

#1

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: ⁹9-10-04

SUBJECT: Howard Canyon

AGENDA NUMBER OR TOPIC: _____

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: JOE Schneider

ADDRESS: 821 SE Pounder RD

CITY/STATE/ZIP: Corbett OR 97019

PHONE: _____ DAYS: 503 695 5182 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: I am against the expansion
of any mining operation in Howard Canyon.
It will destroy the unique nature of our
community as Portland's (and the nations)
playground.

IF YOU WISH TO ADDRESS THE BOARD:

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2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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2. Written testimony will be entered into the official record.

#2

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

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MEETING DATE: 9-9-04

SUBJECT: M-522 Hamand Canyon
Prohibiting Mining

AGENDA NUMBER OR TOPIC: M 522

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Alan Stokes

ADDRESS: 38025 S.E. Hamand Rd.

CITY/STATE/ZIP: Condit, OR 97019

PHONE: _____ DAYS: 503 625 5883 EVES: 11

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: Prohibiting Mining

WRITTEN TESTIMONY: 5 Pages 9-7-04 & 2 Pages 9-9-04

IF YOU WISH TO ADDRESS THE BOARD:

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2. Written testimony will be entered into the official record.

A.L. STOKES (503)695-5883 A.L. STOKES (503)695-5883
GREEN ACRES FARMS GREEN ACRES FARMS
38025 S.E. HOWARD ROAD 38025 S.E. HOWARD ROAD
CORBETT, OR 97019-9707 CORBETT, OR 97019-9707
Sept. 7, 04

BCCV

Multnomah Co. Board of Commissioners
Chair-Diane Linn, Members- Maria Steffy,
Serena Gruz, Lisa Nato, Lonnie Roberts,
Deborah Bogstad- Board Clerk.

Re: File M-522
Howard Canyon Quarry

OAR 660-023
-0040 Att.

Pge. 14-Staff
reply Att.

Pge. 83 HCRR
Att.

See item '2'
& bottom lines
pge. 9-HCRR
Att.

Dear Members,
This Submission will outline support for the Planning Commission's
Recommendation's to Deny "Protection" for the Howard Canyon Resource Area
as specified in Goal 5 Options (attached)(option 'c').
These 3 options are to Restrictive & Undeasonable and with the exception
of option 'c' are all written in favor of the Mining Interests over the
rights of surrounding Property Owners & the Community Interests as a whole.
The PAM Overlay is an instant Devaluation as applied to Surrounding Properties.
(see pge. 14 Staff Reply, also pge. 83- HCRR Report attached). Also the
benefits to the surroundig Community are not sufficient to overcome the
negative effects of the Mine Operation.

The option recommended to the Board of Commissioners deletes the PAM overlay
& allows conflicting uses Fully. (see pge. 9 HCRR attached). But this
option is also suggested as Prohibiting Mining by allowing conflicting uses
fully. This is not true however, as the Mine can still operate under the
the DOGAMI Permit (as it is Operating currently)

In conclusion I strongly urge you to "Deny Protection" as outlined in LCDG,s
Goal 5 & also Multnomah Co. Ordinances

Sincerely,

Alan L. Stokes

Alan L. Stokes

cc Kim Peoples Planning Commission
Deborah Bogstad Board Clerk (as above)

1 use. The analysis may address each of the identified conflicting uses, or it may address a
 2 group of similar conflicting uses. A local government may conduct a single analysis for
 3 two or more resource sites that are within the same area or that are similarly situated and
 4 subject to the same zoning. The local government may establish a matrix of commonly
 5 occurring conflicting uses and apply the matrix to particular resource sites in order to
 6 facilitate the analysis. A local government may conduct a single analysis for a site
 7 containing more than one significant Goal 5 resource. The ESEE analysis must consider
 8 any applicable statewide goal or acknowledged plan requirements, including the
 9 requirements of Goal 5. The analyses of the ESEE consequences shall be adopted either
 10 as part of the plan or as a land use regulation.

11 (5) Develop a program to achieve Goal 5. Local governments shall determine
 12 whether to allow, limit, or prohibit identified conflicting uses for significant resource
 13 sites. This decision shall be based upon and supported by the ESEE analysis. A decision
 14 to prohibit or limit conflicting uses protects a resource site. A decision to allow some or
 15 all conflicting uses for a particular site may also be consistent with Goal 5, provided it is
 16 supported by the ESEE analysis. One of the following determinations shall be reached
 17 with regard to conflicting uses for a significant resource site:

18 (a) A local government may decide that a significant resource site is of such
 19 importance compared to the conflicting uses, and the ESEE consequences of allowing the
 20 conflicting uses are so detrimental to the resource, that the conflicting uses should be
 21 prohibited.

22 (b) A local government may decide that both the resource site and the conflicting
 23 uses are important compared to each other, and, based on the ESEE analysis, the
 24 conflicting uses should be allowed in a limited way that protects the resource site to a
 25 desired extent.

26 X (c) A local government may decide that the conflicting use should be allowed
 27 fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must
 28 demonstrate that the conflicting use is of sufficient importance relative to the resource
 29 site, and must indicate why measures to protect the resource to some extent should not be
 30 provided, as per subsection (b) of this section.

31 Stat. Auth.: ORS 183 & ORS 197

32 Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

33 Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

34 660-023-0050

35 Programs to Achieve Goal 5

36 (1) For each resource site, local governments shall adopt comprehensive plan
 37 provisions and land use regulations to implement the decisions made pursuant to OAR
 38 660-023-0040(5). The plan shall describe the degree of protection intended for each
 39 significant resource site. The plan and implementing ordinances shall clearly identify
 40 those conflicting uses that are allowed and the specific standards or limitations that apply
 41 to the allowed uses. A program to achieve Goal 5 may include zoning measures that
 42 partially or fully allow conflicting uses (see OAR 660-023-0040(5)(b) and (c)).

site. The County must then develop a "program to achieve the goal" of protecting the resource from actual and potential conflicts.

X Under the State Goal 5 planning rules, if the County decides to offer limited protection to the quarry, then it must be protected from new conflicting uses that could inhibit future operations. For example, new houses should not be built so close to the quarry that it would cause the quarry to violate applicable noise standards. The limits are in the form of a performance standard which requires a proposed use (such as a new house) to demonstrate that it will not create a conflict with the quarry. The Protected Aggregate and Mineral overlay (PAM) is the required method used to provide notice to surrounding properties of the limitations on conflicting uses. Also, without this mapped overlay there would be no notice to existing and potential neighbors to the quarry of the designated limitations developed through the ESEE Goal 5 process. The 1996 HCRR determined that a 1,200 foot impact area was adequate based on a previous noise study conducted in 1990 (page III-14 of the 1996 report). The impact area was expanded to a 1,500 foot radius for the 2003 Draft HCRR but is applied only to the proposed quarry area.

ISSUE #8 (DEFINITIONS AND PROCESS)

The following individuals provided testimony involving their views on conflicting definitions and appropriate review processes. The comments have been grouped by subject matter and are presented below:

Tom Wieman, Resident
Dan Kearns, Attorney
Lynne Romans, Resident

- Decorative and ornamental rock production is not a resource that can be protected under Goal 5. Any approval or protection for mining should specifically prohibit decorative/ornamental rock production. Decorative/ornamental rock is not a recognized Goal 5 resource in the 1996 Howard Canyon Reconciliation Report and has never been recognized as a protected Goal 5 resource anywhere in Oregon. We should not designate decorative/ornamental rock as a Goal 5 resource in the quarry.

Staff: Staff agrees that OAR 660.23.180(1)(a) is silent on the issue of whether decorative rock meets the definition of "aggregate resource". Analysis of the differences of extraction methods and associated impacts and the practicality of monitoring the end use of the material, led Staff to conclude that focus should remain on extraction of rock and related mitigation of the associated impacts. One difficulty with the argument that landscape rock does not meet the definition of "aggregate resources" which on the whole contemplates the protection of the resource for "road building" purposes, is that large pieces of "naturally occurring solid pieces" of rock, such as rip rap, are used for road building. The

(2) The proposed use will not cause or threaten to cause the mining operation to violate any applicable standards of this chapter, or the terms of a state agency permit. The applicant for a new noise sensitive use shall submit an analysis prepared by an engineer or other qualified person, showing that applicable DEQ noise control standards are met or can be met by a specified date by the nearby mining operation; and

(3) Along the truck route, any new habitable structures shall be setback 50 feet from the edge of the roadway pavement.

* The proposed use shall be conditioned upon execution of a restrictive covenant in favor of the mining operator. The restrictive covenant shall incorporate all approval conditions, and an agreement not to object to the conduct of lawful operations conducted at the Howard Canyon quarry.

Mitigation Measures

The following mitigation measures are adopted as part of this Goal 5 process as conditions of approval for any Conditional Use Permit to authorize the quarry activities.

Limits on Extraction Volumes and Truck Traffic

Limits on the amount of material and associated truck traffic shall be phased in order to ensure compliance with the mitigation measures and the construction of necessary road improvements. The quarry owner and operator may increase activity levels to the next phase after demonstrating compliance with mitigation measures and the completion of road improvements as required by the Traffic Management Plan. Table 11 outlines the restrictions for each phase

Table 11. Limits on Extraction Volumes and Truck Traffic

	<u>Low Volume</u>	<u>Moderate Volume</u>	<u>Maximum Volume</u>
<u>Rate of Extraction</u>	<u>10,000 cy/yr</u>	<u>17,500 cy/yr</u>	<u>35,000 cy/yr</u>
<u>Avg. No. of Trucks Per Day</u>	<u>4</u>	<u>7</u>	<u>14</u>
<u>Max. No. of Trucks Per Day</u>	<u>6</u>	<u>10</u>	<u>20</u>
<u>Max. No. of Trucks Per Hour</u>	<u>2</u>	<u>4</u>	<u>5</u>
<u>Number of Blasts per Year</u> <u>L = Low Yield H= High Yield</u>	<u>2H</u>	<u>2L 1H</u>	<u>3L 1H</u>

Each truck represents two trips – one inbound (empty) and one outbound (full). A full truck is assumed to carry a 10-ton load of material.

Average Number of Trucks Per Day – this standard is based on 250 operating days per year (5 days per week, 50 weeks per year) to reach the designate volume limit.

Maximum Number of Trucks Per Day – this standard recognized the quarry will not operate at full capacity, all year round. The maximum number of trucks is designed to

Conservation and Development has determined that the old Goal 5 rule is applicable until the County amends the Framework Plan and land use regulations as part of a periodic review work program.²

The Goal 5 process, includes the following steps:

- Inventory – determine the location (map boundary and impact area), quality (compared to other similar resources), and quantity (relative abundance) of each resource site (OAR 660-016-000).
- Determine significance – three options: 1) not significant (no further action), 2) delay Goal 5 process (inadequate information), or 3) significant (continue Goal 5 process) (OAR 660-016-000 (5)).
- Identify conflicting uses – examine uses allowed in zoning districts within impact area to determine if they have a negative impact on the resource site (OAR 660-016-005). For aggregate resources, need to look at impacts resulting from quarry operations as well as impacts on quarry operations from conflicting uses within impact area. Also, look at quarry conflicts with other Goal 5 resources.
- Analyze ESEE consequences of alternative decision options – Both impacts to the resource site and conflicting uses must be considered. ESEE analysis is adequate if it enables a jurisdiction to provide reasons to explain the consequences of decision options for specific sites (OAR 660-16-0005(2)).
- Adopt a protection program. Assuming there is adequate information, OAR 660-16-0010 requires local jurisdictions to “resolve” conflicts by adopting one of the following three decisions options:

1. Protect the Resource Site: In the case of aggregate and mineral resource sites, this means to fully allow mining and restrict new conflicting uses within the impact area.
2. Allow Conflicting Uses Fully: In the case of aggregate and mineral sites, this means prohibiting mining because mining conflicts cannot be restricted to acceptable levels.
3. Limit Conflicting Uses: In the case of aggregate and mineral sites, this means to allow mining on a limited basis with restrictions on the conflicting uses to mitigate conflicts.

X
The Goal 5 rule does not require that all significant resource sites be protected. Local governments may choose to fully protect the resource site by allowing mining without local restrictions, prohibit mining activity (allow conflicting uses fully) or allow mining and conflicting uses on a limited basis.

² Letter from Gary Fish, DLCD, September 16, 2002

- The Hogback Ridge has the steepest and potentially unstable slopes that make erosion control measure difficult with increased risk of failure. Therefore, mining of the Hogback Ridge has environmental impacts that cannot be resolved.

Energy:

- The quarry could have a positive impact in supplying a local source of aggregate, which will reduce travel distances and fuel consumption.

Conclusion

The 1996 HCRR ESEE Analysis indicated the consequences of fully protecting the resource (fully allowing extraction without local mitigation measures) and fully allowing the conflicting uses (prohibiting extraction) were too extreme and that an appropriate course of action was to limit the conflicting uses and find an appropriate set of mitigation measures to allow the quarry operations.

This update of the HCRR reaches a different conclusion.

Fully allowing mining with minimal mitigation measures would impose significant negative impacts on the surrounding community, in terms of quality of life, public safety, condition of local roads, streams, and big game habitat.

Allowing mining on a limited basis, with mitigation measures and a more active role for the County in terms of monitoring and enforcement, offers the opportunity to mitigate some of the identified negative impacts. However, as evidenced by the conflicts with the current low level of mining, there will still be significant negative impacts on surrounding rural residential and farm uses. These negative impacts include:

- Noise impacts reduce the quality of life to the surrounding area due to continuous operations of the quarry and truck traffic along local roads for a significant distance (3.9 miles) before reaching a major arterial.
- Noise impacts from existing (low levels) of truck traffic create conflicts with livestock that requires significant changes to farming practices and increased costs to farms along the truck route.

? Fully prohibiting mining would resolve many of the negative impacts on the surrounding community but impose a significant negative economic impact on the quarry owner. However, under current Comprehensive Framework Plan policies, the quarry could continue to operate under DOGAMI's Grant of Total Exemption (GTE), which will mitigate some of these negative impacts.⁷⁶ These impacts are balanced by positive impacts to the surrounding area, in terms of increased property values, improved quality of life and decreased costs to farms.

⁷⁶ The DOGAMI limits for a Grant of Total Exemption are: less 5,000 cubic yards of material or disturbing less than one acre of land within a period of 12 consecutive months until mining affects five or more acres.

In 2004, the Planning Commission held public hearings proposed revisions to the Howard Canyon Reconciliation Report. The Planning Commission deliberated and recommended to not protect the resource and prohibit mining on the site. The Howard Canyon Reconciliation Report has been revised to reflect that recommendation.

Mineral and Aggregate Resource Policies

35. ~~Allow~~ Prohibit mining on the Howard Canyon quarry site under the conditions set forth in the Howard Canyon Reconciliation Report, part of the Multnomah County Comprehensive Framework Plan.

- X ▪ Amend the County's Aggregate Inventory Map to delete the Howard Canyon site.

*Prohibiting is not a requirement
under OAR Rules - see page 6, Att.*

#3

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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MEETING DATE: Sept 9, 04

SUBJECT: Howard Canyon

AGENDA NUMBER OR TOPIC: R13

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Linden Burk

ADDRESS: 240 SE Pounder Rd.

CITY/STATE/ZIP: Corbett, OR

PHONE: DAYS: 503-695-5881 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: Quarry Expansion

WRITTEN TESTIMONY: Deny quarry expansion

Agree with Planning Commission proposal.

After much due diligence it is obvious

this expansion is of no benefit & in fact

poses a risk to the larger community's

economy & well being.

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#4

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

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MEETING DATE: 09.09.04

SUBJECT: Howard Canyon Quarry

AGENDA NUMBER OR TOPIC: ~~R10~~ R13-

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: CLAIR KLOCK

ADDRESS: 931 NE Salzman Rd

CITY/STATE/ZIP: Corbett, OR

PHONE: DAYS: 503.696.5882 EVES:

EMAIL: FAX:

SPECIFIC ISSUE:

WRITTEN TESTIMONY: yes

IF YOU WISH TO ADDRESS THE BOARD:

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Multnomah County Commissioners,

My name is Clair Klock – I live at 931 NE Salzman Rd, Corbett ~~Washington~~ I'm here today to make comments concerning the rock quarry in Howard Canyon in Corbett. I have lived in the community for the last 40 year and the family has been around for over a 100 years. My wife and I presently have a small farm catering to the U-pick trade and I have a job in town.

Times changes and the character of the community has changed from a few people and large land parcels to a large number of people on small rural residential parcels. There is still forest and farmland interspersed in this landscape as well as large amount of recreation area. The rock quarry does not fit into this landscape. The increase in quarry operations has disturbed the rural character of the community due to increased noise and large truck traffic on non-shouldered rural roads.

I also have concern that the operation has or will eventually disrupt my agricultural groundwater supply by opening up the water bearing strata that feeds the well.

I understand the right of a landowner to do business on their land. But only to the extend that it does not disrupt or decrease the value or livability of the adjacent properties or the region. For instance, a junkyard that is 2 doors down from any house in any neighborhood in the county. The increase in operation at the rock quarry has done this to the Corbett area.

Therefore I urge you to accept your planning commissioners recommendations for settling this issue in a fair manner.

Thank you for your time.

#5

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk
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MEETING DATE: 9 9 04

SUBJECT: Howard Canyon Rock

AGENDA NUMBER OR TOPIC: R 13

FOR: _____ AGAINST: ☒ THE ABOVE AGENDA ITEM

NAME: ALAN ABRAMSON ABRAMSON

ADDRESS: 33536 HURCBOAT RD SE

CITY/STATE/ZIP: CORVALLIS ORE

PHONE: _____ DAYS: 503 695 5982 EVES: 503 695 5982

EMAIL: MAJAGUN@AOL.COM FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: NO

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
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#6

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

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MEETING DATE: 9-9-04

SUBJECT: Howard Canyon

AGENDA NUMBER OR TOPIC: R 13

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: KLANS HEYNE

ADDRESS: 41101 SE Condon Road

CITY/STATE/ZIP: Corvallis, OR 97331

PHONE: DAYS: 503-695-7412

EVENINGS:

EMAIL:

FAX:

SPECIFIC ISSUE:

WRITTEN TESTIMONY: Submitted in letter

IF YOU WISH TO ADDRESS THE BOARD:

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KLAUS HEYNE

41101 SE LOUDEN ROAD
Tel (503) 695-3412 Fax (503) 695-3410

CORBETT OR 97019

Board of Commissioners,
Multnomah County
501 SE Hawthorne Ave, Suite 600
Portland, OR 97214

September 9, 2004

RE: Howard Canyon Testimony in Support of the Recommendation by the Planning Commission

Dear Chair, Dear Commissioners,

It may not be entirely clear to some of you how your vote in support of staff's and planning commission's recommendation to amend the Howard Canyon Reconciliation Report would affect future mining opportunities at the site.

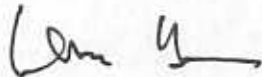
The simple answer is: it will not. Any operator at Howard Canyon will continue to be able to legally mine the site under a DOGAMI Exempt Mining permit, as has been done for several decades.

Your 'yes' vote will not reduce or prohibit any mining. If anything, because of a recent administrative move by DOGAMI, the total yearly yield from the site could as much as double in the future without the need of a conditional use permit.

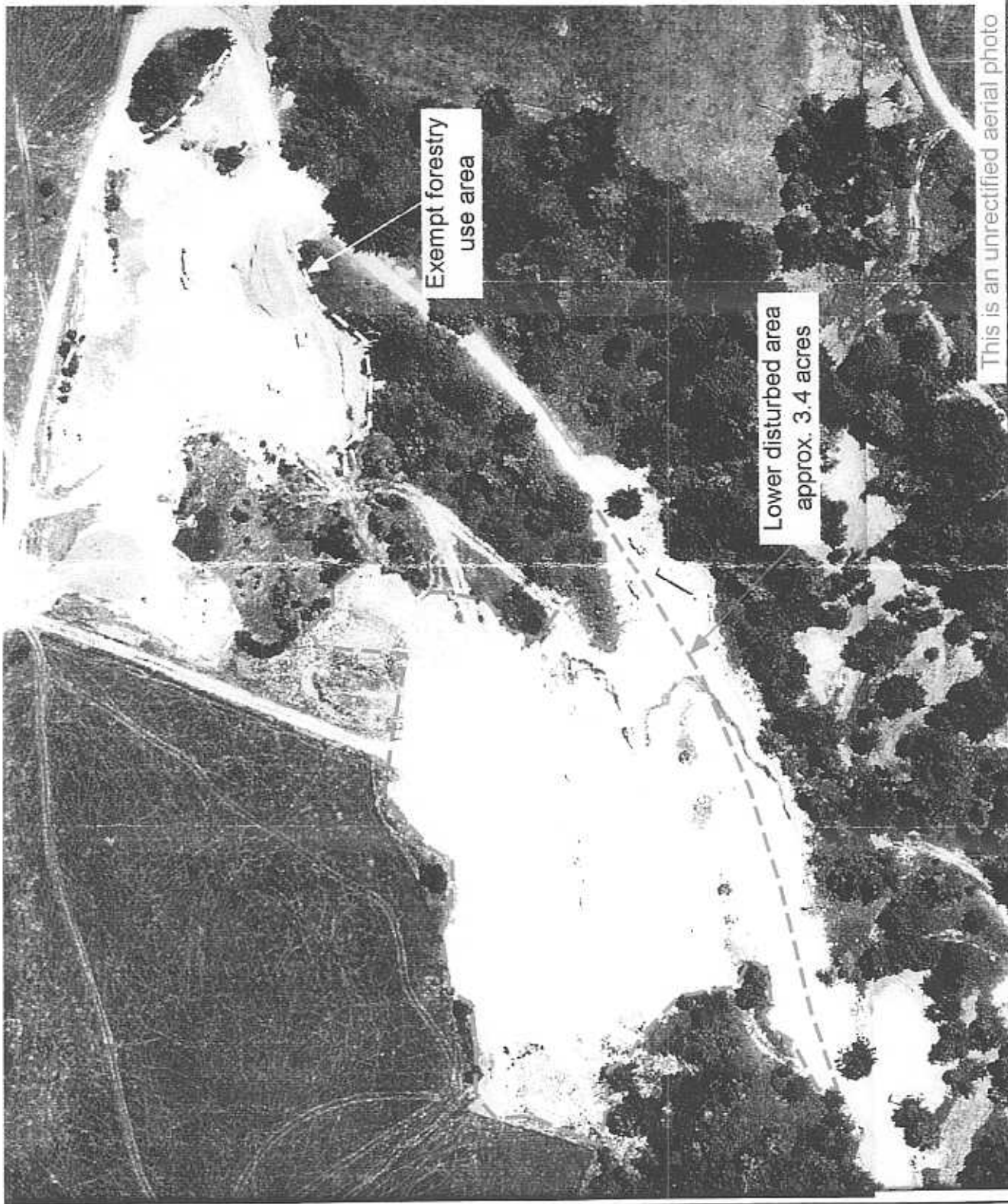
I am presenting DOGAMI's aerial photograph, ID#: 26-0065, which shows that the agency on 10-13-03 approved a significant expansion of the current exempt mining operation at Howard Canyon (5000 cu.yds./year) by mapping an additional sizable portion of the quarry area as "Exempt forestry use area" (see white lined area.) If fully utilized, the take from the Howard Canyon mine could legally double to 10,000 cu.yds/year.

We believe that current and additional mining volumes as permitted by DOGAMI, supports planning staff's findings that any further mining increases through Goal Five Protection of the site would be counterproductive to the county's goal, namely, to balance the owner's desire for rock extraction with its impact on the community and environment.

Sincerely,

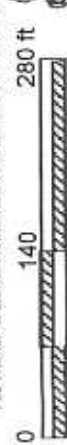


Enclosed: aerial photograph (DOGAMI ID#: 26-0065) in support of my testimony



This is an unrectified aerial photo

File Name: s:\26multimedia\26-0065\26-0065 aerial.CVS



DOGAMI ID#: 26-0065

Permittee: Jerry Cates, Interstate Rock Products, Inc.

Site Name: Howard Canyon Pit

Photo Source / Date: Spencer B. Gross, Inc. / 7-15-00

Prepared By / Date: N. Collins / 3-19-01 Revised 10-13-03

Oregon Dept. of Geology and Mineral Industries
Mined Land Reclamation Program

#7

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
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MEETING DATE: 9/9/04

SUBJECT: Howard Canyon

AGENDA NUMBER OR TOPIC: R 13

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Vera Dato

ADDRESS: 9449 SW 62 Dr.

CITY/STATE/ZIP: Portland OR 97219

PHONE: _____ DAYS: 503-244-5202 EVES: same

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: Denial - Non-approval of activity expansion

WRITTEN TESTIMONY: Urge council to deny expansion of Howard Canyon extraction activity.

IF YOU WISH TO ADDRESS THE BOARD:

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MEETING DATE: ⁹ 9-6-04

SUBJECT: Howard Canyon Quarry

AGENDA NUMBER OR TOPIC: R13

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: MUNOY SCHMIST

TRINDY SCHMIST

ADDRESS: 32811 SE HULBURT RD

CITY/STATE/ZIP: CORBETT OR 97019

PHONE: DAYS: 503 695 2511 EVES: 503 695 2511

EMAIL: mschmidt@cascaaccess.com FAX: _____

SPECIFIC ISSUE: impact to community

WRITTEN TESTIMONY: Already submitted to County Commissioners

IF YOU WISH TO ADDRESS THE BOARD:

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MULTNOMAH COUNTY BOARD OF COMMISSIONERS
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MEETING DATE: ⁹Sept. 10-04

SUBJECT: Howard Canyon Denim Expansion

AGENDA NUMBER OR TOPIC: _____

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Michelle Abramson

ADDRESS: 33536 Hurlburt Rd. SE

CITY/STATE/ZIP: Corbett OR 97019

PHONE: _____ DAYS: (503) 695-5982 EVES: SAME

EMAIL: majagun@aol.com FAX: 503-695-5982

SPECIFIC ISSUE: Limiting Howard Canyon road trips

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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#10

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
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MEETING DATE: 9-9-04

SUBJECT: Howard Canyon

AGENDA NUMBER OR TOPIC: R13

FOR: X AGAINST: THE ABOVE AGENDA ITEM

NAME: Susan Fry

ADDRESS: 123 NE Liliupane Rd

CITY/STATE/ZIP: Corbett Or 97015

PHONE:

DAYS: 503-695-3393

EVES: 5me

EMAIL:

FAX:

SPECIFIC ISSUE: Howard ~~ex~~ Canyon expansion

WRITTEN TESTIMONY: many years of
written testimony against
expansion

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 9/9/04

SUBJECT: Harvard Canyon

AGENDA NUMBER OR TOPIC: _____

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Ford / WGLK

ADDRESS: 2149 NE 24TH

CITY/STATE/ZIP: PORTLAND OR 97212

PHONE: DAYS: 503 226 0983 EVES: 503 284 6112

EMAIL: jingle@pgppdx.com FAX: 503 273 4223

SPECIFIC ISSUE: Planning Commission sentiments

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#12

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk
This form is a public record

MEETING DATE: 09.09.04

SUBJECT: Agenda # R-13

AGENDA NUMBER OR TOPIC: R-13

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: ERIC TINUS

ADDRESS: 37448 E Knieriem Rd

CITY/STATE/ZIP: Corbett, OR 97019

PHONE: _____ DAYS: _____ EVES: 503-695-5745

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#13

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE:

9/9/2004

SUBJECT:

HOWARD CANYON

AGENDA NUMBER OR TOPIC:

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME:

STEVE BUSK

ADDRESS:

35006 SE HURLBURTRD

CITY/STATE/ZIP:

CORBETT OREGON

PHONE:

DAYS: 503-481-1999

EVES:

EMAIL:

s-busk@netsuite.com

FAX:

SPECIFIC ISSUE:

mine expansion

WRITTEN TESTIMONY:

PLEASE DO NOT ALLOW THE EXPANSION.

IT WILL ERROD MY PROPERTY RIGHTS & EQUITY

THANK YOU,

STEVE BUSK

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#14

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: Sept 9 2004

SUBJECT: Howard Canyon Quarry

AGENDA NUMBER OR TOPIC: 12-13

FOR: _____ AGAINST: X THE ABOVE AGENDA ITEM

NAME: Tim Ramis

ADDRESS: 1727 New Hoyt

CITY/STATE/ZIP: Portland Oregon

PHONE: DAYS: 503-222-4402 EVES: _____

EMAIL: tim@kccb.com FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: Will be Submitted

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#15

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk
This form is a public record

MEETING DATE: 09.09.04

SUBJECT: Howard Canyon Quarry

AGENDA NUMBER OR TOPIC:

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Sheppard Davis

ADDRESS: 36250 SE Garden Cr. Rd.

CITY/STATE/ZIP: Corbett, Or 97019

PHONE: DAYS: 503-695-5291

EVES: SAME

EMAIL:

FAX: 503-695-5943

SPECIFIC ISSUE: Quarry expansion

WRITTEN TESTIMONY: The quarry should be allowed to expand to allow for crushed rock to be sold for the Corbett area

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#16

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 9 Sept 04

SUBJECT: Rock Quarry Expansion

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: DENNY ROGERS

ADDRESS: PO Box 128

CITY/STATE/ZIP: Corbett OK 87002

PHONE: _____ DAYS: _____ EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#17

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk
This form is a public record

MEETING DATE: 9 Sept. 04

SUBJECT: Howard Canyon Quarry

AGENDA NUMBER OR TOPIC: Removal of ^{Goal 5} Protection

FOR: _____ AGAINST: X THE ABOVE AGENDA ITEM

NAME: Clint Davis

ADDRESS: 39203 SE Howard Rd.

CITY/STATE/ZIP: Corbett OR 97019

PHONE: DAYS: (503) 695-5291 EVES: (503) 695-5737

EMAIL: _____ FAX: (503) 695-5943

SPECIFIC ISSUE: Increasing Demand & Decreasing Supply of Aggregate in the Region

WRITTEN TESTIMONY: Rock Suppliers in the local area have been running short of Gravel, unable keep up with demand. - Prices have increased as much as \$3/TON - ~~with~~ Looking at the long term picture - where are our aggregate sources going to come from? - Public Testimony looks lop sided because of Active opponents a silent majority of working class still support the idea of a local rock source

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

18

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 9-9-04

SUBJECT: Howard Canyon

AGENDA NUMBER OR TOPIC: R-13

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: LEE WYATT

ADDRESS: 41650 SE LOUDEN RD

CITY/STATE/ZIP: COVINGTON OR 97019

PHONE: _____ DAYS: 503-312-8950 EVES: _____

EMAIL: LAWYATTLL@hotmail.com FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: handout

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

1 IN THE CIRCUIT COURT FOR THE STATE OF OREGON
2 FOR THE COUNTY OF MULTNOMAH

3
4 MOSHE LENSKE, et al.,

5 Plaintiffs,

6 v.

7 SHIRLEE LENSKE, et al.,

8 Defendants.

Case No. 0202-01510

VERDICT FORM

9 We, the jury, being duly empanelled and sworn to try this case, find as follows:

10 1. Did plaintiff Moshe Lenske have a clear prospect to inherit the bulk of Reuben
11 Lenske's estate for the benefit of Reuben Lenske's children, grandchildren, great-grandchildren
12 and charitable purposes?

13 ANSWER (circle one): ☒ Yes ☐ No

14 If your answer to Question 1 is No, then your verdict is for Shirlee Lenske. Do not
15 answer any more questions. Your presiding juror should sign this verdict form.

16 If your answer to Question 1 is Yes, proceed to Question 2.

17 2. Was Shirlee Lenske a party to Moshe Lenske's clear prospective inheritance of
18 the bulk of Reuben Lenske's estate for the benefit of Reuben Lenske's children, grandchildren,
19 great-grandchildren and charitable purposes?

20 ANSWER (circle one): ☐ Yes ☒ No

21 At least the same ten who answered Question 1 Yes must answer Question 2. If your
22 answer to Question 2 is Yes, then your verdict is for Shirlee Lenske. Do not answer any more
23 questions. Your presiding juror should sign this verdict form.

24 If your answer to Question 2 is No, proceed to Question 3.

25 3. Did Reuben Lenske ever form the intent that he would make a new will after his
26

1 marriage to Shirlee that would leave the bulk of his estate to Moshe Lenske for the benefit of
2 Reuben Lenske's children, grandchildren, great-grandchildren and charitable purposes?

3 ANSWER (circle one): Yes ☒ No

4 At least the same ten who answered Question 2 No must answer Question 3. Proceed to
5 Question 4.

6 4. Did Reuben Lenske have testamentary capacity to make a new will after his
7 marriage to Shirlee that would leave the bulk of his estate to Moshe Lenske for the benefit of
8 Reuben Lenske's children, grandchildren, great-grandchildren and charitable purposes?

9 ANSWER (circle one): Yes ☒ No

10 At least the same ten who answered Question 3 must answer Question 4. Proceed to
11 Question 5.

12 5. Did Shirlee Lenske know Moshe Lenske had a clear expectation that he would
13 inherit the bulk of Reuben Lenske's estate for the benefit of Reuben Lenske's children,
14 grandchildren, great-grandchildren and charitable purposes?

15 ANSWER (circle one): ☒ Yes No

16 At least the same ten who answered Question 4 must answer Question 5. Proceed to
17 Question 6.

18 6. Did Shirlee Lenske either: (a) intend to interfere with Moshe Lenske's clear
19 prospective inheritance of the bulk of Reuben Lenske's estate for the benefit of Reuben Lenske's
20 children, grandchildren, great-grandchildren and charitable purposes; or (b) know that such
21 intentional interference was substantially certain to result from her actions?

22 ANSWER (circle one): ☒ Yes No

23 At least the same ten who answered Question 5 must answer Question 6. If your answer
24 to Question 6 is No, then your verdict is for Shirlee Lenske. Do not answer any more questions.
25 Your presiding juror should sign this verdict form.

26 If your answer to Question 6 is Yes, proceed to Question 7.

#19

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE:

9/8/04

SUBJECT:

Howard Cy.

AGENDA NUMBER OR TOPIC:

FOR:

AGAINST:



THE ABOVE AGENDA ITEM

NAME:

Chris Matheson

ADDRESS:

1620 SE Humble

CITY/STATE/ZIP:

Corbett OR 97019

PHONE:

DAYS: 695 5864

EVES:

EMAIL:

klu@comcast.net

FAX:

SPECIFIC ISSUE:

WRITTEN TESTIMONY:

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
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IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#20

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 9/9/04

SUBJECT: _____

AGENDA NUMBER OR TOPIC: R-13 Howard Canyon Quarry

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Alex Dorsey

ADDRESS: 2725 SW 1st

CITY/STATE/ZIP: Portland OR 97201

PHONE: DAYS: (503) 224-2995

EVES: _____

EMAIL: alex.dorsey999@msn.com

FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
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IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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Defered Testimony

MULTNOMAH COUNTY BOARD OF COMMISSIONERS PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 9/9/04

SUBJECT: Howard Canyon deny expansion

AGENDA NUMBER OR TOPIC: Howard Canyon

FOR: X AGAINST: ~~X~~ THE ABOVE AGENDA ITEM

NAME: GLENDA FIELD

ADDRESS: PO Box 244

CITY/STATE/ZIP: Corbett OR 97017

PHONE: DAYS: 667-5355x101 EVES: 503-695-5339

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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FOR THE RECORD

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: Sept 9, 2004

SUBJECT: Howard Canyon Quarry

AGENDA NUMBER OR TOPIC: R-13

FOR: X AGAINST: ~~X~~ THE ABOVE AGENDA ITEM

NAME: Gloria Wiemann

ADDRESS: 39857 SE Louden Rd

CITY/STATE/ZIP: Corbett, OR 97019, PO Box 276

PHONE: DAYS: 503 695-3350 EVES: _____

EMAIL: twiemann@europa.com FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: Please support the report.

As a property owner I should have the right to peace and quiet. I also have an issue with the traffic. I have been run off the road by one of the trucks in the past and do not want it to happen again, to me my family or anyone else in the community.

IF YOU WISH TO ADDRESS THE BOARD:

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IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

BOGSTAD Deborah L

From: SMITH Andy J
Sent: Thursday, September 09, 2004 11:54 AM
To: BOGSTAD Deborah L
Subject: FW: Howard Canyon

Testimony for the record.
-----Original Message-----

From: Nagarkot247@cs.com [mailto:Nagarkot247@cs.com]
Sent: Tuesday, September 07, 2004 7:06 PM
To: ROBERTS Lonnie J; CHAIR Mult; SERENA CRUZ; District1; District3
Subject: Howard Canyon

Dear Commissioners,

Since I will not be able to attend your meeting on September 9, I would like to send my testimony on the issue of Howard Canyon via email.

I have been a resident of Corbett for 20 years. **I urge you to vote to remove Howard Canyon's designation as a protected aggregate resource and alter the land use zoning to shut this operation down.** The history of abuse of the community by the owners and operators of the quarry has been more than adequately documented in many hearings before the Planning Commission and yourselves in the last several years. The operators have shown bad faith in consistently violating agreements and conditions of their use of the property.

As a psychologist I am aware of the erosion of the health and well-being of residents living near such an operation, given the level of noise both of the extraction process and the trucks coming and going. There is enough scientific evidence of the cumulative impact of intermittent and continuous noise exposure on the health of humans and animals, as well as cognitive functioning and school performance of children, to warrant curtailing the quarry operations in the interest of public health. I have presented this information in the past at public hearings.

Listen to the community. People have gone the distance and shown the discipline and community concern over many years to keep this issue before you. It is time to bring this matter to a close.

Sincerely,

John F. Christensen, Ph.D.
39825 Gordon Creek Rd.
Corbett, OR 97019

9/9/2004