

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401



Project Name: Livingston Mountain Quarry

Case Number: PSR2002-00044; SEP2002-00068; HCG99-139

Parcel Number(s): 170400-000

Request: Site plan approval to mine a 40 acre site which has the Surface Mining Overlay

Applicant: Byron Slack
8515-C NE Hazel Dell Avenue
Vancouver, WA 98665
(360) 573-3923

Property Owners: Allan & Mary Thayer
2204 SE 149th Avenue
Vancouver, WA 98684

Location: NE Highland Meadows Drive; NE ¼ of Section 11, Township 2 North, Range 3 East.

Area: 40 acres



DECISION

Approve subject to Conditions of Approval

Team Leader's Initials: ATG Date Issued: 2/25/03

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Josh Warner	4898	joshua.warner@clark.wa.gov
Engineer:	Ken Burgstahler	4347	ken.burgstahler@clark.wa.gov
Team Leader:	Travis Goddard	4180	travis.goddard@clark.wa.gov

EXHIBIT #

72

Comp Plan Designation: Forest (FR-1)

Zoning: FR-80 with Surface Mining Overlay (S)

Applicable Laws:

Clark County Code Chapters 12.05A (Transportation), 12.40 (Concurrency), 13.29 (Storm Water Drainage and Erosion Control), 13.36 (Wetlands Protection), 13.51 (Habitat Conservation), 13.60 (Geologic Hazard), 15.12 (Fire Code), 18.302 (Agriculture and Forest Districts), 18.329 (Surface Mining Overlay), 18.402A (Site Plan Review), 20.06 (SEPA), Clark County Comprehensive Plan.

Neighborhood Association/Contact:

Washougal River NA
Steve Gibson – Council Member
PO Box 11
Washougal, WA 98671
Phone: 835-1716
E-mail: win@ispllc.net

Time Limits:

The application was determined to be fully complete on July 30, 2002. The applicant was asked to submit additional information and thereby, extended the deadline by 134 days. Therefore, the County Code requirement for issuing a decision within 78 days lapses on February 27, 2003. The State requirement for issuing a decision within 120 calendar days, lapses on April 10, 2003.

Vesting:

An application is reviewed against the site plan, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference waiver on this matter was granted on May 31, 2002.

The fully complete application was submitted on July 22, 2002 and determined to be fully complete on July 30, 2002. Given these facts the application is vested on July 22, 2002.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, Washougal River Neighborhood Association and property owners within 500 feet of the site on August 14, 2002. Notice of the likely SEPA Determination was published in the "Columbian" Newspaper on August 14, 2002.

Public Comments¹:

Allan Alexander, August 23, 2002

Barbara Repman, August 23, 2002 (first correspondence)

Warren & Becky Schippers, August 28, 2002

Patricia & Tom Cody, August 29, 2002

Mark Murawski, August 30, 2002

Petition from 14 residents, August 30, 2002

Keith Hirokawa (representing Michael Niquette & Deborah Mrazek), August 30, 2002 (first correspondence)

Carol McKie, August 30, 2002

Charles McKie, August 30, 2002

Project Overview

The site is located on NE Highland Meadows Drive, at the northerly end of NE 262nd Avenue. This is in the Livingston Mountain area on the south side of Little Baldy overlooking the Matney Creek drainage. The majority of the project area has relatively steep slopes and is rocky. Soils are relatively shallow with exposed bedrock in many areas of the parcel. A Department of Natural Resources Type 5 stream is located in the south-central portion of the parcel. The site has been recently logged and has no existing structures. There are logging roads throughout the site. The parcel to the west is an existing, but abandoned DNR-owned/Clark County operated gravel mine. The properties to the east and northeast are residentially developed. Areas to the north west and south of the proposed mine are forested. All of the adjacent parcels are in Forest zoning districts.

The applicant is proposing to excavate and remove rock from the 40-acre site. Approximately 4.5 million tons of material is expected to be removed. Truck trips will be limited to 16 trips daily. No processing will take place on-site. Material needing processing will be taken to Columbia Rock & Aggregate at 913 NE 172nd Avenue. The hours of operation are proposed to be 8:00 A.M. – 5:00 P.M.

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

¹ This list only includes those comments received by August 30, 2002. Staff also reviewed all other comments.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 – Zoning: The zoning of the property is FR-80 with a Surface Mining Overlay. The proposal to extract aggregate from the site is a permitted use in the zoning district overlay (CCC18.329.020(A)2). There is no on-site processing proposed and therefore a conditional use permit is not required. No crushing or other processing will be allowed on the site without further review (Condition B-1).

Finding 2 – Reclamation: The applicant is required by state law to have a Reclamation Plan approved by the Washington Department of Natural Resources (DNR), prior to commencement of mining operations (RCW 78.44.081) (See Condition A-1).

A DNR SM-6 Form is required for completion of the reclamation application. After issuance of Preliminary Site Plan Approval and expiration of the appeal period and no appeal has been filed, staff will review and sign a SM-6 form if it meets County standards & requirements.

Finding 3 – Fencing: CCC18.329.030(C) & (D) require that fencing and setbacks for the mining site meet DNR standards. These standards will be reviewed for compliance during Final Site Plan evaluation once the approved reclamation plan is submitted (See Conditions A-1 & B-2).

Finding 4 – Noise: CCC18.329.030(E) establishes the maximum permissible noise levels that can result from surface mining activities. The noise level limits are set in

accordance with the provisions of the Washington Administrative Code (WAC)173-60. CCC20.50.025(1)g sets out the Clark County SEPA policies for noise. The policy states that:

“new sources of noise (are to) be limited to the maximum environmental noise levels of WAC 173-60; even within these regulatory standards, an increase of more than five (5) decibels (dBA) over ambient noise levels at the receiving properties may be considered significant.”

A noise study and supplemental noise materials were submitted with the application materials (Exhibits 7, Tab 19; 59E, 62 & 67). The ambient noise, as measured at the property lines, is shown in Table 1 of Exhibit 59E. Table 1, below, shows the ambient noise levels and predicted noise levels with mining activities taking place. These predictions reflect the estimated levels at the property line.

Table 1: Ambient Noise Levels Compared to Predicted Noise Levels

Location	Hourly L ₂₅ (dBA) Existing (ambient)	Clark County SEPA Guideline (ambient +5)	Truck Loading with Excavator (Predicted*)	Rock Drill (Predicted*)
East	33	38	40	38
West	36	41	42	41
North	35	40	42	40
South	36	41		
Southwest			42	41
Southeast			42	38

*Predicted levels are taken from Tables 6 & 7 of Exhibit 59E

It is important to clarify that because of existing grades on the west side of the property and the mining plan, there will not be line-of-site conditions to residential properties to the east. Line-of-site activity may take place to the south when a berm is constructed (Exhibit 59E, Page 12). The proposed 10 foot high berm will be along the south property line (SEPA Condition 1 & Condition A-2). Much of the noise attenuation results from the mining operations taking place below the existing grade.

The predicted noise levels of truck loading are anticipated to exceed the Clark County SEPA guideline of new sources being considered 'significant'. The noise levels exceed the guideline by 1-2 dBA, depending on the location. The noise levels are still below state requirements. Because the exceedences from the loading are short term (described as a ½ second by the noise consultant (Exhibit 67)), staff does not find that the levels rise to the level of 'significant' for SEPA purposes and therefore do not require additional mitigation. Setbacks and truck liners are already proposed as mitigation (See Land Use Finding 5, below). It is possible the mitigation will bring the truck loading noise levels below the SEPA guidelines, however, there is no firm calculation on the levels.

As noted in Table 1 above, excavation and loading of trucks will not take place at the same time as rock drilling. The noise study was completed assuming that these activities will not take place concurrently (SEPA Condition 2 & Condition B-3).

Finding 5 – Noise (Setbacks): Exhibit 59E shows the required setbacks to meet the WAC and Clark County SEPA noise standards that are outlined in the noise study.

Table 2: Required Setbacks

Location	Excavation Setbacks (feet)	Excavation + Loading Setbacks (feet)	Rock Drill Setbacks (feet)
East	200	400	230
Southwest	200	350	195
Southeast	290	383	275

The properties to the west and the north are not noise sensitive properties because there is no development on them and they are resource lands owned by the Department of Natural Resources. Also, further to the north and west is the U.S. Army's Camp Bonneville. Therefore, staff finds that under the Clark County SEPA noise policy (CCC20.50.025(1)g), the impacts to the north and the west of the mine are not considered significant for SEPA. The mine is still required to meet the WAC 173-60 requirements to the north and west.

The setbacks in Table 2 shall be shown on the final site plan. According to the applicant, conservative assumptions were used for the excavation portion of the study. It is possible that a quieter excavator would be used at the site than was used in the modeling. Therefore, noise levels may be less than anticipated in the study. If this can be demonstrated, prior to final site plan approval, the excavation and loading setbacks may be reduced as is appropriate (SEPA Condition 3 & Condition A-3). The setbacks for Excavation + Loading are based upon the trucks being lined with 80 durometer, ¾ inch thick polyurethane sheeting (SEPA Condition 4 & Condition B-4).

Finding 6 – Noise (Rock Drilling): Drilling is proposed to take place approximately two times per year to allow for blasting. The numbers presented above in Table 1 represent vertical drilling with a 4-foot wide, 8-foot high straw barrier within 6 feet of the drill (SEPA Condition 5 & Condition B-5). The noise study discusses that horizontal drilling may reduce noise impacts, however, this is not required to meet applicable noise standards (Exhibit 59E, Page 4 & Exhibit 67).

Finding 7 – Noise (Mitigation): There are a number of noise mitigation measures discussed in the noise materials that were submitted. Some of the mitigation in the noise studies described is required, other portions are not required to meet noise standards.

One suggestion is that discriminating backup alarms on heavy equipment be utilized, which would only be activated when motion is sensed behind the backing

equipment. According to Title 30 Code of Federal Regulations § 56.14132(b)(iii) a discriminating backup alarm may be used. The noise consultant suggests that a model of back-up alarm will be used which automatically adjusts to background noise levels (Exhibit 59E, page 9) (SEPA Condition 6 & Condition B-6).

Required mitigation (as proposed in the application materials):

- 80 durometer, ¾ inch thick polyurethane sheeting in truck beds (see Condition B-4);
- 4x4x8 straw bale barrier within 6 feet of rock drill (see Condition B-5);
- Caterpillar D8K dozer or equivalent shall only being used for removal of overburden and constructing berms (SEPA Condition 7 & Condition B-7);
- Excavation and loading of trucks shall not take place while rock drilling takes place (see Condition B-3);
- Install "jake brake" exhaust silencers on trucks as described in Exhibit 7, Tab 19 (unless it can be conclusively demonstrated that compression brakes are not needed on Highland Meadows Drive & 262nd Avenue);
- Engine compartment side panels; and,
- Discriminating backup alarms.

Suggested mitigation:

- Using a horizontal drilling technique

Finding 8 – Hours of Operation: Many neighbors have concerns with the hours of operation of the proposed mine. CCC18.329.030(F) allows mining operations between 6:00 A.M. and 8:00 P.M. The applicants have stated in their application that they will be limiting operations from 8:00 A.M. to 5:00 P.M. This is an appropriate accommodation to neighborhood concerns (Condition B-8).

Finding 9 – Dust Suppression & Water Usage: The applicant is not proposing to drill a well on the site. Therefore, there will be no on-site groundwater withdrawals. In order to suppress any dust that may be produced at the site, the applicant will have a water spray truck on-site (Exhibit 40). The water will come from the Columbia Rock & Aggregate site at 913 NE 172nd (Exhibits 59 & 59A). These provisions should be adequate at provide appropriate dust suppression for the access road and quarry.

Finding 10 – The applicant may need a National Pollution Discharge Elimination System (NPDES) general permit issued by the Washington State Department of Ecology for operation. This allows the applicant to discharge water, under the conditions of the permit, to surface water. The County does not have direct jurisdiction over this permit. The applicant has already applied for this permit from the Department of Ecology (Exhibit 48). If further information is desired on this issue please contact Scott Morrison, Department of Ecology, at (360) 407-6292.

Finding 11 – Mineral Rights: The issue of whether or not the applicant has appropriate mineral rights to mine the site has been raised by Keith Hirokawa, representative for Michael Niquette & Deborah Mzarek (Exhibits 45 & 70). In consultation with the County Prosecuting Attorney's office, staff has concluded that this land use process and decision is not the appropriate tribunal to adjudicate the question that has been raised (Exhibit 64).

Finding 12 – Blasting: Blasting will take place approximately two or three times per year according to the noise study. A rock drill will also be required to work several days prior to blasting (Exhibit 7, Tab 19, Page 3).

Finding 13 – Blasting (Notice): The noise consultant suggests that notice be given to nearby residents prior to any blasting. Seventy-two hours is suggested as an appropriate period for advanced notice to neighbors. Also, blasting is recommended to only take place during daytime hours (Exhibit 59E, Pages 12-13). Staff finds that a program utilizing registered mailings shall be implemented for people living within 2,500-foot of the mine boundary with information regarding blasting parameters and proposed blasting schedules. Individuals residing within 1,500-feet of the mine shall also be contacted 72 hours prior to blasting. The operator shall maintain a list of these residents wishing to be contacted prior to commencement of any blasting. (SEPA Condition 8 & Condition B-9).

Finding 14 – Blasting (Surveys): Because there are residences within 500 feet of the site, staff finds that pre-blasting surveys for residences within a radius determined by a blast engineer would be a necessary precaution to protect private property. In a conversation with Michael Feves of Earth Dynamics on February 7, 2003, he suggested that structures within a 1,000-foot radius of active phases be surveyed. Once blasting has taken place on the site the radius may be reduced or enlarged, depending on the site-specific conditions that have been observed. Staff concurs with this recommendation. This will protect both the property owners and the quarry operator. Also, the blast contractor should do monitoring with vibration-monitoring equipment (SEPA Conditions 9 & 10 and Conditions B-10 & B-11).

Finding 15 – Blasting Plan: A site specific detailed blasting plan shall be submitted to the Fire Marshal for approval prior to any blasting activity on the site (Condition B-12).

Finding 16 – Accuracy of Environmental Checklist: In a letter dated August 30, 2002, from Keith Hirokawa concerns about potential inaccuracies in the SEPA Environmental Checklist were raised (Exhibit 23). Staff has reviewed the concerns and finds that while there may be some inaccuracies, the SEPA mitigation conditions and compliance with Clark County Codes address any substantive issues that may result from those concerns.

CRITICAL AREAS:

Finding 1 – Wetlands: The wetland pre-determination WPD99025 issued August 27, 1999 was legally binding on the County at the time that the triggering application was vested.

Finding 2 – Wetlands: Under WPD99025, staff concluded that all the wetlands regulated under CCC 13.36 were located within the Riparian Zone regulated under CCC 13.51. In fact, these wetlands are located within 5 ft. of the Ordinary High Water Mark (OHWM) of the Type 5 stream on the site. In July of 2000 CCC 13.36 was revised such that riparian wetlands located within 5 ft. of the OHWM of streams regulated under CCC 13.51 are exempt (CCC 13.36.130 (4)) because adequate protection is provided under CCC 13.51.

Finding 3 – Habitat: A riparian Habitat Conservation Zone (HCZ) is present on the subject parcel. The riparian designation is associated with a tributary of Matney Creek and is a Department of Natural Resources (DNR) type 5 watercourse in this area. According to the Habitat Conservation Ordinance (CCC Chapter 13.51.050), a DNR type 5 watercourse requires a 150-foot riparian Habitat Conservation Zone (HCZ). The HCZ extends outward from the ordinary high water mark 150 feet, or to the edge of the existing 100-year floodplain, whichever is greater. It should be noted that a type 4 watercourse would also require a 150-foot riparian HCZ. So disagreements raised by project opponents over the water typing (Exhibit 34) do not change the extent of regulation under the Habitat Conservation Ordinance (HCO).

Finding 4 – Habitat: The applicant is proposing to avoid mining or development within the 150-foot riparian HCZ. CCC Chapter 13.51.020(1) states that "review under the standards of this chapter shall apply to any proposed development or non-development clearing activities within designated habitat areas." The applicant is proposing to avoid clearing or development in the 150-foot riparian HCZ, in order to comply with the HCO (see Exhibit 7, Tab 23, Sheet 3). As a result, staff finds that the application complies with the HCO.

Finding 5 – Habitat & SEPA: Beyond the purview of the CCC Chapter 13.51, but applicable to the SEPA review, is the maintenance of the surrounding drainage basin hydrology that recharges the type 5 stream located on the site. The applicant is proposing a 150-foot drainage-contributing basin in conjunction with the required 150-foot setback identified in CCC Chapter 13.51, in order to maintain stream hydrology. However, as identified in the applicant's Drainage Study (Exhibit 7, Tab 12), small amounts of surface and subsurface water will be intercepted during excavation, beyond what is protected within the 150-foot riparian HCZ. As a result, the applicant identifies mitigation measures to be initiated when surface or subsurface flow is encountered. The mitigation involves the re-direction of the water to the stream using existing topography and/or re-graded contours. All re-directed water is proposed for stormwater treatment. Based on the applicant's analyses in the drainage study, coupled with evidence identified in the stormwater plan (Exhibit 7, Tab 11) and supplemental memorandum (Exhibit 38), staff finds that runoff and

pre-development drainage will be substantially maintained with the proposal. Furthermore, staff finds that the surface and subsurface water drainage recharging the on-site stream will be maintained as the site is mined, such that no adverse environmental impacts will occur.

Finding 6 – Archaeological Predetermination: A survey on this site was completed on July 18, 1999, by David DeLyria (ARC99018). Six shovel test probes (STP's) were excavated throughout the project area. During the surface survey areas with relatively flat ground and spring/seeps were located and field mapped to facilitate subsurface probing. Also, areas of obvious surface disturbance were noted and mapped i.e. skid roads and landings. Shovel test probes were then placed in locations where the ground surface was relatively flat and near seeps/springs. No archaeological items were found during this predetermination survey. No further archaeological work was recommended.

TRANSPORTATION CONCURRENCY:

Finding 1 – Because the operational information provided indicates the site will generate less than 10 PM peak hour trips no traffic study is required for the proposed development (see Exhibit 7, Tab 13).

Finding 2 – Transportation engineering staff has reviewed the traffic impacts for the proposed Livingston Mountain Quarry. The proposed development is located east of SR-500 at NE 262nd Avenue. The applicant estimates that 16 daily trips will originate from the site. The following paragraphs document the comments and recommendations regarding the proposed development.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 12.05.230. This code section states that “nothing in this chapter shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Chapter 12.41 CCC or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development: provided that the developer may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Finding 3 – Road Adequacy: The proposed development is estimated to generate 32 average daily trips (ADT) at full operation (16 round trips). County Public Works operations staff has reviewed the structural adequacy of the pavement sections for the main haul routes as noted in the traffic study. Wear on roadway increases with the weight of a vehicle. The wear impact of a loaded gravel truck with trailer “pup” equates to the wear by 3000 standard vehicles according to American Association of State Highway and Transportation Officials (AASHTO). The pavement analysis indicates that haul route roadways need to be structurally improved to avoid significant damage from the additional heavy truck traffic. The initial costs associated with upgrading the roads to handle the additional truck traffic are estimated to be \$40,000 (Exhibit 58). Without the roadway structural improvements

the impacts of the proposed development are likely to cause a deficient pavement condition and would result that would become a significant safety concern. The applicant has volunteered to compensate the County for the incremental pavement wear to the main haul routes of NE 53rd Street, NE 262nd Avenue and NE 162nd Avenue (Exhibits 60 & 61). The County will construct the pavement improvements and necessary related features (shoulders, signing, and striping) as part of the Pavement Overlay Program (Condition A-4).

Finding 4 – Historical Accident Situation: Subject Roadways: Staff did not find any reported accidents for the last three years for the haul route of NE 53rd Street, NE 262nd Avenue and NE 162nd Avenue. County has estimated that the proposed quarry will add approximately 36 trips to these roadways an increase of only 5% to 20% on the subject roadways. It would be difficult to argue that the proposed quarry will cause “a significant traffic or safety hazard”. Therefore, conditioning mitigation upon the applicant along these roadways and intersection would not comply with CCC 12.05.230. No mitigation should be required from the applicant with respect to safety.

TRANSPORTATION:

Finding 1 – Circulation Plan: Since frontage improvements will not be required for this development, a circulation plan will not be required per CCC 12.05A.110(1).

Finding 2 – Roads: The site accesses NE Highland Meadows Drive. CCC 12.05A.230(a)&(b) requires that offsite roads providing access to this project have an unobstructed and paved roadway width of 20 feet, except in those cases where the preexisting road is 18 feet wide with one-foot shoulders, additional widening to the 20-foot standard is not necessary. Any preexisting roadway narrower than 18 feet with one-foot shoulders shall be widened to the full 20-foot standard. The applicant shall provide documentation, signed and stamped by an engineer licensed in the State of Washington, that NE Highland Meadows Drive providing access to this site has a paved roadway width of 20 feet, or 18 feet with one-foot shoulders. If this roadway doesn't meet these standards, it shall be widened to the full 20-foot standard (Condition A-5).

Finding 3 – The narrative provided by the applicant for this review indicates that Clark County Public Works has restricted this operation to 16 truck loads leaving the site per day until planned road improvements are made that will accommodate greater truck volumes. The applicant shall limit production to the capacity of the roadway system as determined by Clark County Public Works. The applicant has also agreed to pay \$40,000 for road improvements (Condition A-6).

Finding 4 – Access: The applicant proposes constructing a 24-foot access road from NE Highland Meadows Drive. This road is to be constructed in a 60-foot wide easement from the Department of Natural Resources (Condition A-7).

Finding 5 – The access road shall be paved back 25 feet from the nearest edge of the traveled lane on NE Highland Meadows Drive to comply with CCC 12.05A.240(3) (Condition A-8).

Finding 6 – Sight Distance: Since NE Highland Meadows Drive does not have a posted speed limit, the speed limit is assumed to be 50 MPH, per CCC 12.05A.250 and RCW 146.61.415. Table 12.05A.250-2 of the Transportation Standards requires a sight distance of 500 feet in both directions. The applicant shall provide documentation, signed and stamped by an engineer licensed in the State of Washington, stating that this sight distance is available on NE Highland Meadows Drive at the intersection of the access road. If this sight distance requirement cannot be met, it must be addressed with a Road Modification (Condition A-9).

STORMWATER:

Finding 1 – Applicability: The vesting date for this application is June 22, 2002. Stormwater and Erosion Control Ordinance CCC 13.29, adopted July 28, 2000 applies to each of the following development or redevelopment activities that:

- a. Results in 5,000 square feet or more of new impervious area within the rural area
- b. Results in 2,000 square feet or more of new impervious area within the urban area
- c. The addition or replacement of more than 1,000 square feet of impervious surface for any of the development activities or redevelopment listed in Section 13.29.305 (F) (1) and (2).
- d. The platting of single-family residential subdivisions in an urban area
- e. If redevelopment results in 5,000 square feet or more of replaced impervious surface, then the provisions of Section 13.29.305 (C) apply.
- f. Drainage projects
- g. All land disturbing activities except those exempted in Section 13.29.210.

This application proposes a land disturbing activity and will result in 5,000 square feet or more of new impervious area within the rural area. Therefore, the development shall comply with the Stormwater and Erosion Control Ordinance CCC 13.29 (See Condition A-10).

Finding 2 – Stormwater Proposal: This site is to be mined in phases or cells, starting in the southwest corner. Prior to mining each cell, a "brow" ditch will be constructed above the cell to intercept stormwater before it enters the mining area. This ditch will route the upstream stormwater around the mining cell.

Numerous stormwater treatment and detention facilities will be built as mining progresses through these cells, with some cells having their own individual facilities, and other cells sharing facilities with adjacent cells. Each stormwater facility will consist of a settling pond, a detention pond and water quality swales. Outflow will be metered and flow through various energy dissipaters. After each mining cell is completed, the next cell will be prepared for mining. The overburden from this next

phase will be used to reclaim the cell where mining has just been completed. Therefore, each cell's local water quality and detention facility will need to be maintained while that particular cell is being mined.

The applicant proposes to collect stormwater from the access road in roadside ditches, and route it to a detention pond. Stormwater is then to be discharged into the roadside ditch along NE Highland Meadows Drive. The applicant proposes to oversize the water quality swale in Cell 1 to compensate for lack of water quality treatment for the access road.

Finding 3 – Site Conditions and Stormwater Issues: As stated above, the applicant proposes to oversize the water quality swale in Cell 1 to compensate for the lack of water quality treatment for the access road. They state that, due to steep grades and a lack of space in the easement, a water quality swale is impractical. However, other methods are available for water quality treatment that could work in this situation. Therefore, stormwater from the access road must be treated to comply with CCC 13.29.305 (See Condition A-11).

The applicant proposes constructing "brow" ditches above each mining cell to intercept upstream stormwater. The applicant shall provide data verifying that these ditches are not infiltrating water into mine slopes that may weaken when saturated (Condition A-12).

Stormwater that in the predeveloped condition sheetflows across the mining site to the streams is to be intercepted by brow ditches and other stormwater facilities, and released in a concentrated flow. The applicant shall conduct a detailed downstream analysis from all outfalls and, if necessary, perform mitigation as specified in CCC 13.29.305(B) (Condition A-13).

Stormwater flow cannot be directed away from its natural, predeveloped flow per CCC 13.29.310(A)(2). Natural flow stormwater that currently flows into the ephemeral stream must continue to flow there. There shall be no loss of recharge to the streamflow. No surface water or groundwater may be diverted away from the stream by this mining operation. The proposed water quality ponds must release portions of their discharge into the stream's watershed. This discharge must comply with the release rates in CCC 13.29.310(C)(4) (Condition A-14).

A final stormwater control plan and final technical information report (T.I.R.) shall be submitted for approval in compliance with Section 13.29.530. In addition to refining and confirming the preliminary stormwater design report, the final plan and report shall also include (but not be limited to) the following:

- An analysis of the hydraulic and structural capacities of the storm system located downstream of the development.
- An analysis of the erosion, sedimentation, and pollution potential at the outlet of the system, and a minimum ¼ mile downstream.

- A discussion of how the on-site conveyance system will pass the 100-year storm through the site. This discussion should specifically address the capacity of the brow ditches and the proposed culvert under the access road at the intersection with NE Highland Meadows Drive.
- Address the other Stormwater concerns and conditions listed in this report (Condition A-15).

The stormwater facilities shall be maintained by the applicant per the county's Stormwater Facilities Maintenance Manual, as adopted by Chapter 13.26A. Adequate access must be provided to the facilities to perform maintenance (Condition A-16).

Finding 4 – Erosion Control: An erosion control plan for this quarry operation shall be submitted in compliance with Section 13.29.540. The erosion control plan shall be submitted and approved prior to commencing any work on the site. This plan must show limits of mining, and address the stability of slopes adjacent to abutting property. Failure to comply with the approved erosion control plan can result in a stop-work order, citation, or other code enforcement actions (Condition A-17).

Effective January 1, 2001, all development activities performed by licensed contractors shall be supervised by an individual who shall have successfully completed formal training in erosion and sediment control during construction by a recognized organization acceptable to the director, per CCC 13.29.430. Residential homeowners constructing their own development activity are exempt (Condition A-18).

GROUNDWATER

Finding 1 – Development Engineering has reviewed Exhibit 31 from Kleinfelder, and in light of concerns about groundwater, recommends a groundwater-monitoring plan. A groundwater-monitoring program may be required where infiltration is allowed on commercial and industrial sites where a significant risk of groundwater contamination exists (CCC 13.29.305(H)(4)). The director may also require an agreement from the applicant for full mitigation in the event of groundwater contamination. Although infiltration is not proposed for stormwater disposal, staff believes that this project poses a groundwater risk significant enough to warrant groundwater monitoring and an agreement for mitigation (Condition A-19).

Finding 2 – In addition to monitoring, the operator of the surface mine shall modify or replace groundwater wells that are shown to be adversely affected by the proposed surface mining activity (SEPA Condition 11 & Condition A-20).

GEOLOGIC HAZARD AREAS:

Finding 1 – Applicability: This site is located in an area mapped with severe erosion hazard areas and steep slopes. Therefore, per CCC 13.60.020, this development is subject to CCC 13.60, Geologic Hazard Areas Regulations. This project is exempt

from CCC 13.60.320 Steep Slope Hazard Areas, as it is a mineral extraction, per CCC 13.60.320(1).

Finding 2 – Geologic Hazard Issues: The applicant provided a Geotechnical Report prepared by Newton Consultants, Inc., dated October 19, 2001 (Exhibit 7, , Tab 10). This document is signed and stamped by an engineer, licensed in the State of Washington. It states that slopes excavated in the basalt bedrock at the site are capable of standing at the proposed maximum finished slope angle of 2(H):1(V). Therefore, this shall be the maximum finished slope (Condition A-21).

FIRE PROTECTION:

Finding 1 – This application was reviewed by Curtis Eavenson in the fire marshal's office. Curtis can be reached at (360) 397-2375 x4095. Where there are difficulties in meeting these conditions or if additional information is required, contact the reviewer in the fire marshal's office immediately.

Finding 2 – A permit is required from the Clark County Fire Marshal's Office for blasting operations (see Condition B-12).

Finding 3 – Any flammable/combustible liquid storage tanks on site shall require a permit from the Clark County Fire Marshal's Office (Condition B-13).

HEALTH DISTRICT:

Finding 1 – Groundwater materials related to this application (Newton Consultants, Geotechnical Report, October 19, 2001; Exhibit 7, Tab 10) were submitted to the Southwest Washington Health District. Reuel Emery reviewed the materials submitted and also the records of nearby wells (Exhibit 57). Mr. Emery discusses the Cody well, which is 500 feet to the east of the proposed quarry property. He states that it is "highly unlikely, that the quarry operations could affect this well." The disturbance area was determined to be just above the water-bearing zone shown on the well log. Mr. Emery concludes that "it is highly unlikely that this well draws water from 500' away." (Exhibit 57).

Finding 2 – There are 3 or 4 wells 1500 feet downslope from the property. These wells appear to draw water from surficial zones. The proposed quarry, with adequate surface water management, would not affect those wells. Surface water management is address above in the Critical Areas and Stormwater sections. Mr. Emery concludes that he does not "see [a] liklihood (sic) of water supply problems caused by a properly designed and operated quarry." (Exhibit 57).

SEPA DETERMINATION and DECISION

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on August 16, 2002 is hereby final. Upon further review, as described above, the following mitigation measures are required. This decision was made after review of a completed environmental checklist and other information on file with the County. These conditions have been incorporated into the 'conditions of approval' section of this decision.

1. A 10 foot high berm shall be constructed along the south property line at needed for noise attenuation. (See Land Use Finding #4).
2. Excavation and loading of trucks shall not take place at the same time as rock drilling. (See Land Use Finding #3)
3. The setbacks shown in Table 2 of this report shall be incorporated into the final site plan. If it can be demonstrated that lesser setbacks are required because quieter equipment is used the excavation and loading setbacks may be reduced as is appropriate prior to final site plan approval (See Land Use Finding #5).
4. Trucks used for exporting rock from this quarry shall be lined with 80 durometer, 3/4 inch thick polyurethane sheeting or the equivalent and kept in good working order to maintain sound deadening qualities. (See Land Use Finding #5).
5. A 4-foot wide, 8-foot high straw barrier within 6 feet of the drill, or its equivalent, shall be used at all time the drill is operating on site, unless horizontal drilling is demonstrated to have less noise impacts. (See Land Use Finding #6).
6. Discriminating backup alarms or alarms that adjust to background noise levels shall be used on equipment used for mining. (See Land Use Finding #7).
7. A Caterpillar D8K dozer or equivalent shall only being used for removal of overburden and constructing the berm. (See Land Use Finding #7).
8. A program utilizing registered mailings shall be implemented to inform people living within 2,500-foot of the mine boundary with information regarding blasting parameters and proposed blasting schedules. Individuals residing within 1,500-feet of the mine shall also be contacted 72 hours prior to blasting. The operator shall maintain a list of these residents wishing to be contacted prior to commencement of any blasting. (See Land Use Finding #13)
9. A program of pre-blasting structural surveys shall be conducted by an independent third party for all residents requesting one whose homes lie

within the 1,000-foot radius from active phases. This survey shall be offered by the operator at no cost to the homeowners and they shall receive copies of the report and copies of any photographs taken. This structural inspection will establish the homes pre-blasting condition and, should there later be questions about the effect of blasting upon their home, this report will document conditions prior to the start of quarrying operations. Once blasting has taken place on the site the radius may be reduced or enlarged, as reviewed and approved by Clark County, depending on the site-specific conditions that have been observed. (See Land Use Finding #14).

10. A blast-monitoring program to physically measure levels of ground movement and sound shall be utilized for all blasts. Information generated from the blast-monitoring program shall be given to all residents requesting this data. (See Land Use Finding #14).
11. The operator of the surface mine shall modify or replace groundwater wells that are shown to be adversely affected by the proposed surface mining activity. A note shall be placed on the final site plan to this effect. (See Land Use Finding #10).

Based upon the proposed plan and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

Conditions of Approval

A. Conditions that must be met prior Final Site Plan approval:

- A-1** The applicant must submit an approved reclamation plan from the Washington Department of Natural Resources for the proposed site. (See Land Use Finding #2 & #3).
- A-2** A 10 foot high berm shall be constructed along the south property line at needed for noise attenuation. (See Land Use Finding #4).
- A-3** The setbacks shown in Table 2 of this report shall be incorporated into the final site plan. If it can be demonstrated that lesser setbacks are required because quieter equipment is used the excavation and loading setbacks may be reduced as is appropriate (See Land Use Finding #5).
- A-4** The mine operator/applicant shall comply with the *Arrangement for Pavement Improvements for the Livingston Mountain Quarry* (Exhibit 60). (See Transportation Concurrency Finding #3).
- A-5** The applicant shall provide documentation, signed and stamped by an engineer licensed in the State of Washington, that NE Highland Meadows Drive providing access to this site has a paved roadway width of 20 feet, or 18 feet with one-foot shoulders. If this roadway doesn't meet these standards, it shall be widened to the full 20-foot standard. (See Transportation Finding # 2)

- A-6** The applicant shall limit production to the capacity of the roadway system as determined by Clark County Public Works. (See Transportation Finding # 3)
- A-7** The applicant shall construct a 24-foot access road from NE Highland Meadows Drive. This road is to be constructed in a 60-foot wide easement from the Department of Natural Resources. (See Transportation Finding # 4)
- A-8** The access road shall be paved back 25 feet from the nearest edge of the traveled lane on NE Highland Meadows Drive. (See Transportation Finding # 5)
- A-9** The applicant shall provide documentation, signed and stamped by an engineer licensed in the State of Washington, stating that 500 feet of sight distance in both directions is available on NE Highland Meadows Drive at the intersection of the access road. Sight distance shall be measured as prescribed in CCC 12.05A.250(2). If this sight distance requirement cannot be met, it must be addressed with a Road Modification. (See Transportation Finding # 6)
- A-10** This development shall comply with the Stormwater and Erosion Control Ordinance CCC 13.29. (See Stormwater and Erosion Control Finding # 1)
- A-11** Stormwater from the access road must be treated for water quality in compliance with the requirements specified in CCC 13.29.305. Oversizing of other stormwater treatment facilities to compensate for the lack of treatment of this stormwater will not be permitted. (See Stormwater and Erosion Control Finding #3)
- A-12** The applicant shall provide data verifying that the "brow" ditches are not infiltrating water into mine slopes that may weaken when saturated. (See Stormwater and Erosion Control Finding #3)
- A-13** The applicant shall conduct a detailed downstream analysis from all outfalls and, if necessary, perform mitigation as specified in CCC 13.29.305(B). (See Stormwater and Erosion Control Finding #3)
- A-14** The stormwater facilities shall be designed to insure that there shall be no loss of recharge to the streamflow of the ephemeral stream in the southerly portion of this site. No surface water or groundwater may be diverted away from the stream by this mining operation. The proposed water quality ponds must release portions of their discharge into the stream's watershed. This discharge must comply with the release rates in CCC 13.29.310(C)(4). (See Stormwater and Erosion Control Finding #3)
- A-15** A final stormwater control plan and final technical information report (T.I.R.) shall be submitted for approval in compliance with Section 13.29.530. In addition to refining and confirming the preliminary stormwater design report, the final plan and report shall also include (but not be limited to) the following:
- An analysis of the hydraulic and structural capacities of the storm system located downstream of the development.
 - An analysis of the erosion, sedimentation, and pollution potential at the outlet of the system, and a minimum ¼ mile downstream.

- A discussion of how the on-site conveyance system will pass the 100-year storm through the site. This discussion should specifically address the capacity of the brow ditches and the proposed culvert under the access road at the intersection with NE Highland Meadows Drive.
 - Address the other concerns and conditions listed in this report.
- (See Stormwater and Erosion Control Finding # 3)

A-16 The stormwater facilities shall be maintained by the applicant per the county's Stormwater Facilities Maintenance Manual, as adopted by Chapter 13.26A. Adequate access must be provided to the facilities to perform maintenance. (See Stormwater and Erosion Control Finding #3)

A-17 An erosion control plan for this quarry operation shall be submitted in compliance with Section 13.29.540. The erosion control plan shall be submitted and approved prior to commencing any work on the site. This plan must show limits of mining, and address the stability of slopes adjacent to abutting property. Failure to comply with the approved erosion control plan can result in a stop-work order, citation, or other code enforcement actions. (See Stormwater and Erosion Control Finding # 4)

A-18 These development activities to be performed shall be supervised by an individual who shall have successfully completed formal training in erosion and sediment control during construction by a recognized organization acceptable to the director, per CCC 13.29.430. (See Stormwater and Erosion Control Finding # 4)

A-19 A groundwater-monitoring program shall be required as reviewed and approved by Clark County. (See Groundwater Finding # 1)

A-20 The operator of the surface mine shall modify or replace groundwater wells that are shown to be adversely affected by the proposed surface mining activity. A note shall be placed on the final site plan to this affect. (See Groundwater Finding #2).

A-21 This mining operation shall comply with the conclusions and recommendations of the Geotechnical Report prepared by Newton Consultants, Inc., dated October 19, 2001. Per the recommendation of this report, the maximum finished slope angle shall be 2(H):1(V). (See Geologic Hazard Areas Finding #2).

B. Notes that Shall Appear on the Final Site Plan

B-1 No crushing or other processing will be allowed on the site without further review and approval. (See Land Use Finding #1)

B-2 Fencing and setbacks as required by the Department of Natural Resources shall be maintained at all times. (See Land Use Finding #3)

- B-3** Excavation and loading of trucks shall not take place at the same time as rock drilling. (See Land Use Finding #4)
- B-4** Trucks used for exporting rock from this quarry shall be lined with 80 durometer, $\frac{3}{4}$ inch thick polyurethane sheeting or the equivalent and kept in good working order to maintain sound deadening qualities. (See Land Use Finding #5)
- B-5** A 4-foot wide, 8-foot high straw barrier within 6 feet of the drill, or its equivalent, shall be used at all time the drill is operating on site, unless horizontal drilling is demonstrated to have less noise impacts. (See Land Use Finding #6)
- B-6** Discriminating backup alarms or alarms that adjust to background noise levels shall be used on equipment used for mining. (See Land Use Finding #7)
- B-7** A Caterpillar D8K dozer or equivalent shall only being used for removal of overburden and constructing the berm. (See Land Use Finding #7)
- B-8** The hours of operation of the quarry shall be limited to 8:00 A.M. to 5:00 P.M. (See Land Use Finding #8)
- B-9** A program utilizing registered mailings shall be implemented to inform people living within 2,500-foot of the mine boundary with information regarding blasting parameters and proposed blasting schedules. Individuals residing within 1,500-feet of the mine shall also be contacted 72 hours prior to blasting. The operator shall maintain a list of these residents wishing to be contacted prior to commencement of any blasting. (See Land Use Finding #13)
- B-10** A program of pre-blasting structural surveys shall be conducted by an independent third party for all residents requesting one whose homes lie within the 1,000-foot radius from active phases. This survey shall be offered by the operator at no cost to the homeowners and they shall receive copies of the report and copies of any photographs taken. This structural inspection will establish the homes pre-blasting condition and, should there later be questions about the effect of blasting upon their home, this report will document conditions prior to the start of quarrying operations. Once blasting has taken place on the site the radius may be reduced or enlarged, as reviewed an approved by Clark County, depending on the site-specific conditions that have been observed. (See Land Use Finding #14).
- B-11** A blast-monitoring program to physically measure levels of ground movement and sound shall be utilized for all blasts. Information generated from the blast-monitoring program shall be given to all residents requesting this data. (See Land Use Finding #14).
- B-12** A site specific detailed blasting plan shall be submitted to the Fire Marshal for approval prior to any blasting activity on the site. (See Land Use Finding #15 & Fire Protections Finding #2).
- B-13** Any flammable/combustible liquid storage tanks on site shall require a permit from the Clark County Fire Marshal's Office. (See Fire Protection Finding #3).

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

E-1 Pre-Construction Conference:

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

E-2 Site Plans and other land use approvals:

Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.

E-3 Erosion Control:

Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 13.29.

E-4 Erosion Control:

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

E-5 Erosion Control:

Erosion control facilities shall not be removed without County approval.

E-8 Stormwater:

Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 13.29.

E-9 Transportation:

Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 12.05A.

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

An **appeal** of any aspect of this decision, including the SEPA determination and any required mitigation measures, may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on February 25, 2003. Therefore any appeal must be received in this office by 4:30 PM, March 11, 2003.

APPEAL FILING DEADLINE

Date: March 11, 2003

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100 (A) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$918** (made payable to the Department of Community Development).

The appeal request and fee shall be submitted to the Department of Community Development, Customer Service Center, between 8:00 AM and 4:30PM Monday through Friday, at the address listed below.

Attachments:

- Copy of Proposed Preliminary Plan
- Copy of SEPA Checklist

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Department of Community Development
1408 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

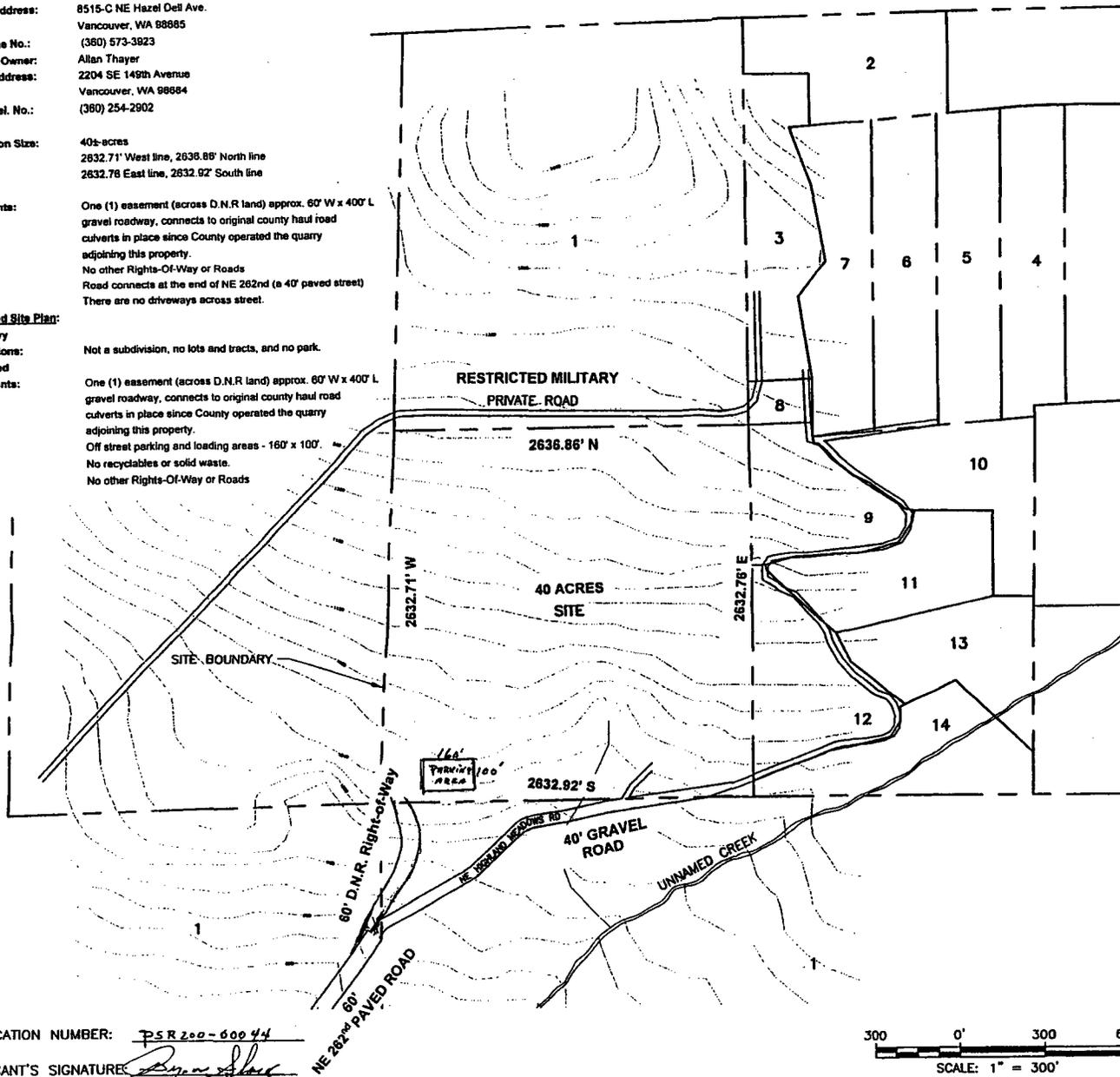
A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

Project Number: PSR2002-00044
 Applicant & Contact Name: Byron Slack
 Mailing Address: 8515-C NE Hazel Dell Ave. Vancouver, WA 98685
 Telephone No.: (360) 573-3823
 Property Owner: Allan Thayer
 Owner Address: 2204 SE 149th Avenue Vancouver, WA 98664
 Owner Tel. No.: (360) 254-2902

Existing Dimension Size: 40± acres
 2632.71' West line, 2638.86' North line
 2632.78 East line, 2632.92' South line

Existing Easements: One (1) easement (across D.N.R. land) approx. 60' W x 400' L gravel roadway, connects to original county haul road culverts in place since County operated the quarry adjoining this property.
 No other Rights-Of-Way or Roads
 Road connects at the end of NE 262nd (a 40' paved street)
 There are no driveways across street.

Proposed Site Plan:
 Boundary: Not a subdivision, no lots and tracts, and no park.
 Dimensions:
 Proposed Easements: One (1) easement (across D.N.R. land) approx. 60' W x 400' L gravel roadway, connects to original county haul road culverts in place since County operated the quarry adjoining this property.
 Off street parking and loading areas - 160' x 100'.
 No recyclables or solid waste.
 No other Rights-Of-Way or Roads



APPLICATION NUMBER: PSR200-60044
 APPLICANT'S SIGNATURE: Byron Slack
 BYRON SLACK

NO.	DATE	BY	REVISIONS

NEWTON
 CONSULTANTS INC.
 Earth, Water and Rock Specialists
 Ph: 503 228-7718 Fax: 503 228-7781



Livingston Mountain Quarry
 Clark County, Washington

PROJECT NO: 915 - 101	DATE: SEPT 2001	SHEET 2 OF 6
DESIGNED BY: P. KEEFE	DRAWN BY: S. SCHENCK	

HEARING EXAMINER EXHIBITS



APPLICATION: Livingston Mountain

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1		CC Development Services	Aerial map
2		CC Development Services	Vicinity map
3		CC Development Services	Zoning map
4		CC Development Services	Comp. Plan Map
5		Applicant – Newton Consultants	Full Size Site Plan Map
6		Applicant – Newton Consultants	Reduced Site Plan Map
7	5/29/02	Applicant – Byron Slack	Application Binder: Application Form; Application Fee; Pre-Application Report; GIS Packet; Narrative; Legal Lot; Preliminary Plan; Proposed Site Plan; Soil Analysis; Storm Water Design; Storm Water & Erosion Control; Traffic Study; State Environmental Review; Sewer Review Report; Water Purveyor Report; SWWHD Report; Covenants & Restrictions; Noise Study; Archaeological Report; Right of Way from DNR; DNR Reclamation Plan; Mining & Reclamation; Storm Water Plan
8	5/31/02	CC Development Services	Pre-Application Conference Waiver Request Decision- Applied 9/14/02
8A	5/31/02	CC Development Services	Pre-Application Conference Waiver Decision
9	6/18/02	CC Development Services	Development Review Not Fully Complete Determination
10	7/17/02	CC Development Services	Second Development Review Not Fully Complete Determination
11	7/30/02	CC Development Services	Development Review Fully Complete Determination

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
12	8/13/02	CC Development Services	Newspaper Notice Type II Likely Determination of Nonsignificance- Publication Date 8/16/02
13	8/16/02	CC Development Services	Request for Comments on SEPA Determination
14	8/16/02	CC Development Services	Notice of Development Review
15	8/16/02	CC Development Services	Affidavit of Mailing of Public Notice
16	8/23/02	Allan Alexander	Comment Letter
17	8/23/02	Barbara Repman	Comment Letter
18	8/27/02	Barbara Repman	Comment Letter
19	8/26/02	Warren & Becky Schippers	Comment Letter
20	8/29/02	Patricia & Tom Cody	Comment Letter
21	8/30/02	Mark Murawski	Comment Letter
22	8/30/02	Mark Erikson's Office – Keith Hirokawa	Neighborhood Petition from 14 petitioners
23	8/30/02	Mark Erikson's Office – Keith Hirokawa	Letter regarding Proposed Project – SEPA Review in Particular
24	8/30/02	Mark Erikson's Office – Keith Hirokawa	Pictures
25	8/30/02	Carol McKie	Comment Letter
26	8/30/02	Charles McKie	Comment Letter
27	8/31/02	Dan Rock	Comment Letter
28	9/3/02	Department of Ecology – Opal Smitherman	Comments re: SEPA Determination of Non-Significance
29	9/5/02	Janine G. Davis	Comment Letter
30	9/5/02	Mark A. Erikson – Keith Hirokawa	Letter re: Environmental Review
31	9/5/02	Mark A. Erikson – Keith Hirokawa	Letter from Kleinfelder re: Potential Surface Water & Groundwater Issues (Dated 8/30/02)

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
32	9/5/02	Mark A. Erikson – Keith Hirokawa	Letter from Greenbush Group re: Noise Study
33	9/5/02	Mark A. Erikson – Keith Hirokawa	Letter from Earth Dynamics re: Blast Vibration Analysis (Dated 9/4/02)
34	9/13/02	Jones & Stokes	Cursory Evaluation of Proposed Site
35	9/13/02	Mark A. Erikson – Keith Hirokawa	Letter re: Supplemental SEPA Comments
36	9/13/02	Mark A. Erikson – Keith Hirokawa	Neighborhood Petition (12 Neighbors)
37	9/23/02	Applicant – Byron Slack	Response regarding Public Comments
38	9/23/02	Applicant – Newton Consultants	Supplement to Preliminary Stormwater Plan
39	9/25/02	Applicant – Newton Consultants	Letter re: Memorandum to Clark County Post Mining Drainage Patterns
40	9/25/02	Applicant – Byron Slack	Letter re: Water Spray Truck on Site
41	9/27/02	Alan J. Thayer, Sr.	Comment Letter
42	9/27/02	Debbie Mrazek	Comment Letter
43	9/30/02	CC Development Services – Habitat Biologist	Comments from David Howe re: Proposed Project
44	9/30/02	Mark A. Erikson – Keith Hirokawa	Letter re: Request to be a Party of Record
45	9/30/02	Mark A. Erikson – Keith Hirokawa	Supplemental Comments re: Proposed Project
46	8/27/99	CC Development Services – Wetland Biologist-Brent Davis	Livingston Mountain Wetland Pre-Determination Letter
47	6/14/00	Applicant – Byron Slack	Letter to Public Works re: Traffic Count
48	6/20/00	Department of Ecology – Carey Grunenfelder	Letter re: Sand & Gravel Permit No. WAG-50-1419
49	10/3/02	CC Development Engineering – Ken Burgstahler	Engineering Review
50	10/5/02	Barbara Repman	Comment Letter

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
51	10/7/02	CC Development Services – Wetland Biologist – Brent Davis	Wetland Biologist Findings
52	10/7/02	CC Development Services – Josh Warner	Letter to Byron Slack placing project on hold and a list of outstanding issues
53	0/14/02	Mark Erikson's Office – Keith Hirokowa	Letter to Josh re: Wetland Predetermination
54	10/10/02	Applicant : Al Duble	Email to Josh Warner re: Aerial Photos, Noise Levels
55	10/10/02	CC Development Services	Response to Exhibit # 54 from Josh Warner
56	11/21/02	CC Development Services – Josh Warner	Email between Byron Slack and Josh Warner re: Clarification of Issues that need to be adequately addressed
57	12/12/02	SWWHD – Reuel Emery	Email to Josh re: Groundwater Package
58	10/23/02	Public Works – Dave Shepard	Road Surface Analysis
59	11/19/02	Applicant – Byron Slack	Packet with Materials containing Outstanding Issues from Exhibit # 52
59 A	11/19/02	Applicant – Byron Slack	Columbia Rock & Aggregate Letter re: Dust Control and Water – Dated 11/11/02
59 B	11/19/02	Applicant – Byron Slack	SEPA Checklist prepared by Alan J. Thayer Dated 5/25/95
59 C	11/19/02	Applicant – Byron Slack	Pre-Application Site Plan Review – Dated 1/9/99
59 D	11/19/02	Applicant – Byron Slack	American San Can- Documents re: Portable Restrooms - Dated 7/15/00
59 E	11/19/02	Applicant – Byron Slack	Letter to Byron Slack from Albert Duble re: Noise Impact Study Addendum – Dated 11/15/02
59 F	11/19/02	Applicant – Byron Slack	Letter to Byron Slack from Jack Chapman – Weyerhaeuser Tax Dept re: Mineral Reservation – Dated 10/10/02
59 G	11/19/02	Applicant – Byron Slack	Reclamation Stories – Dated 10/10/02

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
59 H	11/19/02	Applicant – Byron Slack	Newspaper Article re: Hwy 14–Dated 10/10/02
60	11/26/02	Public Works – Shelley Oylear	Document re: Pavement Improvement Fees
61	11/27/02	Applicant – Byron Slack	Email to Josh re: Pavement Improvement Fees
62	12/23/02	Applicant – Albert Duble	Letter re: Addendum to Noise letter Dated 11/20/02
63	12/30/02	Warren & Becky Schippers	Comment Letter
64	1/23/03	CC Prosecuting Attorneys Office – Rich Lowry	Email to Josh Warner re: Mining Rights
65	2/3/03	CC Public Works – Shelley Oylear	Project Comments
66	11/4/02	Applicant - Al Duble	Email to Josh Re: Measurements & Noise Predictions
67	2/6/03	Applicant - Al Duble	Letter to Josh re: Exhibit # 59E & Exhibit #62
68	2/18/03	Applicant - Al Duble	Letter to Josh re: Draft Staff Report
69	2/18/03	Mark Erikson's Office – Keith Hirokawa	Letter to Josh re: Groundwater
70	2/18/03	Mark Erikson's Office – Keith Hirokawa	Letter to Josh re: Mining Rights
71	2/18/03	Applicant-Peter Keefe	Letter re: Draft Staff Report
72	2/25/03	CC Community Development	Staff Report written by Josh Warner
73			
74			
75			
76			
77			

Copies of these exhibits can be viewed at:

Department of Community Development / Planning Division
1408 Franklin Street
Vancouver, WA 98666-9810