continue for a long time, DNR establish these standards, they require the mine to comply with them

and they make sure through mine inspections that those requirements are being satisfied.

So the mines, one of the things we wanted to clarify, mines remain active as long as that DNR permit is maintained. And the problem that we've seen is some people not realizing that the mine can be active with that permit even if there's not a mining day-to-day operation going on there, so there's ebb and flow of mining operations to meet requirements.

You might mine one year and not mine for several years afterwards depending on the demand of the market and how much material you have available. And it's pretty important to understand that because it's always been a challenge for people to kind of get the point that a mine could be continually in operation, continually an active mine even though it's physically not in an operating state from year-to-year, case in point is Livingston which has been continually under a permit since 1947.

I just wanted to clarify one thing, too, on prior testimony regarding Tebo mine, there's an allegation that this mine was closed by the County due to carcinogenic material, this did not occur. The mine was mined out in 2011, reclamation is ongoing and this alleged event didn't take place, so I just wanted to kind of set the record straight on that. So if there's any questions, I'd be happy to address those now.

BARCA: So you're part of the Maul Foster Alongi document that was submitted?

ALONGI: Yes.

BARCA: There's nothing in your testimony I heard that sounds like it changes any of the recommendations that were put forward, is that your assertion? Basically the document that you submitted and the inclusion of the Maul Foster or Alongi recommendations as potential choices, those all still stand?

ALONGI: Yes.

BARCA: Are there any questions from the Commission?

QUIRING: Well, I would just say that I've learned a lot in this process, and prior to this I always understood that when a mine was finished and no more mining went on, there are fairly heavy regulations about reclamation and how it should be left. Am I correct in that?

ALONGI: Yes, that's correct. As part of the DNR approval there's actually a full document that addresses every requirement in DNR's regulations and those are put forth before the mine started and it's also updated occasionally through the mine's operating history. And so those requirements for the reclamation are the basis for DNR's basically enforcement of that reclamation requirement and of the bond that's posted to cover reclamation, so those are always in place throughout the life of the mine. And then there's reclamation can take some amount of time after the mine has been completed to finish that.

QUIRING: Right. Thank you.

PUBLIC: Point of information.

BARCA: No. No.

PUBLIC: Point of information. It's always --

BARCA: Sir, please.

PUBLIC: (Inaudible.)

BARCA: Since you don't have a microphone and we couldn't hear you, the point I was trying to make was there's no way for us to genuinely respond to whatever it is that you asked. I'm sure that you'll have an opportunity to come forward and ask the question, we'll get it on the record, and

if there's a way for us to immediately answer it, we will. It's the same information that everybody else wants. Your need to know it at this very point in time doesn't seem to be germane to the discussion. So can we continue to go forward, please.

PUBLIC: All I want is the license number of the person speaking.

PUBLIC: License number of the engineer.

QUIRING: Well, look it up online.

GIZZI: It's not part of the submitted document, no.

BARCA: Sir, you're certainly capable of coming and speaking with the gentleman after the testimony. We're not going to go ahead and turn this into a review of his credentials.

GIZZI: So I have two questions. There is a number, item Number 6 addresses stormwater, and you had talked about State permit standards and this Number 6 references the standards of Chapter 40.385, I'm wondering if those two sets of standards are consistent. Would the Section 40.385 be consistent with State standards for a discharge permit?

COOK: For those industries that are covered by State industrial permits, the State or the County chapter does not apply to them.

GIZZI: So then what we have in here would be considered acceptable to you guys. So you're telling us about the permits, but we have a statement in here that you would agree with.

ALONGI: Regarding that --

GIZZI: Stormwater

ALONGI: -- "and all applicable federal and state requirements," is that what you're referring to?

GIZZI: The original statement was "Stormwater and erosion control must meet the standards of Chapter 40.385."

ALONGI: Yes. Yeah.

GIZZI: Well, so I'm just trying to figure out why we talked about stormwater. The other thing is reclamation, how long is that process typically?

ALONGI: You know, it can take a number of years to complete both because material has to be put in place and then also vegetation has to be established. So the reclamation bond has to continue until that reclamation is completed and accepted by the State.

GIZZI: So in the case of Tebo are we 40 percent done, 80 percent done?

ALONGI: I'm not exactly sure what the percentage completion there is.

GIZZI: I'm just interested, it was two years ago. I think you said 2011 it was mined out?

ALONGI: That's correct.

GIZZI: Two and a half years or so. Okay. Good. Thanks.

BARCA: No other questions? Thank you.

ALONGI: Thanks.

BARCA: And after Jim Maul is Kevin Hartley.

MAUL: My name is Jim Maul, M-a-u-l, 400 East Mill Plain Boulevard, Suite 400, Vancouver, Washington. I'm a licensed professional hydrogeologist in the state of Washington here tonight representing J.L. Storedahl & Sons. I would like to testify specifically regarding the provision E.h starting on Page 11 regarding groundwater monitoring.

The mining industry is has been alluded to a heavily regulated industry and I believe that in general the current regulations are working, specifically as it relates to the requirement for any new mine to perform a hydrogeologic assessment and establish -- and if there is based upon that assessment a potential for groundwater impacts, and specifically impacts to existing beneficial uses of groundwater, that there is a requirement for a baseline monitoring program where monitoring of water levels in wells near the landfill is required for a period of one year prior to the initiation of mining.

And then if during -- and then during mining monitoring continues and if based upon that monitoring program during mining there is an indication of an impact that is caused by mining, some form of mitigation evaluation or corrective action will be required. I do not believe that a prescriptive monitoring plan for wells just merely based upon the presence of wells within a half-mile radius is necessary, I believe it should be based upon the actual conditions in the area of the mine and professional judgment.

BARCA: Professional judgment.

MAUL: By the hydrogeologist conducting the evaluation and staff reviewing the proposal. And the staff also has professional assistance available to it in situations that require additional expertise.

QUIRING: So you would remove, you would have this particular g removed or not?

MAUL: No. I would actually have h.

QUIRING: H. I'm sorry, I didn't have my glasses on.

MAUL: Yeah. And the -- I think that it was adequately addresses groundwater protection as written, and that the provision to add the requirement for a monitoring plan if there are existing wells within one-half mile of the proposed site is not necessarily required, should not necessarily be required.

BARCA: So we did receive a lot of testimony by landowners within proximity of the mines that have purported it's their belief that their groundwater has been severely impacted by the industry. I believe the intention of putting this in here was to actually help protect the industry as well by creating a baseline that establishes the conditions prior to the mining to show truly whether impacts are created or not created. How do you go about trying to resolve that issue if you don't have baseline data prior to the event starting?

MAUL: I'm not advocating not collecting baseline data. I do believe that baseline data is important, but I believe that the wells that are selected for the collection of baseline data should be representative of wells that could be potentially impacted. And that doesn't necessarily mean that every well within say a half-mile radius of a facility is necessarily going to be likely or even subject to impact, and that there may be wells that are well-suited to indicate if mining could or is impacting certain uses of water near a mining operation.

BARCA: So you're proposing some type of a statistical process analysis of so many wells in a specific region as opposed to catching them all to have a hundred percent coverage of everybody's conditions?

MAUL: I don't necessarily -- I'm not necessarily advocating a statistical process. What I'm saying is is that you can identify through the hydrogeologic assessment process wells that should be monitored that would be representative of an impact. And if there is a concern that wells could be impacted by a mining operation, then they should be included in that baseline monitoring program. But that doesn't mean that the mere presence of a well within a half a mile of a potential mining operation necessarily is an indication that it would be impacted by the operation, that's going to be based upon the specific nature of the mining operation and the geological conditions near the mine.

GIZZI: I think that makes good common sense. And that seems to be if I read h it doesn't stipulate that every single well within a half mile needs to be monitored, it says that if there are wells a monitoring and mitigation plan should be put in place.

Now I would expect that there are ways to put a monitoring plan in place that doesn't include every well within a half a mile and yet protects the mine as well as the existing homeowners through hydrogeologic studies that say, hey, look, the first wells to be impacted would be these three, so we'll monitor them on a periodic basis to be agreed upon, blah, blah, blah, but that to me is a monitoring plan. I don't read this to mean every well within a half a mile needs to be monitored.

MAUL: And I don't --

GIZZI: Wouldn't that be consistent with what you're saying?

MAUL: Yes. Yeah. I don't think that -- yeah, it would be.

GIZZI: And that's the language that we -- I think it's up here too; right? So the language says that if there are wells within a half a mile, a plan will be put in place.

MAUL: I do believe that the language to me implies that there would be. If there is a well within a half mile, though, that there is a monitoring plan and that there will be monitoring, and it may not be the case that there is a need for monitoring based upon the hydrogeologic conditions, and it's my opinion that the current language is satisfactory and will lead to a satisfactory monitoring program.

JOHNSON: Is there an industry standard for how far you would monitor in general, is it a mile, five miles, a quarter mile?

MAUL: There are certain -- depending upon the type of activity I don't believe that there's a standard for mining. I think a half a mile is generally adequate to determine the nature of the geology groundwater currents and groundwater use for most activities, that's a common distance to be used.

JOHNSON: So you wouldn't have necessarily a problem with this if it was more clear in the concept, and specifically saying we're not saying every well in one-half mile, that's your probably the point to that language?

MAUL: I think, yeah, I would be concerned about it being interpreted that way. And I'm also concerned about the need for a monitoring plan if there is a conclusion by the licensed professional hydrogeologist that based upon the hydrogeologic conditions in a given area there is a very, very low likelihood that there would be any impact to groundwater beneficial use in the area.

JOHNSON: Thank you.

GIZZI: Wouldn't your plan in that instance then be we'll monitor the well on a very, very long duration period?

MAUL: Well, that's kind of, there's kind of a range of options there. For example, if the well is a great distance from the mine, it's in a different geologic strata than the material being mined, say it's separated from the rock source by an impermeable barrier, an aquitard to get technical, then I think it would be a reasonable conclusion that there's very little likelihood that that well would be impacted by the mining activity and there wouldn't need to be a monitoring plan.

Alternatively, if there were wells within a half a mile or whatever distance of the mining operations, and they were in the, you know, similar elevations or similar strata and they could potentially be impacted from mining operations because of that, because of the occurrence of the groundwater and the nature of the mining operations, then it would be reasonable to have a monitoring plan to evaluate for potential impacts associated with those operations.

GIZZI: Thanks.

QUIRING: I just have one question and that is, you're referring to how it reads now? This is the proposal. How does it read now?

MABREY: It's --

QUIRING: It's the proposal?

MABREY: The proposal in bold is what is on the table and the alternative is not in bold directly below it. What is directly below it --

QUIRING: Both have half mile.

MAUL: Yeah, I'm fine with half mile.

QUIRING: So you're okay?

MAUL: I'm fine with half mile. I just I don't believe that it's necessary to be prescriptive about there being a plan if there is any well within that half a mile.

QUIRING: That's all I had.

BARCA: Thank you very much.

MAUL: Thank you.

BARCA: After Mr. Hartley is David Mann.

HARTLEY: My name is Kevin Hartley, I'm with Dyno Nobel, a blasting company.

HOLLEY: Who?

HARTLEY: Dyno Nobel.

BARCA: And please spell your name for the record.

HARTLEY: H-a-r-t-l-e-y.

BARCA: Go ahead.

HARTLEY: I'm mainly just -- I know there's not a whole lot of sections, there's a little bit about blasting in here, I don't remember the specifics. I haven't read through all of this. I know there have been some allegations of high vibration levels at some of the quarries. And mainly I'm just -- I know we have monitored at many residence other than the two closest, especially at Livingston there's two properties we currently monitor at. And then there are -- we have put up a third seismograph further away that has yielded results of barely readable on the vibration scale of PPV, which is your Peak Particle Velocity, and we're mainly -- it's the speed at which a vibration, there's a -- it's kind of hard to explain, but there's a curve and you're allowed between depending on the frequency of the waves anywhere between two inches per second down to one-half inch per second.

BARCA: So, Mr. Hartley, are you representing Mr. Storedahl or the Storedahl interests?

HARTLEY: Yes. And I also we do blasting for many other companies, so it's not just Storedahl's per se.

BARCA: And of course your testimony is welcome, I am really trying to keep it to the document in front of us though. I don't necessarily need to rebut the public's testimony from before about their perceptions of the impact, I think they've been able to give us what they believe are the impacts. And what we're trying to do is put code into place that will to the best interest try and balance the needs of the public and the industry --

HARTLEY: Yes.

BARCA: -- so if you could speak to the document or make yourself available for questions, I'd appreciate it.

HARTLEY: Yes, I would be available for any questions from anybody.

BARCA: Planning Commission, do we have any questions for Mr. Hartley?

QUIRING: I guess my question would be is who governs what happens with blasting, what organizations, what departments govern, what regulations do you have to follow and whose are they?

HARTLEY: As for vibration concerns and compliance, that would be the State which would be Washington State L&I.

QUIRING: Labor & Industries?

HARTLEY: Yes.

QUIRING: Thank you.

BARCA: Karl, are you good?

JOHNSON: Yeah. I just I wanted to know where the curve was from, is that from L&I?

HARTLEY: Yeah. It's actually based on the U.S. Bureau of Mines of over years and years of research have developed a curve where essentially anything below that, no damage or no -- it's very, very unlikely. I think they use a 95 percent chance that no damage can occur anywhere below that line based on the vibration and --

JOHNSON: Thank you.

BARCA: Thank you very much.

HARTLEY: Thank you.

BARCA: After Mr. Mann is Wendy is it Egbert? Did I get that right?

MCCULLOUGH: It's McCullough.

BARCA: Oh, I'm sorry.

MCCULLOUGH: It's okay, my husband signed me in.

BARCA: Well, at least you know who's next.

MANN: Good evening. I'm David Mann, M-a-n-n, 1424 Fourth Avenue, Suite 715, Seattle, Washington 98101. I'm here tonight again on behalf of Friends of Livingston Mountain.

I want to thank you again for your time, the tremendous amount of time you put in last month on this and the time you put into it already. And I also want to significantly thank staff and Mr. Mabrey for a very comprehensive job of taking comments and working these in that I know some of them just came in yesterday and I very much appreciate, and it makes it a lot easier for you to go through this material and it actually speeds up what I have to say tonight.

So I'm going to just hit six highlight points out of my letter to you. These are all incorporated into the document that was prepared that's up on the screen in front of you, so I'll just run briefly through my points.

First, under the strategies for mineral resources, which is on Page 4, we've recommended some more specific language on enforcement whether you use it through -- that would be language that would actually go into your comprehensive plan. Again, identifying an enforcement is a significant issue that needs to be addressed and that should be also carried over. We strongly support the language that CALM has given you in 40.250.020, that's actually on Page 13, they've made a long

recommendation and actually codified enforcement monitoring requirements.

It's fine to say that the State and County have for example noise standards, but it's not fine to assume that there is anybody out there monitoring or enforcing that. So enforcing it and making sure monitoring is going is probably the easiest way you can go to keeping problems down, keeping issues away, keeping fights down between neighbors and the mines, monitoring and enforcement. So we would strongly support adding additional language to the comprehensive plan policies and adding language to the code, to your development regulations addressing it.

Point two. We have on the existing policies that are proposed for deletion, we have actually had supported leaving in the designation criteria table that you currently have in your comprehensive plan. We think that table is appropriate because it spells out in the comprehensive plan the type of things you're going to be looking at, and that's not just in the code, but it's actually spelled out in the comprehensive plan. So that's your existing Policy 3.5.19, that you keep that in and including the designation criteria table.

Keeping in mind that, yes, GMA regulations, the Department of Commerce regulations do identify that when making the designation that you do look at existing land use and the environment, it's not just a there's minerals here, that's the end of the story. The regulations they do spell out that you have to look at existing uses and access and the environment. So we hope that you will keep that in your comprehensive plan.

The third point. Again, it's not directly in front of you tonight, but I want to support the staff recommendation and perhaps out of your work session that you keep new changes as Type IV. So new additions to the surface mining overlay, those should be Type IV. I think we spelled it out in our letter to you last month, and again what we think the law requires it be a Type IV and actually be a legislative decision by the County, come before you, go before the County Commissioners. So, again, we thank you for that change and hope that you support that.

The fourth point that the staff has proposed under 40.25.010 Sub S, the additional criteria for future surface mining overlay changes, we support those. We have spelled out on Page 5 of the document in front of you several additional ones. These are actually taken from your current designation table, we think this is why we think they're important to carry over.

They include that you're looking at uses proximity for impacts from noise, dust, blasting, heavy truck traffic. That there is an adequate supply of water available for the mining operation. That the mining is not going to significantly impact existing ground and surface water uses. That it won't significantly impact wetlands, riparian areas or wildlife habitat, and that it won't be located on unstable slopes or potentially or historic unstable slopes. We would hope that you carry those additions into your code. And, again, we took those straight out of your current designation criteria table that's in the comprehensive plan, we think those should be carried over into your code.

The fifth point on the surface mining overlay district, and this is 40.250.020, we again support the keeping that asphalt mixing, concrete batching, clay bulking and rock crushing to conditional uses. Those are your louder sources, those are the impacts that are most felt and most heard by the neighbors, and keeping that as a conditional use process so there's a hearing examiner review we think is critically important.

I understand the comment earlier tonight about stockpile and processing may be going too far since exactly a scoop goes on the ground, that may not need to be a conditional use, but certainly asphalt mixing, concrete batching, clay bulking and rock crushing should remain a conditional use, and we thank you for including that in the recommendation.

And the last point I wanted to bring is that we've laid out several specific changes and so did CALM to 40.250.020, the requirements for the surface mining overlay district, but I think the key point that

I want to stress to you that these criteria apply not only to new mines, but they also apply to expansion of existing mines. Obviously you're not going to go back and re-apply them to existing mines, but if existing mines come forward to you for an expansion, that you apply the new criteria you're addressing here at this point to that expanded process.

And that's it, that's the highlight out of my points. And, again, we appreciate your time. I will take any questions, and I'm also available for questions as you go down the road if you don't finish tonight.

BARCA: Any questions for Mr. Mann? Thank you for your time.

MANN: Thank you very much.

BARCA: And after Wendy McCullough we have Mellie Cantrell.

CANTRELL: I choose not to speak at this time.

BARCA: Thank you for letting me know. The next name would then be Eric Eisemann.

MCCULLOUGH: Hi. My name is Wendy McCullough, M-c-c-u-l-l-o-u-g-h, and I reside on 70th Circle in Camas, Washington. The only thing that -- I agree with everything that Mr. Mann had said. The only thing that I want to talk about is that I agree that we need to stick with the certified mail and not go to electronic mail because e-mails can get missed. We all live in cyberworld where people send e-mails and we don't receive them, and certified mail there's no mistake of receiving it, so for the record I'd like to keep it at certified mail. Thank you.

BARCA: Thank you very much. Any questions? Nope? Okay. After Mr. Eisemann is Sarah Shafer.

EISEMANN: Good evening. My name is Eric Eisemann, E-i-s-e-m-a-n-n, I'm with E2 Land Use Planning Services, 215 West Fourth Street, Vancouver, 98660. I'm here representing CALM tonight. I also just want to let you know that I've spent about the last 20 years of my professional career writing comp plans, writing codes, enforcing them, approving development applications and have seen some of you before, so I have some experience in land use planning as well.

PUBLIC: Speak up.

EISEMANN: I'm sorry. I apologize for that. I'll do my best here. First of all I'd just like to say I believe we are making progress, we've come a long way from what we saw back in September. And I really want to thank you, the Commissioners, for the work that you've put into this, and particularly I'd like to thank Oliver and Mike for the work that they've done, taking the task force recommendations, taking CALM's recommendations, other people's recommendations and your thoughts as well into putting together what I believe is a pretty workable plan and a pretty workable code, not perfect.

I'd like to talk to you about those things that I think could enhance what's already been done here right now.

I'm not going to spend a lot of time talking about what Mr. Mann has, I just would say that CALM generally agrees with almost everything that Mr. Mann's group is supporting as well. So I'd like to get us back to the beginning because I am a land use planner and I've done a lot of plan and code work.

Where you start is you start with your comprehensive plan. We all know that regulations enforce policies and policies have to implement your goals, and I just want to point you to your goal, your mineral resource land goal. I think it's very instructive and not many people have really talked about what your goal is, and we're not proposing to change it, and it's instructive.

It says that the GOAL is "To protect and ensure appropriate use of gravel and mineral resources of

the county, and," and I'm going to stress this part, "minimize conflict between surface mining and surrounding land uses." We've heard some testimony that suggests that the State law controls and that's all we need to do and that it protects the mineral industry, but I'd like to point you back to your goal. Your goal if nothing else says that you need to balance conflicting and competing resources and uses. In fact, if you look at your comprehensive plan on Page 3.8, it specifically requires you that when you designate mineral resource lands, you must, quote, balance other uses with mineral resources, end of quote.

And I would like to submit that the hundreds of voices that you heard over the past several months have made one thing perfectly clear, that the County system of balancing mining and residential uses is not working and it needs to be brought back into balance and it needs to start by focusing on the goal that you're not going to change.

Balance isn't impossible. We've spent a lot of time researching what other jurisdictions, what other counties are doing around the state. We've looked at Thurston County, Skagit County, Pierce County, we've looked at their goals, we've looked at their plans and we've looked at their code, and they've done a pretty good job from comp plan to compliance. And so it seems that you can have a code and a system that includes monitoring, that includes compliance and that addresses balancing as well. So I'd like to talk to you about just four things that I think help put your plan into balance and helps us not have to repeat these kinds of hearings over and over again.

The first is designation, designation of rural residential on Policy 3.5.6. We support the staff's recommendation to exclude surface mining designation from rural residential lands. However, if it is true that surface mining and rural residential uses are sometimes incompatible, so much so that you would exclude new surface mining designations on those kinds of lands, why would you allow expansion of an incompatible use onto residential lands as well. So what we're suggesting to you is that we would urge you to strike that last clause of Policy 3.5.6.

Secondly, I'd like to talk about the designation process, and this is pretty simple. The WACs are really clear. Designation of resource lands is a function of amending the comprehensive plan, that's a Type IV review under your code and under your plans and there's absolutely no harm in making that a policy of your mineral resource land goal so that it's clear from here on out that that's how we're going to be handling designations.

We've proposed a piece of policy language, it's up on the board there, but if it's too wordy I'd suggest we try something really simple. Quote -- I lost my place for a second -- ensure that designation of mineral resource lands occur through a Type IV legislative amendment process, end of quote, easy, simple, effective, it will allow your code to implement this policy later on that staff is recommending.

Table 3.4, the matrix for assessing mineral resources which is actually your current Policy 3.19 is where we are, to me that's the heart of your designation scheme. I was talking with Oliver before the meeting, and we know that 20 years ago a lot of people put a lot of time into thinking about how to balance things. Life has changed, the WACs have changed, a lot has changed in the planning in the mineral world, but in that matrix there's a weighting system that goes there, it may not be perfect, but that matrix does try to balance mineral resources with community needs and other land use needs.

So our recommendation is leave it in or at least amend it so that it's more consistent with the current WACs because it provides a foundation and it provides a context. It's in your comprehensive plan, Table 3.4, it's what you should be doing anyway is using the table that's in your comp plan, that's the rule. But if you do decide to delete it as staff is proposing, let me just suggest to you having read your plan carefully that the heart of that table, the issues that that table is getting at are woven throughout the text in Chapter 3, your mineral resource sections. So you're

going to have to spend a lot of time doing some wordsmithing and pulling that piece back out, it's not just simply taking a table out. If you take the table out, you've got a huge gap and a smile of Chapter 3.

Finally, monitoring and enforcement, Policy 3.59, we are proposing -- and if we could just bring that back up please, Mike, I'd appreciate that. The public has made it abundantly clear the County has a lackluster record of monitoring and enforcing its own regulations and the conditions of approval relating to mining operations, you've heard it, you've heard it said over and over again. In fact, at the work session two weeks ago I believe staff essentially said that the current practices of monitoring and enforcement aren't working, something needs to be done, but the proposal that's before you is to create a strategy.

Well, let me just tell you about strategies in my 20-years experience writing plans in this county for jurisdiction. A strategy is not a policy, it's not a regulation, it's not enforceable at all. A strategy says, well, let's think about this for a while. There's been a lot of strategies that have been in the plan for a number of years that we've thought about and not done much about. A policy says we should do this, regulations say do this and do it this way, and enforcement says we care, we're watching.

We know from our conversations with staff and other counties and the counties that I've mentioned before that have monitoring and compliance programs that they do work, and the proposal that we've put in front of you is actually taken right out of Thurston County's monitoring and enforcement program. We've talked to them several times already. In fact, their program is working so well that instead of doing an annual monitoring project, they're now thinking of doing it biannually. Because once the industry knows and the citizens know and the government knows what the rules are and that they will be monitored and enforced, there's certainty.

And I can tell you from my years of working in planning that everybody wants certainty, the developers want to know it, the citizens want to know it and you want to know it as well. So we encourage you to put a monitoring, compliance and an enforcement plan in here. So if nothing else I can tell you one thing, and that is that you heard hundreds and hundreds of voices and the one thing they're probably all telling you is the system of compliance and monitoring isn't working, it needs to be fixed because right now it's unbearable, but we have the ability to do something better.

So with that I will stop with my prepared remarks, and just if I have a second here just to comment on some of the testimony you've heard already. Regarding the 200-foot setback, it's not just about noise, it's about dust, it's about smoke, it's about odor, it's not just noise, and it works both ways as your attorney has said as well. If you don't like, if someone doesn't like the 200-foot setback, there's a variance process, it's been in the code for a long, long time, it's still available. It goes to the hearing's examiner, the hearing's examiner can grant or deny a variance based upon case-by-case analysis.

Notice. Notice may cost quite a bit more, but notice can be done electronically as Commissioner Gizzi has noted. And in many jurisdictions the burden of paying for the notice is put on the applicant, it doesn't cost the County or the City much more that way. Dust. Our suggestion for dealing with dust comes out of codes that are up in the Puget Sound area, for example in the Thurston County area. Mr. Beadie I'm pleased to say didn't object to the way that the code was written as we're proposing right now, he's just talking about silicosis, but the proposal that we have for dust seems to be acceptable as well.

And then reclamation. Like you, I learn something all the time when I come to these meetings. And the takeaway that I got from a reclamation comment from Mr. Alongi, who I respect, is that mining is a long-term activity, that your permit is your mining action, your active mine is as good as your permit is alive. So as long as you keep your mining permit alive, you never have to reclaim,

never. And sometimes we just heard tonight that some of these claims and these active mines go back to 1947 was the testimony, we never reclaim, we're going to have to deal with it somehow.

So those are the questions, those are the comments I have and I thank you for your time and your patience and your attention. I'd be happy to answer any questions if you have any.

QUIRING: I have a question about the 3.5.9, and you said this came straight from Thurston County?

EISEMANN: Sure.

QUIRING: And so I'm wondering, so there's somebody at the County that is making sure that mines comply with local, State and Federal regulations?

EISEMANN: Their primary object is to ensure that there's compliance with DNR regulations and also with County conditions of approval, and that's primarily their authority, those two areas.

QUIRING: Yeah. Because I would think that the Federal government has their people, the State has their people and this would create a local person.

EISEMANN: And this creates a local person who has the ability to look at how it all fits together just in case the State and the Federal agencies don't have the time to do it.

QUIRING: Yeah. And then supposedly that local person would if they see that there's something amiss that's covered in Federal regulations, this person's going to have to be pretty broad in their knowledge.

EISEMANN: They are, and that's absolutely true. And if you look at the DNR reclamation standards, which we've looked at, that's exactly what is required, someone has to be an expert in the field and someone that's acceptable to them as well, so there are qualified professionals.

QUIRING: Thank you.

JOHNSON: So is it your position, then, that you feel that the mines are not being reclaimed, is that what you heard? I don't understand your last testimony about that.

EISEMANN: My statement is that if we believe that reclamation is going to happen, and the question was how long does it usually take, and the answer is, well, it depends. But what I heard from Mr. Alongi is that as long as the permit is alive, reclamation is not necessary, I think those were his words.

QUIRING: If I may, I will say I've seen some beautifully reclaimed areas that were mines, I mean they are beautiful, and there are regulations that make it so.

EISEMANN: And I agree with you. I've spent a lot of time in the South and --

QUIRING: There's some in Oregon.

EISEMANN: Yeah, and I've fished some of those strip-mined lakes that are there. No, it can be done very well. But what we're trying to say is that it's something that the County should acknowledge is important to itself, that you want to see the lands restored and reused for other purposes, beneficial purposes, not just sitting fallow. I agree with you, they can be done very well.

BARCA: Thank you for your time.

EISEMANN: Thank you.

BARCA: The next one is Sarah Shafer, and then if I could have Bill Cantrell come up as well. We're going to get a couple more in and then we're going to take a break. So after the break will be Angela Pond and Karen Pickering.

SHAFER: My name is Sarah Shafer, that's spelled S-a-r-a-h, S-h-a-f-e-r. I live at 31203 NE 94th

Circle in Camas. During the last public hearing and work session there was lengthy discussion and testimony about the environmental and visual impacts that mining operations cause to the landscape in Clark County. Restoration of the land following mineral extraction needs to be encouraged as a local policy by the County. CALM proposes amending existing Policy 3.54.

Although DNR may have ultimate authority to regulate reclamation and restoration following mineral extraction, the County could make reclamation and regulation consistent with DNR standards a condition of land use approval. Clark County and other jurisdictions as a matter of course require applicants to comply with State or regular, excuse me, with State or Federal regulations relating to wetlands, endangered species, stormwater, the GMA and more.

Title 32.04 of the County code already links enforcement of the code to State statutes relating to the use of land such as subdivisions and the Solid Waste Management Act. Mine reclamation is a use of land too. The rationale behind Title 32.04 is to use enforcement to prevent a nuisance on the land. In Title 32.04 violation of surface mining conditions of approval can already result in a \$500 to \$1,000 fine per violation per day. If the DNR oversight of mine restoration isn't happening, the result is a nuisance on the land. Why not tie County policy to County code and give the County the authority to enforce on a condition of approval that requires reclamation consistent with State standards, that is what we are asking.

The county citizens need action at the local level. It does us no good to live near an abandoned mine and hear from the County that it's a State problem when in reality the County could make restoration a local requirement. The people who live near these mines are tired of getting the response from officials that it's not my job. Make it a policy when you can and let's take ownership of the activities that we are allowing in our county. We need to restore balance. We understand that harvesting minerals is important, but so is restoration, so let's make that a priority too. Thank you.

BARCA: Before you go, I think Mr. Eisemann brought the position of clarity forward and the idea that a valid permit is not necessarily going to be voided by dormancy as opposed to a mine being exhausted, and so I think we have to start to think about wording that does not violate what we already have in the context of a State issued permit in that regard.

So I heard your comments very clearly, but it just became a little bit more complex tonight than I think we thought it was before. So I want you to know that we hear you, but it's not as simple as I think we thought it was going to be beforehand.

SHAFER: Okay, thank you.

BARCA: Anybody else have commentary? Okay, thank you.

CANTRELL: I'm William Cantrell, C-a-n-t-r-e-l-l, 27202 NE Bradford Road, Vancouver. I'm going to speak today on 40.250.020.C.2, 40.250.020.D.1 and 2. CALM supports the County staff recommendation to retain asphalt mixing, concrete batching, clay bulking, rock crushing, processing and stockpiling as conditional uses. These are value-added activities that do not have to take place on the site. We understand that the operators may prefer to have them on-site because it's economical for the operator.

Not every site and not every mining activity are compatible. The people who live in these areas need the scrutiny and protections afforded by the conditional use permit process. Allowing value-added activities as permitted use and relying solely on development and site standards to address all possible scenarios is not sufficient protection for land users adjacent to mining activity.

Asphalt mixing, concrete batching, rock crushing, stockpiling and processing are very intensive and intrusive activities, and deserve at least as much scrutiny as would a sawmill in a forestry land or a cider mill on a farm land. We support the County staff recommendation that those types of

value-added activities other than extraction only take place when the minimum site size is in excess of 20 acres. This requirement will also help to minimize the significant impacts and conflicts between the mining activities and surrounding land uses.

Similarly, the proposed site setback provisions are necessary and assist in providing necessary buffers to further minimize the inherent conflicts between mining and surrounding residential land uses. The proposed standard allows flexibility in determining the appropriate setback so long as the purpose of the statute is fulfilled. The purpose of this statute is to ensure continued availability of rock, stone, gravel, sand, earth and mineral products without disrupting or endangering adjacent land uses while safeguarding life, property and the public welfare.

Although little can be done to minimize having a mine as a neighbor, these three provisions help a lot. I ask that you consider them and apply them. For that reason, CALM supports the County recommendations for the provisions in 40.250.020.C.2, 40.250.020.D.1 and 2, and I thank you for your patience.

BARCA: Any questions? Seeing no questions, we are going to take a ten-minute break. And upon the return, please Angela Pond and Karen Pickering come up to the microphones.

(Pause in proceedings.)

BARCA: The chair calls for Jim Gizzi.

MABREY: He's right outside the door. There he goes.

BARCA: Let the record show that Jim Gizzi has returned.

GIZZI: I'm trying to keep peace in the house.

BARCA: We'll start as soon as we know our television audience has returned. We don't know if we're actually on. We could call the house and see if our wives are watching. Let's begin. So we are at Angela Pond.

POND: Hi. Thank you. Angela Pond, P-o-n-d, 9011 NE 312th Avenue in Camas. I have talked to you a couple of times in the past about noise, and noise is only mentioned twice in the proposed, or actually only once in the proposed and once by an addition by CALM. So my comments are very brief tonight, I only have two things to say. I would actually like, sorry, like to add my accolades to you, Mr. Mabrey, I think you've done a great job in putting this together.

First, during the application for permit I believe that we should require a noise level study of the area with projected noise levels determined so that the appropriate mitigation will be included in the site plan. That was something that wasn't added to the original proposal on the 14th, and I would ask that it be considered. I think it's very important so that the site planner knows how to mitigate the noise that's going to be occurring.

Second, in light of our County's very well-written SEPA standard regarding noise, it makes sense to simply add a phrase that ties Standard 40.570.080 directly to the SEPA code by listing it in the body of the document. The SEPA standard stipulates that a noise increase of more than five decibels above ambient at the property line is cause for mitigation.

In a previous hearing examiner's ruling regarding Livingston quarry he stipulated that the noise could not be greater than ten dB above ambient at the property line. CALM would welcome either a five or a ten dB over ambient limit realizing that situational needs due to presence or lack of buffers or other environmental and topographical conditions would apply. The failure to date for Livingston quarries and the Yacolt Day Break mine has not been poor or nonexistent code, rather it has been a complete lack of adherence to the code and a lack of penalty for noncompliance.

There's a demonstrated need for monitoring and compliance for noise levels at the site and for

trucks exiting the site. And I want to show you what not -- or let you listen to what noncompliance sounds like. (Tape recorder playing.) This is the sound of a rock crusher. What you heard first was the rocks emptying into the device. They can actually be padded or treated so that when the rocks hit, it's not that loud. And this is just the sound of the crusher ongoing. Sorry.

That is actually that was about 70 to 73 decibels. The County stipulates, or the SEPA stipulates that it should be no more than 50 to 55 at the property line. That was actually the noise level that Mr. Dyrland, who's here on the front row, that's what it sounds like at his property at least for two hours every morning. Thank you.

BARCA: Any questions? No? Thank you.

POND: Thank you.

BARCA: And we will have Larry Lindland come forward, please. Go ahead, Ms. Pickering.

PICKERING: My name is Karen Pickering, K-a-r-e-n, P-i-c-k-e-r-i-n-g. I live at 25909 NE 52nd Way, Vancouver, 98682. I live less than a mile away from the current mining operations on Livingston Mountain. I would like to talk to you about provisions 5 and 8 of development standards.

Provision 5 sets the hours and days of operations for mining activities. I'd like to first tell you that 12 hours a day, 6 days a week is too much. In the first hearing we heard a lot of testimony about balance, we need a day of rest. It has nothing to do with any particular religion and everything to do with preserving our sanity and some semblance of the very aspects of rural living that we sought out in purchasing property in a rural setting.

While I understand that operators want to maximize their ability to load and haul rock to fulfill contracts, there must be a balance. The operator seek exemptions to work outside normal operating hours. There may be instances where this might be necessary, but it should be an extraordinary occurrence, not a commonplace business practice; moreover, it should not be available for every contract, only for those that benefit the public.

CALM has provided some additional language to the staff recommendations to lessen ambiguity about the type of contracts that qualify for an exemption and the duration of operations outside of normal hours. This language responds to concerns raised by the hearing examiner in his review of the staff's proposed development standards.

First, the contract must be one that is to fulfill a publicly funded project. The exemption may not last more than 10 days and may not last more than 30 days in one year. Operators may apply for additional exemptions. CALM has further defined what constitutes an emergency in response to the comments that were made to staff during the work session, this should allow sufficient flexibility for the true emergent circumstances to be addressed while preventing abuse.

Turning to Section 8, I'd like to talk about the reality of living in a rural area. I listened to the discussion at the work session about notice. Many rural residents don't have mail, Internet or e-mail at their homes. The idea is to let people know that blasting is about to occur and to prepare people ahead of time. For that reason, CALM has suggested that operators should go low tech for blasting notice and propose posting notice as the means of providing primary notice. CALM has also suggested extending the notice radius to one mile to ensure more affected properties have actual notice of blasting activities.

When you don't receive blast notifications, it is very disconcerting to find yourself in the middle of an earthquake without any warning. These blasts make everything shake and it feels like an earthquake, so if you don't know it's coming, it can be quite scary. Depending on where you live and what the weather conditions have been like leading up to the blasting, many other things also go through your mind like could there be a landslide following that quake, is my home safe to be in, are my animals safe.

Neither of these provisions will make blasting or mining activities more enjoyable to have as a neighbor six days a week, but they will help provide a way of planning for those times when our lives will be particularly impacted by the mining activities. I thank you for your time.

BARCA: Questions? No questions? Thank you.

GIZZI: I have a question. You say "conspicuous posting at the property line of the affected properties," so you're suggesting that Storedahl or Tapani would walk around with a hammer and a post and --

PICKERING: Yes.

GIZZI: -- hit every property with --

PICKERING: You know, at reasonable number of properties. I live in a development, we have 12 properties in our development, so one at the street level where our mailbox is.

GIZZI: So maybe come up with a notification plan I guess we'd call it that relied more on these posted notices as opposed to web postings or something like that?

PICKERING: Yes. Yes. I'm frequently --

GIZZI: I wish those guys wouldn't have left because I would think they would find it interesting and easy. I mean it's low tech, it's I would think low cost as well, but I don't know.

PICKERING: Yes. No, I agree. I think that they should, that they should be willing to do this, I think it's reasonable.

GIZZI: I don't know. It just it seems, yeah, it seems to meet the criteria, easy and cost effective.

PICKERING: Thank you.

BARCA: Thank you. After Mr. Lindland, Jack Kane, please come forward. Please.

LINDLAND: Hi. My name is Larry Lindland, the last name is L-i-n-d-l-a-n-d. I live at 28101 NE 66th Street, Camas. And I want to talk to you about 40.250.020, surface mining overlay Section D, Standards, Subsection 12, water availability, and I think we've passed out what we'd like to see for language. And I'm going to keep this real brief, probably even briefer than what I've written or have written here.

I don't know if anybody really ever thinks about how important water really is, but if you go to turn on the faucet and it's not there, it's a real big deal. Water right now is more valuable than gasoline or most any commodity that we can come up with, and it's becoming in short -- clean water is becoming shorter and shorter in supply.

Staff is proposing to allow operators to (inaudible) mining sites with no demonstrable water at the site. CALM proposes modifying the provision to require that operators identify where are they going to get the water for their site and to do a simple calculation of how much water they anticipate the site will need. The proposal allows mining permits to be issued despite delays in water permitting, but without compromising protection against the potential abuses by requiring proof that the water's available.

You know, and I'm going to dispose with the rest of this small short-written part and just tell you that, you know, I'm the water manager for our water district and I'm not sure how you can allow as the State puts their thumb on top of us. I mean we can't even -- where we have such a limited amount of water in the Livingston Mountain Estates, we really don't even have the ability to, you know, to fight fires. If we get another fire up there, we're toast, yet we're bringing a mine in that's going to suck out how much water out of the ground. Don't know how that works.

All I know is that I have contacts with people in Upstate New York and Pennsylvania that listen to a

lot of hydrogeological consultants that all told them that there's no problem with the mining, no problem with fracking. Don't think you have to be a rocket scientist to listen to those and see what's happened to people, they forget about clean water. It's a real big deal especially for that mountain, okay. Thank you. Any questions?

BARCA: Thank you for your testimony.

LINDLAND: Thanks.

BARCA: Amy Hansen, please come forward.

KANE: Good evening. My name is Jack Kane, K-a-n-e, 28011 NE 67th Street, Camas, Washington. Thanks again, gentlemen, ladies, for your time and your interest and your professionalism. I'd like to address three sections, Page 10 under Section D, Paragraph 10. I'd like to also address Section E, Paragraph j and Paragraph k, you already have our written proposal for specific language. I'd like to address a couple of reviews dealing with policy and then with the code.

There's two items I think that needs to bear your interest and your diligent concern. One is the due diligence concerning roads and the ability of the roads with any increased traffic, especially with the type of commercial vehicles that are anticipated traveling for any mining operation, and specific to the safe operations of those vehicles in conjunction with other vehicles on the road and that. We have a serious concern, a very significant concern about safety.

The second one is feasibility. Are the roads feasibly designed, engineered, maintained to support that level of traffic, not just from an engineering standard, but from a traffic volume density, speed and collectivity. And the other one is the cost. What is the cost of the County and other public agencies to improve any roads prior to the effect of any mining going into place. And then what is the long-term cost to maintain and protect those roadways and surfaces so that they can be adequate to their designed use.

The second point is monitoring and enforcement. Obviously to reinforce the safety standards we feel that an aggressive and a consistent and a long-term enforcement monitoring practice needs to be implemented and it needs to be part of the community awareness as well as any operators awareness in the areas. I encourage you to continue your due diligence on this, your intelligence in this matter and consider the points we've offered. Thank you.

BARCA: Questions?

QUIRING: I just have a question because we've heard several times about this enforcement, and some have requested at the County level they have somebody that they can go to at the County level, I'm wondering how many of you have attempted to contact or speak with the agency that is responsible at the State? You have?

KANE: Well, when we refer to the roads, the enforcement of the roads, we've got a couple of issues. The first issue is safe operation of vehicles on the roads, speed, maneuvering, et cetera, things like that. I've lived in the community for eight years, I have never seen a Sheriff patrol vehicle or a Washington State Patrol vehicle because they could probably make some money off me. The second one is the enforcement also on the density of the design for the roads. I think that's a periodic, it may be a statistical-type sampling done periodically without announcement.

QUIRING: Okay, thank you.

BARCA: Thank you for your testimony.

KANE: Thanks.

BARCA: After Amy Hansen will be Lew is it Bailen? Please, come forward. Go ahead.

HANSEN: I'm Amy Hansen. I live at 28400 NE Hancock Road, Camas, Washington 98607. I'd like

to go back to Mr. Kane's testimony for just a second and go back to the approval standards for just one second and say that the biggest thing regarding safety is that before you permit a mine, we'd like to make sure that the trucks going in and out of that mine can make it in and out of the mine and can actually make the turns going around the bends and make the sight lines, can actually make the stops, are not going to take out cars as they make the corners, that's the big issue prior to siting a mine, so I just wanted to make that one point.

Going now to monitoring and enforcement. You've heard a lot of testimony about monitoring and enforcement, and obviously this is a big point, this is the keystone to all of these code provisions. Without monitoring and enforcement there's really no reason to have the code and there's no reason for operators to comply. Yes, we know that DNR has a full set of regulations and we know that the County's position is to let the DNR handle monitoring of its own rules. We've heard that the system isn't working because no one knows who's in charge. Mining generates local benefits and it has obvious local impacts, so what we need to know is why is there no local accountability.

At the last hearing you heard hours of testimony by citizens about the County's inability and failure to enforce its own statutes. We must restore the balance. CALM has provided statutory accountability provisions through monitoring and enforcement, we've provided an entire section. It's the only monitoring and enforcement in this entire statute. We didn't invent any of these provisions.

The first provision was proposed by the task force itself which was made up heavily of industry representatives. The task force proposed a hearing at the 12-month interval. The 12-month hearing the task force proposed and we responded to is not an evidentiary hearing on the merits of the land use application, it would be a review and a possible hearing on compliance with an approved land use decision. That is a wholly separate matter than the GMA limitation on one open-record hearing on the land use application.

What CALM is really proposing is a codified annual registration and inspection process for mining operations. If the hearing is problematic for you, then change it, go with the provisions proposed in Sections 2 and 3 which provide for annual registration and inspection. If you really want to find out if there are problems, send out a request ahead of time to the people who are entitled to get notice in the statute, and they are the ones who would have attended the hearing anyway, and ask them to submit their responses in writing prior to the annual review. If there are problems, they'll be the one to tell you in the county.

Again, this language in Sections 2 and 3, CALM did not invent this language. We looked to other jurisdictions that are dealing with mining and we investigated what was working with them. Our suggestions come from Thurston County. When we asked their staff about their inspections and the annual registration program, Thurston County staff said that their --

HOLLEY: Slow down.

HANSEN: -- Thurston County said that their staff -- their staff said that their program is successful. There are no major issues with their monitoring and enforcement in their mining operations. What this tells us is that it's not too onerous to demonstrate compliance for these mining operations. If you have responsible operators, then annual registration is not a problem. It's like renewing your license, you may not enjoy it, but you can do it.

The final piece that the CALM proposal -- of the CALM proposal for monitoring and enforcement requires that deficiencies identified be remedied. Again, CALM borrowed this from the existing Clark County Code. We want to make it clear that noncompliance has consequences especially when it comes to those value-added activities that operators want to have on-site.

Our system is broken in Clark County when it comes to mining. You've heard hours of testimony

from people begging for help. We need a person to sit in a chair and actually start making these standards and policies meaningful. While it may not be the role of this Commission to hire a person to do that, we can lay a foundation here and we can see a return on the investment of your time. We can start putting in place some strong monitoring and enforcement provisions and we can send a message to both the citizens and to the Board of Commissioners that we want to see this problem solved here. Thank you.

BARCA: Questions. No? Thank you for your testimony.

HANSEN: Thanks.

BARCA: Jeff Shafer, please come forward.

BAILEN: Yeah. My name is Lew, L-e-w, Bailen, B as boy, a-i-l-e-n. I live at 28703 NE Lookout Road, Camas.

BARCA: One moment, Mr. Bailen, please.

BAILEN: Sure.

PUBLIC: He left.

BARCA: And that's fine. Let's just go on. Linda Felver you'll be next, please come forward. Thank you, Mr. Bailen.

BAILEN: I want to thank you for all the things you guys have been doing and long hours. I wasn't going to talk until you asked the question about road enforcement. I have called the County and talked to the County Sheriff about road enforcement, they have one officer available for road enforcement for trucks and things and he covers the entire county. So the chances of him being there are pretty slim. I talked to the State Patrol, 53rd Street, that's not their jurisdiction, it's not their problem. They said if it doesn't happen on 500, it's not any consequence. So trying to get enforcement for road is almost impossible.

QUIRING: Yeah. And if I might, Mr. Chair, I want to clarify, my question although the gentleman was speaking about roads and road enforcement, I was asking a more general question about this whole monitoring of State, Federal and local laws and enforcement of those, and that was my question. When you have an issue of noise, when you have an issue of vibrations, when you have an issue of whatever it is that some other entity is supposed to enforce, do you go to that entity, that was really my question and so...

BAILEN: Well, that's got me going on what I tried to --

QUIRING: Yeah. It isn't unusual that there is not enough patrolmen whether it's in the Sheriff's Office or the State Patrol's Office, it's a well-known fact.

BAILEN: Well, the Sheriff's Office is greatly depleted.

QUIRING: Yeah.

BAILEN: Thank you.

BARCA: Thank you. Before you start, Sue Tortorello. Okay. So then we have Ellen is it --

FANALE: Fanale.

BARCA: Fanale, thank you.

FANALE: We agree with the above things from CALM, so we do not need to come up there.

BARCA: Richard Dyrland, you'll be next, sir. Please, go ahead.

FELVER: My name is Linda Felver, that's F like Frank, e-l-v like violin e-r, Felver. I live at 28818 NE

Hancock Road in Camas. I am speaking to Policy 3.5.6. You have heard abundant testimony regarding the incompatibility of mining and residences, and this policy indicates that "The surface mining overlay shall not be designated within rural residential zones," which I support, but the provision "except to allow the expansion of an existing mining site," that phrase I am speaking against.

You certainly have heard many testimonies which I shall not repeat regarding the difficulty of balancing mining and residential uses and the noise, the dust, the vibration, the surface and well water, the human health, the human quality of life, the public safety, on and on and on. So if this provision does not get struck, let me show you what we will have.

My hand has lots of fingers, every finger is a residential zone plot. My hand with the red glove on it is an existing mine site. If this is not struck, then the surface mining overlay can be applied to this finger and that can be incorporated into an existing mine site. So now we have other fingers that are adjacent to the mine and so forth and so on, daisy chaining clear into very dense residential areas. And if we could put the hands of everyone who is here together with all these fingers, you can see that literally a surface mining overlay could creep across vast stretches of residential property, and we all agree that the uses are incompatible. So I implore you to strike the "except to allow the expansion of an existing mine site" as CALM has proposed and David Mann also has proposed. Thank you.

BARCA: Thank you. And thank you for that very visual display of the dilemma. David Rogers, please come up. Go ahead, Dick.

DYRLAND: My name is Richard Dyrland. I live at 27511 NE 29th Avenue, Ridgefield, Washington. Let me preference my remarks first, and I've given a handout distributed that's really a policy paper that covers all those items that are up on the list up here and tries to put that into perspective.

And what I want to say initially is that in regards to the policy, regulations, codes and standards for gravel mining and overlays in Clark County, we are seeking to make improvements and obtain a balance for: One, health, well-being and safety of families living in Clark County; two, the protection and improvement of our limited sources of groundwater and surface water and wells; three, the quality of life that attracts high quality business and skill levels; four, improve and protect our threatened and endangered listed salmonid fisheries and the economic as well as social values that they contribute, and last, a level playing field for those companies involved in the gravel mining and related industries.

Incidentally, one of the items was operating on certain holidays. One of the things that recently occurred during Veterans Day is that the Storedahl mine at Daybreak was operating, and then as a Veteran and knowing quite a few Veterans that live up and down that area, we found that particularly offensive, and so I think holidays in some places are a consideration. I don't want to repeat what was already covered by the Livingston Mountain group and the CALM group. We basically from Friends of the East Fork support what they have added to the detailed policies and codes that are above here on the screen.

I'll briefly mention two key things that are policy related to those items. And, again, you can look at all ten pages later on because we're trying to again give you an umbrella over all of this because some of those items in the policy have quite a strong effect on what you have above.

One item I want to mention is the County has failed to comply with SEPA in some of the policies. And there is some thought here that the County should not proceed with any overlay expansions or comprehensive plan changes until it evaluates the serious current impacts that mining is already having on water, aquatic resources, and then based on what information that the evaluation shows and the likely expected impacts from the proposed changes can be identified.

Two, proposed comprehensive plan changes must be amended to protect water quality, water quantity, aquatic habitat and salmonids. Currently what we have in the requirements are very weak, they really have no teeth and there's been a lot of discussion on that, and the compliance and enforcement is basically nonexistent.

So we can go through all the gyrations that we want to with the best of intent, but until we deal with that particular set of situations, nothing really changes and that isn't the objective we have here for balance. So please take the time to read that policy paper and understand that again the purpose was to work as an umbrella in this overall document that we're looking at here with all the details. Thank you.

BARCA: Any questions? Thank you for your time. And after Mr. Rogers is Dani is it Buslach? I know I was at least close, so they're not here. Peter Christ. Okay, please come forward. Go ahead, Mr. Rogers.

ROGERS: I'm David Rogers, R-o-g-e-r-s. I live at 18114 NE 317th Street which is just below the Yacolt Mountain Quarry. Earlier it was talked about E.1.h, I want to go ahead and tell you that DOE speaks of the fact that gravel mining dewateres the area all around the quarry. And also when they were talking about a baseline and testing of the water and the depth, they only spoke about the depth of the water, they never spoke anything about what happens to the water once you start blowing with ammonium nitrates and other chemicals and what goes into the ground, nor what is in the rock itself that can be loosened.

We have done samples, and they said they had done samples on dust, but the dust that comes out of there has a small amount of mordenite and mordenite is similar to asbestos, it is a cancer-causing agent, and for them to be allowed to continue to come down the road and not be tarped even though they've agreed with the County Commissioners' office that they would tarp their loads. When Mr. Boldt went out there, they were warned in advance that he was coming. There was three trucks that sat there all tarped up. Now everybody that lives around that quarry knows that there's never three trucks sitting around, they come and go just as fast as they can.

In 2002 the wells that were noted to be tested was changed by Maul Foster & Alongi. The community wells that were on that hill that service more than one family were wiped off that list. Most of those wells that were put on that list were east of the quarry. The slope is 40 to 50 degrees or percent coming off to the west. When the initial mining really got going, we lost 12 wells, and that wasn't supposed to be that way. Even though the hydrologist and geologist that they talk about coming in and doing the geological testing and everything told them and told the Commissioners and the group that this is what's going to happen, you're going to touch aquifers that you're not even talking about and it shouldn't be allowed, and yet it still went through.

The proposed changes failed to reflect that Clark County has no effective enforcement of County law as it relates to existing surface mines. While this may reflect a lack of interest in enforcement by a majority of the current County Commission, the County should adopt an enforcement framework that is not subject to political meddling. Absent a substantial and robust enforcement system that includes creation of a direct avenue for citizen enforcement of County rules, surface mines will continue to have serious adverse impacts on Clark County residents, property owners and natural resources values within our county.

3.59. Any new surface mining rules should be applied to both existing and proposed mines. A number of the existing mines in the county and specifically those operated by Storedahl are having serious impacts on water quality and livability of adjacent residential properties. While the lack of effective enforcement of existing rules by the County is certainly a major cause of these impacts, the Planning Commission should not simply grandfather the operation for existing mines so that the impacts to water resources from these mines can continue.

As an even number of mining interests have acknowledged publicly, there is no effective way to comprehensively permit surface mines as an outright use given the unique locations, features and impacts from each mine. Mining should continue to be regulated through the comprehensive plan as you suggested. Permitting definitely needs to be better regulated. Thank you for your time. Appreciate the work you've done.

BARCA: Seeing no questions, thank you, Mr. Rogers. Cindy Lam, please come forward. Mr. Christ.

CHRIST: My name is Peter Christ, C-h-r-i-s-t, spelled like Christ. I live at 28818 NE Hancock Road in Camas. I have heard wonderful testimony today from Mr. Eisemann, Mr. Mann, the other CALM people and Bill Cantrell I want to mention, and I agree with all of this so I'll be very hopefully fairly brief, I'm not going to go into big, big detail.

I do want to mention a few points that I feel are extremely important. First of all, the expansion of existing mines must adhere to all regulations that are expected for new mines. Otherwise, as has been pointed out by some other people, there is a daisy-chain affect that can happen and we go from one property to another property to another property and pretty soon we're right in the heavy residential area, so we must really have that happen.

The other thing is all mining activity, and this has been mentioned too, but again I think it's important enough just to say, should be governed by a Type IV legislative process and not the Type III. We have to have hearings when we're going to have changes.

Thirdly, the 200-foot setback for mining activity is essential. We heard the Storedahl people say, oh, that isn't important, we can go right up to 50 feet, we can go less. That's ridiculous. 200 feet is minimal. I'd go for 500 feet but I probably wouldn't get it, but we need to at least have the 200 feet.

The next one is, again we heard the Storedahl people say that it was not necessary to include checking wells that were less than one-half mile away or more than, you know, a short distance away. I think one-half mile is a minimal distance. And from what I've read, wells within a half a mile, even within a mile can be vastly affected by mining activity. I've read many things on this. I won't go into it because I think it has been covered before. Monitoring of course is very important.

One thing that only one person has mentioned but I think it's extremely important, Bill Cantrell mentioned that rock crushing and other extraneous activities that are not exactly mining should not be allowed, or should be highly regulated because they don't need to do these at the mine, and we really -- rock crushing is very deleterious to the living conditions of the people around the mine.

Just one other thing that I want to mention. The Storedahl people said that there was no reason to consider -- in fact I think his very words are we shouldn't consider roads when we're considering mines. Well, this is blatantly ridiculous as far as I can see, because the roads, as I mentioned actually last time, the roads abut private property. And if we're going to allow a mine with the thought that, oh, well, we'll just expand the roads, you know, some other time, well, what's the County going to do, they're going to take over everybody's property on each side of the road. I mean this just doesn't, it doesn't make sense and it would be very, very expensive to do. So the roads really do have to be considered when you are considering whether there's going to be mines.

That's basically what I want to say, except one other thing that hasn't been mentioned anywhere today and that is that the mines have a very bad effect on animals and on possible endangered species. And I think that, you know, we can all say, oh, well, we're humans, we don't care about that. Well, we do care about that. And I think this has to be considered that if the mines take over a stretch of land where the animals and endangered species cannot get through, this is going to have a very bad effect on them and I think we'll all be at a loss if we lose some of these species.

Thank you very much.

BARCA: Questions? Thank you, Mr. Christ. Linda Franklin. Gayle Rundstrom. Desmond Caravella. Jayne is it Sishton?

SIROSHTON: Siroshton.

BARCA: Yeah, close, I get it close. All right, thank you.

LAM: Hi. My name is Cindy Lam, spelled L-a-m. I live at 27416 NE 55th Street in Camas. And this is directing towards - actually I think it's Page 14 - the very last wording around temporary building site and temporary uses. And so the task force proposed that some structures should be exempt from obtaining a temporary use permit. On its face, this provision is meant for those types of buildings that are temporary in nature such as construction sites. Construction and mining are fundamentally different in duration despite sharing many functional and visual similarities. Mining can go on for years, whereas a construction project is generally a limited duration. So if the use is truly temporary, the operator should apply for a temporary use approval; if not, then the operator should simply apply for a permit to have the structure on the site permanently. Thank you.

BARCA: Thank you.

SIROSHTON: My name is Jayne Siroshton, the last name is spelled S-i-r-o-s-h-t-o-n. I live at 30210 NE Spud Mountain Road, Camas, Washington.

BARCA: Jayne, just one moment please, let me get up the next person. Fiorin Zeviar.

ZEVIAAR: I decline.

BARCA: You decline. And does Dorothy?

ZEVIAAR: I'll pass.

BARCA: You'll pass as well. Laurie Kinsey. George Kinsey. Dennis Franklin. Loretta Callahan. Paul Harris. Tim Aldrich. Blaine Graff.

GRAFF: No comment.

BARCA: No comment. All right. Tyler McCullough. James it looks like -- oh, Tyler's coming forward, fantastic. Jayne, please.

SIROSHTON: Thank you. I'll keep this really brief. I want to say thank you and thank you to Mike Mabrey as well. And I agree with what everybody else has said. Right at the beginning Mr. Dentler one of his comments was, as you become more distant to mining, the less interest you have in it. I think that's probably true, and that kind of leads me to the one thing that I think you've noticed from all the testimony, that the enforcement, you know, people asking for an ombudsman and enforcement.

The enforcement really needs to have teeth to it, not just like small fines for big operators, but something real. And I heard mention before that there should be some kind of process where a license can be revoked for serial infractions, I would like consideration as that if infractions keep occurring. You know, Yacolt Mountain is a hideous mess, and I know Axel has to work on it all the time trying to make it -- trying to put some Humpty Dumpty back together again and it can't be done, and we just need to prevent that from happening in the future. And, again, thank you very much. Thanks.

BARCA: Thank you. James Griener, Griener. And, let's see, it looks like Tsuyoshi Inouye. Karen Streeter. Please, go ahead.

MCCULLOUGH: My name is Tyler McCullough. I live or -- T-y-l-e-r, M-c-c-u-l-l-o-u-g-h. I live at 29400 NE 70th Circle, Camas, Washington 98607. I just want to say that I agree with the Friends of

the East Fork, CALM and everybody that spoke for CALM tonight, they did a great job covering all of the code and procedures. I just want to make sure that we submit a request for the next County Commissioners' meeting that it be a night meeting. We have had an incredible amount of people that have wanted to voice their concerns, and we want to make sure that when we are in front of the County Commissioners, that everybody is able to testify. And most people work throughout the day, and I know they either have a 10:00 a.m. meeting or a (inaudible) meeting in the evening, so I just want to put that request in to make sure that happens.

BARCA: And it appears that staff has noted your request.

MCCULLOUGH: Great. Thank you much.

BARCA: Before you start, Ms. Streeter, Alan Dragon. Julie Ward.

PUBLIC: Gone.

BARCA: Gone, okay. And Jason Ward.

PUBLIC: Gone.

BARCA: Gone. Stacy it looks like Rerick. And that would be Chris Rerick as well. Bob Weber. Sybil Hill.

GIZZI: Bob's coming forward.

BARCA: Oh, Bob's coming forward. I'm looking at my list, I'm not looking way out there. Okay. Please, Ms. Streeter, go ahead.

STREETER: Thank you very much. Good evening. My name is Karen Streeter, S-t-r-e-e-t-e-r, and I live at 36861 SE Woodings Road in Washougal, Washington. I live next to a mine that hasn't been mentioned so far, it's the Zimmerly Pit mine located in Washougal. This mine was given a permit in 1972 by the DNR, they're currently operating under a 1972 ERA SEPA and things have changed a lot since then. So I'm very interested in the proposals to the code requiring expansion or changes be reviewed under this new proposal.

I have three points I want to talk about tonight. One is hours and times of operation, public notice and noise pollution. Earlier Mr. Dentler talked about his opinion that it wasn't the County's role to be discussing or administrating hours of operation for a business and I completely disagree with that. I live next to a mine that has been operating on and off for the past year. It just suddenly started up on a Monday morning, we didn't get any sort of notification or anything. As such, I proposed some comments to Mr. Mabrey, and they are in your current version, they've got my name behind them, but I did make some proposals about the times and dates of operation as well as holidays. I did propose Veterans Day be a day that they don't operate.

Public notice. There's been a suggestion of doing public notice via e-mail and I just don't think that that would be feasible to be able to, you know, get all of the e-mail addresses of everybody in that vicinity area, and propose that we stick with regular mail and the current method of public notice. It seems to be effective, it's tried and true. E-mail, the next thing you know they'll be Tweeting or Facebooking or giving us notices that are even more short-term when I think the level of impact on the residences warrants time and consideration.

My third point is about noise pollution. So having -- my family has been the recipients of quite a bit of backup beepers and excavator noises, and we have experience with this that has lent us to propose some changes to the code to accommodate the requirement for, let me find what page it's on here, on Page 10 I made a comment about performing the noise measurements at the property line.

On my property we have a deep canyon that separates us from the mine and the property line is on

the stream that's in the bottom of the canyon. When you stand down there in the stream, the mine's about 100 feet up and my house is about 100 feet up, so line of sight we can see each other, but down in the canyon you can't see or hear anything. So a noise measurement taken down there would not be at all reflective of the noise measurement that you would get in my kitchen. So I'm proposing that we find a way to describe the code to be able to have noise measurements count on the interior of a recipient's property.

Additionally, I have included a proposal on Page 12, Item Number i, to require a noise study to be completed by a licensed acoustical engineer as part of the application materials when a permit application is being proposed by a mine operator. Gathering this ambient or background noise level prior to the start of the mining activity is essential in order to determine the impact of the measurement during the mining activity. So in order to determine that net change, you've got to know what it is before the mining activity starts.

Additionally, the code references a State chapter or a State law, Chapter 173-60, it's the maximum environmental noise levels regulation from the state of Washington. And I did want to point out that within that part of the State code there is an exemption for sounds created by safety and protective devices, that would be backup beepers. Meaning that while a mine operation would be able to keep all of their noises quiet, the backup beepers would be exempt between the hours of 7:00 a.m. and 10:00 p.m. I think that's problematic, and I think that is a little bit difficult to be able to deal with that and have them say, hey, I'm totally in compliance, all that noise is exempt. I think the County can do better. I think that we can find a way to control this and control the effect on our communities.

There was also a question about the State departments and how do they respond for a compliance. I've had experience with that and I went to their website to find out what they would say in terms of noise pollution, and it says, if you have a noise complaint -- this is on the Department of Ecology's website, "If you have a noise complaint or questions about noise enforcement, contact your local government." So there is nobody to respond. They drop it right back to the local government level which is you guys. So I did want to point that out.

We've tried to get the State DNR and Ecology to respond, they're located in Castle Rock or Olympia, they're not responsive to our community down in Washougal. That's all I had tonight. Thank you.

BARCA: Questions for Ms. Streeter? Thank you for your testimony. Sybil Hill. Reino Hill. Cynthia Frankel. David Hill. All right. Mr. Weber, please.

WEBER: Thank you. My name is Bob Weber, W-e-b-e-r, address is 29403 NE 92nd Circle in Camas, Washington. Some of the issues I want to speak to tonight aren't necessarily on the list but I believe should be in policy.

In the 1994 mineral focus group study they made a discreet delineation between hard rock mines and sand and gravel. I work in construction, I've been an estimator for 30 years, I read a lot of specifications, I build basically Public Works projects. Hard rock mines you're going to have constituents for road base, you're not going to have the sands you need for asphalt, the sands you need for concrete. And I don't know that this current study really addresses, you know, how short are we on sand versus where are we on hard rock, it's more of a, you know, all rock is the same kind of an approach I think.

The other issue was the mining properties are taxed at a very, very low rate. For example, Livingston Mountain Quarry just sold for 2 and a half million dollars but it's assessed at 350,000, so it pays \$6,000 a year in taxes. If they take -- I think the County's position is, you know, we're going to make it up on sales tax. But if, you know, 30 percent of that material goes to Oregon, the County doesn't, you know, they don't recoup anything on that.

Another thing that may be considered is to protect if this is for Clark County, if these resources are for Washington, that I don't know if you can apply a tariff or a restriction to stop it from going out of state.

BARCA: The answer is no.

WEBER: Okay, I thought I'd ask. The one thing that's really been echoed throughout everybody's testimony is the enforcement, and I've been involved, you know, in the hearing examiner process for Livingston Quarry, for Livingston Mountain Quarry. The system works very well through the hearing examiner. They put -- they listen to the arguments, they see through the BS, they put rational limits on what, you know, what the conditions of operations are. Unfortunately after that point it just falls off a cliff.

In both those instances the operator has gone in and pretty much done what they've want. The first permit for Livingston Mountain Quarry had I believe ten conditions of operation, eight of them were never enforced and were never done. Call into the County, there's no, you know, basically there's nobody there, you know, specifically who can deal with it. They'll call them, they'll send them a nasty gram, but there's nothing to get the operator to comply, there's no stick per se.

So I think that's, you know, that's probably the biggest thing I see as far as what goes on is that ombudsman or someone to as a dedicated individual to enforce this stuff, because if they did it will work, you know, pretty well. There's some operators who self-enforce and they do a good job; others not so much. And I think that's about it.

Oh, one other thing, on the sound and hydrology, I don't know that the -- does the County have a hydrologist on staff to --

MABREY: No, we don't.

WEBER: Because typically again as these things come forward it's the operator who's hired the consultant, and some of them are pretty pliable when it comes down to working, creating data to match a story that they'd like to see, so an independent review of that might be, of those two critical items might be in order so... Thank you.

BARCA: Thank you for your testimony. We have Cliff and Nancy Benson.

BENSON: I decline.

BARCA: Micki DuFort.

DUFORT: I agree with CALM.

BARCA: Thank you. Kat Thompson. Jeremy Davis. Val Alexander. Rich Vermeers. Judy Vermeers. It looks like Sigrund Shoemaker.

SHOEMAKER: I agree with CALM.

BARCA: Okay, thank you. Linda Rictman.

RECTANUS: Yes.

BARCA: Come forward, please. Wow, we're doing good. Please, go ahead.

HILL: My name is David Hill. I live at 27511 NE 46th Street, Camas, Washington 98607. I said before at one of the previous meetings that these guys need to have some scrutiny, and we were talking about enforcement. You listened to their people, and the dust is okay, the wells are okay, there's no runoff, they're in compliance, heck, the explosions can't possibly do any damage, they're in the curve. But you've heard a lot of testimony and I think the people of Yacolt are going to take these guys to task, and the people that live around the Livingston Quarry are also have valid points. These guys are horrible neighbors and they are not in compliance I'd be willing to bet and they

should be scrutinized and they should be taken to task. Thank you.

BARCA: Thank you very much.

RECTANUS: Hi. Linda Rectanus.

BARCA: Oh, Rectanus.

RECTANUS: Rectanus.

BARCA: Oh, I really butchered that, didn't I. I'm sorry.

RECTANUS: Yes.

BARCA: Before you go forward, let me see if I can pull up somebody else. Barb Repman.

RECTANUS: I think she left.

BARCA: Lois Weihl.

WEIHL: I agree with CALM and Mann.

BARCA: Kathleen Miller, come forward, please. Go ahead.

RECTANUS: My address, 7404 NE 269th Avenue. I agree with CALM, Mr. Mann, the land use planner, so I don't want to go over all the points that other people have made, but a couple of very brief things. On the standards to the hours of operation, if the extended hours are approved 6:00 a.m. to 6:00 p.m., I think that 6:00 a.m. to 8:00 a.m. should be limited to hauling and loading only. The rationale was given that rock and rock products need to be at the job site by 7:00, so if that's the case, only hauling and loading should be necessary, they shouldn't be able to commence other operations such as drilling and crushing.

The other thing, on the exceptions to the normal operating hours which is D.5.e. subsec (4), I agree with CALM's recommendation on putting pretty strict limits on it. You know, the previous language had nothing to do or had nothing addressing limitations and I am just concerned that exceptions really are exceptional. At the work session Mr. Mabrey said that the usual situation is that the quarry operator would bid on and secure a contract and then come to the County for permission to operate outside of the normal hours, and then Mr. Orjiako said that none of these requests have ever been turned down. And I just want to make sure that it doesn't become a way to circumvent the normal hours of operations that were approved so...

The last thing I want to say is I don't think that the certified mail situation is working very well for most of us. Because of mail theft and malicious destruction of our mailboxes a lot of us have Post Office boxes and sometimes it's hard to get there during the times that the window is open and you have to go up and sign for the certified mail. So I would request just having regular mail, you know, everybody gets it, you can get it at home, you can pick it up at any hours at the Post Office, so I think that would be a better way of notifying us of blasting. So I think that's about all I have to say and thank you.

BARCA: Seeing no questions, thank you for your testimony. I have a Karen and then I apologize --

SMITH: Can't read it. Is it Smith?

BARCA: It's Smith? Wow.

MABREY: Stumped you.

BARCA: Yeah.

QUIRING: It's not Jones?

SMITH: I tried to type.

BARCA: Well, just to be sure, 5507?

SMITH: That's correct.

BARCA: Pardon me here.

SMITH: That's all right, it's a common problem.

MILLER: My name is Kathleen Miller. I live at 28019 NE 62nd Street and that's Camas. I'd like to concur with comments about keeping expansions of mine treated as new mines. You can't build a new house on your property without getting permits, why can you just expand your mine without treating it like a new building as well.

When we were talking about baseline well testing, I asked to be part of that. I was told my house was 4,000 feet away or my property was 4,000 feet away and that I wasn't eligible for that because that was stuck at 2,000 feet. Well, I feel those blasts. These couple of times this month I've actually gone out of the house thinking there was an earthquake. I'm having definite changes to the water surface runoff on my property. I'm actually out there with a shovel having to do water diversion. I've got new things coming up out of the ground. You can't tell me that the blasting is not affecting the bedrock under my property.

So I really believe that we need to be looking at these very closely. When they make comments about, you know, half a mile might be too far, that's ridiculous. I mean I'm three-quarters of a mile away and this is definitely impacting my way of life. So, you know, I could be really redundant, but I think that's where I want to, you know, keep the focus of my testimony on.

BARCA: Any questions? Thank you very much for your testimony. And we'll go and pull up Jamie Koenig.

KOENIG: I agree with CALM.

BARCA: Greg McKee.

MCKEE: I agree with CALM and Mann.

BARCA: Thank you. And Tami McKee.

MCKEE: I agree with CALM and Mann as well.

BARCA: Thank you. Julia Lovell. All right. Ms. Smith, please.

SMITH: Karen Smith, that's S-m-i-t-h, and I'm at 5507 NE 276th Avenue and that's Camas, and I have a number of brief things here. The first was my concern over the hydrologist that spoke earlier today.

Last fall there was a variance meeting that the mining interests were requesting permission to cease baseline well testing for the water levels. They had completed 7 sites out of about 149 I believe if I remember correctly, and they were required to go for a year and they were requesting to drop that, and I forgot how many months, but I think it was about six months short. They argued that the abbreviated period of testing and the painfully low sampling was adequate, they felt that it wasn't statistically necessary to have more than that, it wasn't even a statistical issue as I recall was their comment.

The County ruled in their favor. My question is to you, why is this coming up again? A baseline is a baseline. They had their baseline and they gave it up. It's a scientific thing, they can't do it again. So if they're wanting to do a baseline again, it indicates maybe they shouldn't have quit the variances, you know, asked for the variance in the first place, that's my comment.

On reclamation, I grew up in Ohio, I've spent a lot of time in Virginia and Kentucky and my grandfather was a coal miner and so I'm familiar with strip mining, and actually they do a very good

job of reclamation out there for the most part. We have nice lakes, big fishing, that's not a lake up there, that's the side of a mountain, it's a shelf. And also I worked for several arboretums in a professional -- we did research on hardiness factors of plants in North America, and that hill over there faces west, I mean south, and the chances of really getting something growing over there is going to be difficult at best, and it's not a place where you can put a pond. So I'm not sure what they have in mind for reclamation, but it would be a shame to tear much more up than is already torn up.

I had a concern about the wells, and so I took it upon myself to sort of take Section 12 and 13 of T2N R3E which is part of what the overlay would have been. We didn't do everything because we just picked those two because basically most of the people that came to the meeting last time from were Section 13. It's not that the other sections weren't important, but it was a time factor. It started this at the last meeting and then there wasn't enough time to kind of get the information together before now.

But what I've done is I've pulled every single well log in 12 and 13, and I'm not trying to be critical, but this is not an easy thing to do I found out. I thought I was just going to go under the computer and run some spreadsheets, but unfortunately I was trying to establish the well depth and the yield, the yields of these wells in these sections at a specific address, a specific site, a parcel number, and then that way I thought if we put this on a map, we could kind of get an idea of exactly what was happening here.

Because quite frankly we're on a hill, several hills, and what happens underneath those hills can be very alarming in some respects. The water doesn't do normal things, like if you're down at the beach, you know you're going to have water. So the well search ended up to be very complicated. Unfortunately I didn't get the kind of data I wished I had so I could make some big conclusion for you tonight, but I can honestly say that.

Part of the problem is when you go into the well log, there's a couple of ways to do it. You can do it by text which is, you know, or you can do it by map. If you do it by map, they refer you to the address, so you don't know the address so you go to the text. When you go to the text, unfortunately they alphabetize the well owners by first name. So if you're going to try to cross-reference that to a parcel, it becomes extremely time-consuming. It can be done. There was only like the County on their own admission only has ten percent of all recorded wells matched up to a parcel ID number.

BARCA: You need to stop right now? Oh, excuse me, we have a technical difficulty I've just been informed about, can you just hold for a moment.

SMITH: That's okay, I can breathe.

BARCA: Why don't we take ten minutes and we will resume your testimony at that time.

SMITH: Thank you, sir.

MCCALL: I'm sorry about this.

SMITH: No, that's fine. I could use a break. Thank you.

(Pause in proceedings.)

BARCA: We're going to reconvene, and Ms. Smith was in the middle of her testimony, we will allow her to conclude.

SMITH: Where do you want me to start? Where did I stop?

MABREY: Difficulties with collating the well information.

QUIRING: Trying to put together.

SMITH: Oh, yeah, the well information. Well, like I said, ten percent of -- according to the County only ten percent of the recorded wells have a parcel ID, 24 percent of the people in this county are on wells and the well log itself is not attached to the property specifically. Usually --

BARCA: Ms. Smith, please talk right into the microphone.

SMITH: There may be -- it may say it's at 144th a thousand feet north, so a lot of them are like that, it's hard to really pinpoint where they are. But the owner however whose name will be on the well log is either the developer who developed the area or the first time owner who actually had paid for the well to be drilled, otherwise it's up for grabs. You have to know the first name of the person who drilled that well to actually get back to it in many cases and that's not easy, but it can be done, there is a way that you can figure out most of this stuff.

So the Department of Ecology does have a disclaimer about the reliability of the information on this site, and I would agree in many cases the records are double entered. So it's hard to get adequate data that's actually you can say, well, this is the way it is because then you go through and, oh, my gosh, there is the same thing with it but they've given it another (inaudible) number but it's the same well.

So what I'm going to say next is that I'm using their disclaimer because I'm using their information. So I just went right off the numbers that they had, I pulled all the numbers that -- oh, the other thing is they have a spreadsheet which includes the well log which has the depth and the diameter of the casing, most of them are six inches and some other stuff about the well ID, but what it doesn't have on there you have to open up the .pdf to then get the depth of the well, so it's not on a spreadsheet and it's not on the same piece of paper.

BARCA: Do you have a bottom line for us?

SMITH: Yes. The bottom line is it's difficult. But the other thing for the yields for instance, I combined the sections of 12 and 13 and most of the wells end up in like I would say the 7 to 10 gallon a minute. The County evidently permits 400 -- what was it. It was an odd number -- 400 gallons per day is good enough to build on and that means a half a gallon a minute. So that's a pretty low yield well but it's acceptable. However, what the well drillers see as a good well is 10 to 15 gallons a minute and unfortunately we don't have a lot of that up there. So the yields of gallons per minute is mostly in the 7 to 10, but you have some that are way above and way below.

And the depth, the normal depth is about right about 76 feet to 150 is where most of them are. And he commented about the mine being -- the well water being at the same elevation. Well, that mine is at 1,010-foot elevation, those of us who are up around Hancock 276, Hancock's a little higher, 276 is almost 1,000 feet, so we're just about level with them in terms of the earth, there's a valley in between.

But what I guess I'm saying about this is I don't quite understand where they're pulling their information to make their decisions about the fact that the, you know, they understand what is happening here with the wells. Because if they're using the same information I was pulling, it's difficult and it would take months to get this sifted out correctly to really feel like you had the right answer. So when they say the hydrologists say they are pulling it, if they're saying they're pulling the well logs, well, then I don't know if I believe them. That's all I have to say.

And also the other thing is I think that it becomes painfully evident with pulling this material that a lot of people -- so we have a baseline of people up there that have fairly decent yielding wells, we have a lot of people that have terrible yielding wells and if those wells were to fail, their neighbors don't have very good wells either. And it's not a matter of you can knock on the door and say, well, can I hook up to your well because they won't be able to say yes. So if for one reason or another these wells are compromised, it's going to be a pretty sorry state of affairs for a lot of

people. And that's all I have to say. Thank you.

BARCA: Thank you for your testimony. We have Joan and Marty is it Kambeitz, Kambeitz. Okay, I know it's not Smith. Karen, oh, you know what, Karen, you signed up twice because I recognize the signature.

SMITH: No, I didn't.

BARCA: 5507 NE 276th.

SMITH: Oh, I signed in on a list when I came in.

BARCA: You know, it's great, it's not a problem. I recognized your signature. And that concludes the sign-up sheets. So anybody else that wishes to testify, please come forward, you're welcome to sit down here. We're going to go ahead and let Julia testify.

LOVELL: Hi. I'm Julia Lovell, L-o-v-e-l-l. I live at 26918 NE Bradford Road, Vancouver, 98682. And I wasn't prepared to testify, but you had asked about if anybody had tried to find out, you know, who --

QUIRING: Jurisdiction.

LOVELL: Yeah. And I -- so we bought our house about four years ago and we had no idea that there was a mine up there, I don't think it was active at the time. But the first time there was a blast I wasn't home, my husband was, and he called me up all upset that, you know, there was something like a jet plane that just went over and our house shook.

And so he -- you know, I'm the one that gets on the Internet and finds out what's going on, and so I did that. And I called the County and they assured me that, you know, it was that there was a mine up there and that they were blasting and that's what it was. But we don't -- we were not in the range of notification so we had no idea. And we actually asked if we could then be notified, and so she just referred us to the owner Tower Rocks and then they in turn referred us to Storedahl.

So at this time -- and the second expansion or with the expansion of the mine, we were within the 2,000 feet for the well water testing although they didn't actually use our well as a test, but so we're within a close range yet we get no notification and so... But our house shakes and, you know, things have fallen off the wall and we are very much impacted by the blasting.

So we -- I would like to -- I agree with the others that have regarding the enforcement, and that we have -- that you add monitoring and enforcement to this whatever they're called, recommendations. And other than that I just agree with the other items that CALM and Mann have already testified about. Thank you.

BARCA: So, Ms. Lovell, can you tell me how far your house is from the blast site when your husband called you up and said this was such an adverse impact to you?

LOVELL: Well, we are within 2,000 feet of the new mine, you know, the newly active mine, and our house is actually closer to the other one.

BARCA: So you're within the half-mile notification currently then?

LOVELL: But we don't get any notification.

BARCA: But you don't get notification.

LOVELL: No.

BARCA: Fascinating.

LOVELL: And I requested it, but Storedahl doesn't provide notification when a homeowner requests it.

BARCA: Any questions? Thank you very much for your testimony.

BLOM: Can I ask one question?

BARCA: Oh, certainly.

BLOM: How would you prefer, because there seems to be a wide disparity in how people want to get notified, I hear people talking about mail, and to me I check my e-mail six times a day, I check the mailbox once a week, so just for you how would you prefer to get notification if you had a choice?

LOVELL: I would probably prefer e-mail, but my husband is the one that's home during the day and he'd probably prefer mail so...

BLOM: Thank you.

BARCA: If you would like to come forward and give testimony, please.

LAM: Okay, sorry.

BARCA: You know the routine.

LAM: Yes. Cindy Lam, L-a-m. I'm at 27416 NE 55th Street in Camas, 98607, and I was just going to speak to how the notification is. We're also within probably a half mile and our house shakes, lately about when the days around 3:30 is the schedule, but as far as notification goes it's really hard, you know. When we first moved into the house back in 2005, it took three years to get Comcast out there. So a lot of the places where the mines are located might not have the infrastructure to even have Internet or you have to go to satellite.

And then there's also the local school, I'm on the parents' group for the local school and we have a hard time connecting with the parents because the rural nature of the student body gives you a whole diverse methods of connecting with them, either through mail or telephone or e-mail, you don't have a high percentage of folks who are electronic or online as you would think so... I don't know if there's one answer to any of them. Probably the old fashioned certified mail for what it's worth, probably that way you have a record to track that, but I just wanted to make that note and comment because it is it does vary across the population. Thank you.

BARCA: Okay, thank you. We have somebody else coming forward.

KOENIG: I'll be brief. My name is Jamie Koenig, K-o-e-n-i-g. I live at 26111 NE 52nd Way, Vancouver, and I just wanted to piggyback off of the last couple of people. I live about a mile from the mine and I do feel the blast at the house. I moved in two years ago and the first time it happened I - the same thing - picked up the phone and called people I knew to try to figure out what was going on. I thought something had exploded in my home, and I felt it coming from the direction of where the mine is on the other end of the house where I was, I thought things had fallen off the wall, perhaps one of my utilities in my basement had exploded and I felt it earlier this month as well. So it is very real and part of life, you know, living near there.

The other concern I had, and I'm not sure if anyone's testified to this yet, but there's a major natural gas line that's underground up there that goes through the mountain. And I'm not -- perhaps you can give me feedback as to whether or not anything has been addressed about that. But earthquakes are pretty much the only thing I believe that can affect a major natural gas line safety and whether or not they explode, you know, underground and catch fire. So I'm just wondering if that's a concern to anyone that we have that major line and the earthquakes that are caused by the blasting nearby. Those are my only comments.

BARCA: This is the first I think we've heard of a gas line. Okay, I see your demonstration. I think it would be nice for staff to address that. I don't believe that you're probably prepared to address

that at this moment in time, but just I think for the record it's probably appropriate to at least acknowledge it and if that's truly the case and see what we have done in our permitting process around that. Thank you for --

KOENIG: Thank you.

BARCA: -- bringing that to our attention.

KOENIG: Thank you.

BARCA: Is there anybody else from the audience that would like to come forward and testify? Sir, please come forward. And if there's anybody else after this gentleman that would like to come forward, we have an open microphone. Okay. Seeing none, this might be the end.

BREUER: Hi. My name is John Breuer, B-r-e-u-e-r. I live at 25618 NE 53rd Street immediately adjacent to the Williams Pipeline that the previous witness just mentioned. I have Googled it, I'm exactly one mile from the southwest edge of the Livingston Mountain Quarry and I feel every blast. Thank you.

BARCA: And knowing that you're outside of the notification, do you ever know in advance that they're going to blast?

BREUER: No. No, I don't. The dog dives in the bathtub.

BARCA: That's your first notice?

BREUER: Yeah. Yep.

BARCA: Does the dog dive in the bathroom before the blast?

BREUER: No, he goes running when the house starts shaking. And, you know, if you're outside and unfenced, I might not see him again for a day.

BARCA: Thank you very much. Okay. Seeing nobody else coming forward for testimony, I believe that we are going to close public testimony on this issue and I bring it back to the Planning Commission for discussion.

JOHNSON: Well, Mr. Chair, we have 13 pages plus here to go through individual items with another load of paperwork, it's almost more than my dissertation. I'd like time to digest this. And so I mean if we're going to, it's 10:30 almost here and we're going to go through each point I assume, correct me if I'm wrong here, one-by-one, give our opinions on each, up or down vote, I'm not sure how many there are per page or per whatever, but for the record I'd like time to go purview and review and then come back to this to take it apart.

QUIRING: And that wasn't a motion, but I would second it.

JOHNSON: It was just a thought.

BARCA: Right, that was not a motion. Is there any other discussion from anybody else on the Commission? So we have two possibilities here, we would take staff recommendation, create an up or down vote and that would set the basis for what we do afterwards, or we just come to consensus agreement that we want to go through it point-by-point looking at all of the potential modifications that have come into us from the various sources and craft what we consider the best policy and direct ordinance that we can based on all the testimony. So is there anybody that wants to just go with the up or down vote?

GIZZI: I mean given all that we've heard tonight from both sides, and quite a lot of it is very detailed and frankly has changed some of my thoughts, I think we have to go through this line-by-line. I mean I have notes on these and some of them are just going to require some thought and reference back to some of these, but I don't think I could vote on up or down on staff

recommendation.

BLOM: I agree. I think that we owe both the people that took the time to come down and speak to us the due diligence to go over this and send to the Board of Commissioners what we feel is the best draft of these policies and standards.

BARCA: So that being said, public testimony is now closed. We will not deliberate on any new information, but we will utilize all the information that has been brought to us as of November 21st. So I guess we will be continuing until a date certain. Do we need to do that in motion form?

ORJIAKO: Chris may -- I think I'm on.

BARCA: You're not on.

MCCALL: Now you are.

ORJIAKO: Our legal counsel can answer that, but I will say that the earliest the Planning Commission can meet and deliberate will be January 16, 2014.

GIZZI: Don't we have a meeting in December?

ORJIAKO: You have a hearing in December, we have space issue, this space is taken by the hearing examiner. So your hearing will be -- we will manage the Board training room where you had your work session this evening, we will do our best to see how we accommodate you there, but with all this interest on the mining I don't want to utilize that space. Unless we have to go to your deliberation on this matter on December 5th, then we may have to look for another space, but that's the issue we have. Otherwise we'll go to -- I don't know whether we'll have a forum on December 19th, it's coming closer to the holidays, so if that's not available, then I'm looking at January 16th.

BARCA: I will not be present December 19th.

ORJIAKO: And I'm glad I spoke, because again we will have to poll the Planning Commission and see who's available to make sure there is a forum, so that's why I'm looking at January 16.

QUIRING: So you're saying the earlier December date will not -- we would have to use the training room and it doesn't accommodate the --

BARCA: And there would only be four of you.

QUIRING: Not the later January date.

BARCA: No, December 19th.

QUIRING: December I mean.

BARCA: Yes.

MABREY: No, the 5th.

QUIRING: No, I mean of the 5th.

ORJIAKO: December 5th.

QUIRING: December 5.

BARCA: Oh, December 5th.

ORJIAKO: We might check to see whether the elections room will be available. And you have I believe the biannual code on that same evening. So if that's your wish, then we can look for another space for December 5th.

BARCA: December 5th.

GIZZI: I'm good December 5th.

MCCALL: I'm going to see if that room is open through here.

BARCA: So it appears that the wish of the Planning Commission would be to try and accommodate deliberation on December 5th if we can find the space.

ORJIAKO: Yes.

BARCA: So we will of course notice for that and that will be predicated I guess based on having available meeting space. Because you all are going to want to be there, aren't you?

PUBLIC: Yeah, and we want you there too.

BARCA: So please give us the advice we need.

COOK: If you're going to continue this, it does need to be to a date and time certain or we could re-notice it, either one.

BARCA: I think we have to re-notice based on the potential meeting space conflict.

QUIRING: But she's looking it up to see.

MCCALL: I know that the Vancouver City Hall is not open, they're having a hearing examiner there. I've tried the Columbia Room at the library, that is not available. This room is not available on December 5th.

QUIRING: Did you say the elections?

MCCALL: I'm trying to see if it's on -- it doesn't appear to be on --

QUIRING: The list.

MCCALL: -- my list here because it's normally booked.

QUIRING: And a re-notice is, does it require a certain amount of time?

BARCA: Yeah.

COOK: It's just like a brand new notice.

BARCA: Yeah. So we have enough time to investigate? Oh, I'm sorry.

MCCALL: We're not within 15 days to be able to re-notice.

COOK: Oh, December 5th?

BARCA: Yeah.

MCCALL: For December 5th we're not within 15 days to re-notice.

COOK: Oh, you're right. You're right. So if we can't find that out tonight --

MCCALL: I can find out hopefully tomorrow if December 12th has been canceled by the hearing's examiner, then this room would be open.

COOK: I'm not available on the 12th.

MCCALL: And that's pushing it for notice time.

COOK: I'm not available on the 12th.

MABREY: Could we consider sticking with the training room on the 5th and making it available by video somewhere else like Dragonfly, which maybe we've done in the past, because we'll have CVTV set up there, it will be on television, you can watch it anywhere in the world basically, anywhere in their service area at least. So we may not have a huge turnout, we could perhaps accommodate

them somewhere else in the building or another building.

BARCA: Since there is no testimony going to be taken at that point in time.

MABREY: Yeah. Just hold the hearing over there and we'll try to accommodate people watching elsewhere.

BARCA: Right. We'll hold a lottery for the available seats.

MCCALL: My only question is the legal notice question then because it's not 15-days notice.

MABREY: It doesn't have to be.

QUIRING: If we're doing it right now.

COOK: If it's continued then --

BARCA: Continued on a date certain.

COOK: -- we don't need notice.

BARCA: Right.

GIZZI: Then I make a motion that we continue this to December 5th.

JOHNSON: I will second that motion.

BARCA: There's been a motion and seconded. And I think in this case all those in favor.

EVERYBODY: AYE

GIZZI: All opposed? Just checking. Just checking.

COOK: You need to mention the time.

BARCA: Oh, so the motion is continuation, date certain December 5th, 6:30 in the training room, 6th floor.

VI. OLD BUSINESS

(NONE)

VII. NEW BUSINESS

(NONE)

VIII. COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

QUIRING: We're adjourned?

BARCA: I believe without any old or new business we are adjourned.

IX. ADJOURNMENT

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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