

March 13, 1997

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON

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RECONSIDERED AND REVISED
REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Development and Environmental Services
File No. L93RZ009
Proposed Ordinance No. 96-1023

CADMAN BLACK DIAMOND MINE
Rezone Application from RA-5 (potential M) to M

Property located on the east side of SR169 (Black Diamond-Enumclaw Road) at
Southeast Green Valley Road

Applicant: Cadman Sand and Gravel Company, Inc.
Contact: Rod Shearer
P.O. Box 538
Redmond, WA 98073-0538
Represented By:
Al Wallace, Attorney at Law
701 Fifth Avenue, 70th Floor
Seattle, WA 98104

Owner: Weyerhaeuser Company, Inc.
Contact: Philip White
PC-2-31
Tacoma, WA 98477

SUMMARY OF RECOMMENDATIONS:

Division's Preliminary: Approve, subject to conditions
Division's Final: Approve, subject to conditions (modified)
Examiner: Approve, subject to conditions (modified)

PRELIMINARY MATTERS:

Application submitted: Original Unclassified Use Permit application L93UU001 - September 8,
1993
Subsequent application: Rezone application to convert UUP to Rezone L93RZ009 - August 22, 1994

Notice of appeal

received by Examiner: November 1, 1996

EXAMINER PROCEEDINGS:

Pre-Hearing Conference: November 21, 1996
 Hearing Opened: January 9, 1997
 Hearing Continued: January 10, 1997
 Hearing Continued: January 16, 1997
 Hearing Continued: January 23, 1997
 Hearing Closed: January 31, 1997
 Examiner's First Report: February 10, 1997
 Request For Reconsideration: February 24, 1997

Participants at the proceedings and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Office of the King County Hearing Examiner.

ISSUES ADDRESSED:

- ◆ Noise
- ◆ Traffic
- ◆ Neighborhood character
- ◆ Ground water source

RECONSIDERATION:

Following the February 10, 1997 issuance of the Examiner's Report and Recommendation to the Council, Applicant Cadman, Inc. filed motion for reconsideration regarding recommended condition no. 26 which prohibits "highballing", and simultaneously filed appeal with the Metropolitan King County Council regarding that same issue.

Neighboring property owners Michael E. Kaczor and Deloris V. Kaczor also timely filed appeal with the Metropolitan King County Council regarding the Examiner's recommended approval of the Cadman zone reclassification request. Appellants Kaczor base their appeal on the concerns/issues regarding adequate buffering, noise, traffic and economic impact. On the Examiner's own motion, the content of the Kaczor appeal is reviewed in this March 13, 1997 revised report in the same manner as a request for reconsideration. This additional review will not preclude Appellants Kaczor from presenting their appeal to the Council.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information.

Applicant: Cadman Sand and Gravel Company, Inc.

Contact: Rod Shearer
 P.O. Box 538
 Redmond, WA 98073-0538
 (206) 867-1234

Represented By: Al Wallace, Attorney at Law
 701 Fifth Avenue, 70th Floor
 Seattle, WA 98104
 (206) 587-0700

Owner: Weyerhaeuser Company, Inc.
 Contact: Philip White
 PC-2-31
 Tacoma, WA 98477
 (206) 924-2472

STR: 24-21-06/25-21-06

Location: Approximately 1 mile south of the City of Black Diamond, on the east side of State Route 169 (SR169/Enumclaw-Black Diamond Road), at Southeast Green Valley Road

Existing Zoning: RA-5, Potential M (rural area, 1 dwelling unit per 5 acres, potential mineral)

Requested Zoning: M, mineral (KCC 21A.04.170; 21A.08.090; 21A.22)

Size: 143 acres (total); 90 acres to be subject to mining operation

Community Plan Area: Tahoma/Raven Heights

Comprehensive Plan Designation: Rural

2. Department Report Adopted. Except as noted below, the facts and analysis contained in the Land Use Services Division Preliminary Report, dated January 9, 1997, are correct and are incorporated here by reference. A copy of the Land Use Services Division report will be attached to those copies of the examiner's report which are submitted to the King County Council.
3. Proposal. The Applicant seeks to "actualize" the potential mineral (M) classification of approximately 137 acres which are currently classified RA-5 (potential M). The subject property is located immediately east and north (across SR169) from Cadman's existing Black Diamond mining operation, which is approaching the end of its permitted mineral resource reserves. The proposed action would provide an estimated 16 to 18 year supply of mineral resources. The Applicant proposes to transport mined gravel from the new (proposed) East site by conveyor belt to the existing concrete batch plant. The conveyor would run beneath SR169 when finally completed. The proposed development is further described in section I.B ("Summary Of Proposed Action") as shown on pages 2 through 4 of the pre-liminary report to the Hearing Examiner issued by the Department of Development and Environmental Services (hereinafter "the Department" or "DDES"), dated January 9, 1997, EXCEPT for the following modifications:
 - A. The resource at the existing (West) site will be depleted within 18 to 30 months, not 3 or 4 years as indicated on page 2 of the Department's preliminary report.
 - B. A "mobile scale facility" would be constructed in the West portion of the subject property only if the Applicant were to conduct pit-run sales from that property and, thus, is not a certainty as suggested by the third paragraph on page 4 of the

Department's preliminary report.

- C. The "unoccupied residence", described by the Department's preliminary report on page 4, has been removed from the premises.
 - D. The Applicant correctly notes that any permitted hours of operation resulting from approval of this action would apply to the subject property only, not to the existing Cadman West site which already operates pursuant to specified permit conditions. This observation corrects the 5th paragraph on page 2 of the Department's preliminary report.
4. SEPA. On December 28, 1993 the Department issued a mitigated determination of non-significance ("MDNS") regarding the proposed action. A hearing on appeals from that determination began March 15, 1994. On May 20, 1994 the Hearing Examiner granted the appeal, remanding the proposal to the Department for preparation of a limited scope environmental impact statement ("EIS"). The SEPA hearing record is contained in this hearing record. See, particularly, exhibit nos. 2, 3, 20, and 25. The draft EIS ("DEIS") was issued in December, 1995; the final EIS ("FEIS"), October, 1996. These are contained in the hearing record as exhibit nos. 2 and 3. The DEIS includes four technical appendices addressing stormwater pollution prevention: National Pollutant Discharge Elimination System review; Provisional Reclamation Plan; Department of Natural Resources review letter; and, wetland field investigation documentation. This review, in part, include a challenge of EIS adequacy with respect to noise and traffic issues.
5. Department Recommendation. The Department recommends that the requested reclassification be approved, subject to 32 conditions of approval which are contained in exhibit no. 65 of this hearing record. These recommended conditions of approval are the same as contained in the Department's January 9, 1997 preliminary report to the Examiner, except for the following changes:
- A. Deletions, as numbered in the January 9, 1997 preliminary report: Recommended condition nos. 10 through 12 and 24.
 - B. Modifications, as numbered in this report, below: Recommended condition nos. 1, 5, 10, 11, 22, 23, 25a, 25b, 25d, and 26.
 - C. New conditions, contained on pages 25 through 27 of exhibit no. 65.
6. Applicant's Position. The Applicant accepts the Department's final recommendation as described finding no. 5, above, except for the following:
- A. Ambient sensitive back-up alarms (recommended condition no. 23). The Department recommends ambient sensitive back-up alarms be required on all Cadman trucks and on-site heavy vehicles. The Applicant volunteers that such alarms be installed within 90 days of approval of the grading permit for the subject property mining operations.
 - B. "High-balling" (recommended condition no. 35/new recommended condition no. 26). "High-balling" is around-the-clock hauling in order to meet a peak demand. It is opposed by the Department because it inherently violates several conditions

intended to insure compatibility with neighboring land uses. The Department recommends a specific prohibition of this practice. The Applicant "strongly objects" to this recommended condition, principally on the basis that it is irrelevant because Cadman has no intention of operating in this manner and that the hearing record contains no evidence to the contrary. The Department responds that this is a standard condition typically applied to all gravel and rock mining operations. The Applicant counters that such a condition has not been applied to any recent permits for other similar operations.

Applicant Cadman requests that the Examiner reconsider his decision to impose condition no. 26 for the following reasons:

- ◆ There is no substantial evidence in the record supporting a condition prohibiting highballing;
- ◆ There is no basis under SEPA to impose condition no. 26 because the condition does not address a "probable significant adverse environmental impact";
- ◆ Condition no. 26 is based on erroneous assumptions regarding truck trips, and fails to account for either the peak construction season or for market growth;
- ◆ Condition no. 26 prohibits the Applicant from satisfying market demand for its mineral resource products and from meeting its annual production goals as identified in the DEIS; and, finally,
- ◆ Condition no. 26 will significantly extend the time required to mine the subject property.

In the hearing, Applicant Cadman testified that Cadman has not conducted "highballing" in conjunction with its existing Black Diamond mining operation and that it will not conduct highballing with regard to this property. See exhibit no. 33. This testimony was not refuted. In its reconsideration request, Applicant Cadman has submitted calculations which indicate that recommended condition no. 26 would place a ceiling on the number of truck trips per day that would be approximately one-third of the Examiner's definition of "highballing" (around-the-clock hauling). Also, in its request for reconsideration, Applicant Cadman observes that the annual hauling tonnage is achieved through a year of fluctuating sales. Recommended condition no. 26, as contained in the Examiner's February 10, 1997 Report and Recommendation makes no allowance for such fluctuations.

- C. Set-back buffer requirement (new recommended condition no. 31). The Department recommends that, along the subject property south property line, a minimum 100-foot setback "buffer" be established, within which no mining operations shall occur. The Department would have the first 50 feet abutting the south property line maintained as an undisturbed natural buffer, with the remaining 50 feet reserved to contain the required 10-foot-high berm. In addition, the Department recommends that the berm be landscaped.

The Applicant objects to this recommended condition on several grounds. First, it

appears to ignore the use of natural contours as means of "creating" (obtaining) the desired berm. Second, it asks for the installation of land-scaping when, in fact, substantial natural vegetation already exists. Third, the hearing record contains no proven adverse environmental impacts which justify the proposed requirement (citing the expert testimony of traffic and noise consultants).

It is the Department's intention that protected buffer width and landscape screening is a means of assuring land use compatibility with the residentially classified property which abuts the sound boundary of the subject property.

7. Drainage. The Applicant has obtained a national pollution discharge elimination system ("NPDES") permit from the State Department of Ecology, which it must implement. Applicant Cadman monitors surface water, has installed an above ground fueling tank and pad, and has a spill response plan and team in place. It has an environmental management program directed toward preventing, rather than correcting, problems.

Given the thick layer of glacial till underlying the gravel deposit, there is almost no risk of contamination of nearby wells, which obtain their water supply from beneath the till layer, according to DDES geologist Larry West. In view of the site's soils, geology, topography and ground water characteristics, no adverse impacts to wetlands adjacent to the mining footprint are anticipated. Testimony, John Hansen, DDES Senior Wetlands Ecologist. Lori Herman, hydrogeologist, agrees with these findings.

8. Noise. No blasting will be required for the proposed operation. Ambient noise emanating from SR169 generally will be high enough to mask noise generated by the proposed operation as it would affect the southerly abutting property, according to noise expert Kris Wallace. Considering proposed berms and limitations on the days and hours of operation, the proposed mining activity will have no significant adverse impact on surrounding uses and properties. Testimony, Kristen Wallace. Seattle-King County Department of Public Health noise expert Curt Horner agrees with the Kris Wallace testimony. The most common complaint from gravel pits in general, and in this hearing record specifically, concerns noise generated by back-up "beeper" or alarms. In this case "ambient sensitive" back-up alarms will be required. Mr. Horner further suggests that gun shots from the neighboring outdoor shooting range will be more noticeable than noise from mining operations, as heard from the southerly (presently vacant) abutting property. A doubling of truck traffic volume would be required to produce a noise increase of 2 to 3 decibels which, according to Federal standards, would be "barely perceptible". Testimony, Curt Horner. Projected truck traffic from the proposed operation will fall far short of that volume.

Dan Bruck, Ph.D., TRC Acoustics, also agrees with the Kris Wallace testimony. He further testified that the noise measurements of neighboring property owner Geary Freshwater do not contradict the findings and analysis contained in the EIS.

9. Traffic. There were only four accidents during the previous 13 years involving turning movements at the SR169/SE Green Valley Road intersection, none of which involved trucks. Testimony, Jeff Scram/The Transpo Group. According to Department of Transportation approved traffic analysis, with or without Cadman generated traffic, a traffic light at this intersection would not be required in 2012. An engineering design study will be conducted upon rezone approval for Washington State Department Of Transportation ("WSDOT") in order to determine which of three options the

Applicant will be required to implement for improving the flow of traffic through the SR169/Green Valley Road intersection. Testimony, Marni Heffron, P.E. Any of the three intersection improvement options under consideration (see recommended condition no. 25) will more than adequately address WSDOT's concerns for that intersection. Ibid.

10. Kaczor. Neighboring property owners Kaczor oppose granting approval to the requested reclassification. They also oppose the recommended natural berm, preferring an artificially raised berm which, they believe, would mitigate noise, and air pollution, as well as provide aesthetic screening better than the Applicant's proposal (which is incorporated in this report and recommendation as recommended condition no. 31). Noise experts representing both the County and the Applicant testified that ambient noise resulting from SR169 would tend to "mask" noise generated by the proposed operation as it would affect the southern abutting (Kaczor) property. The Kaczors object to this finding, contending that there is no fact in the record that would indicate such. They argue that rock crushers and a proposed conveyor belt (intended to move gravel from the subject property to another property which is owned by the Applicant, located on the opposite side of SR169) will exceed reasonable noise standards. This assertion is not verified by the facts of record.

Appellants Kaczor argue that the review does not contain sufficient consideration of Flaming Geyser Park visitors who use SR169 and Southeast Green Valley Road, and the potential conflict of those park users with Cadman truck traffic. See, however, finding no. 9, above.

Finally Appellants Kaczor object to the Examiner's alleged failure to review economic impacts on the Kaczor property. The Kaczor property is located between the Applicant's property and the Green River Gorge conservation area. A portion of the conservation area, in fact, was acquired from Kaczor. The Kaczor property is classified rural residential. Appellants Kaczor argue that the economic impact (that is, the potential degradation of presumed development potential) should be considered.

11. Any portion of any of the following conclusions which may be construed as a finding is incorporated here by reference.

CONCLUSIONS:

1. The County EIS is adequate under the "rule of reason" established by case law. It contains a reasonably thorough discussion of the significant aspects of the probable environmental consequences of approving this requested reclassification. The entire hearing record and environmental record for this matter, with respect to the contested issues as well as other concerns, contains sufficient information to make a reasoned decision.
2. The southerly abutting property owners, Kaczor, express concern that the proposed development will have an adverse impact upon property values. Property values are exempt from consideration of adverse impacts on the environment. Citizens v. Public Hospital District #304, 78 Wn App 333, 1995. While there is no provision to declare diminished property value an "adverse impact," diminished property values could certainly be used as an "indicator" or "measure" of the significance of other environmental impacts. However, the preponderance of evidence in this record shows that the adverse impacts which have been debated in this review will not be significant.

3. "Actualizing" the M (mineral) potential classification of the subject property will serve to support State Growth Management mandates to con-serve and enhance mineral resources of commercial significance. See RCW 36.70A.170. The "County-wide planning policies" of King County require protecting mineral resource land and establish the priority of mineral resource lands in rural areas. See, particularly, Framework Policy FW-9, which encourages the continuation and expansion of resource based indus-tries in the rural areas. Granting the requested reclassification will be consistent with, and implement, mineral resource policies contained in the 1994 King County Comprehensive Plan. See, particularly, policies RL-101 through RL-113. These policies encourage the productive use of mineral resource sites and suggests that attaining or maintaining compati-bility with resource based industries in rural areas is a responsibility of adjacent properties as well as the subject property.

4. The requested reclassification fully complies with the applicble devel-opment standards for mineral extraction contained in KCC 21A.22. Further, approval of the requested reclassification will be appropriate with the standards contained in KCC 21A.04.170 and 20.24.190. The purpose of a potential zone is:

. . . to designate properties potentially suitable for future changes in land uses or densities once additional infrastruc-ture, project phasing or site specific public review has been accomplished (KCC 21A.04.170).

KCC 20.24.190.A provides for an Examiner to recommend reclassification of a "potentially" classified property when "conditions have been met which indicate the reclassification is appropriate." In this case the variety of functional standards which apply, and which have been extensively considered through environmental review, demonstrates consistency with this Code Section.

5. Considering the entire record, regarding both the contested issues and other zoning and environmental standards, the evidence substantially favors the requested reclassification. Testimony in opposition to the proposal has articulated questions, argument, concerns, and speculation, but has not provided real evidence.¹ Consequently, the preponderance of the evidence falls fully in support of granting the requested reclassifi-cation.

6. Recommended condition no. 26 as contained in the Examiner's first Report and Recommendation to the King County Council, dated February 10, 1997, should be deleted. It attempts to regulate fluctuations in truck traffic by prohibiting more than a 50 per cent surge above the "calculated average" number of trips. Having reviewed the evidence of record, without taking any new evidence into consideration, it is concluded that this con-dition should not be imposed upon Applicant Cadman, Inc. for all of the reasons argued by the Applicant and reported in finding no. 6.B, above. In addition, under SEPA, the County can impose conditions only to mitigate identified "probable significant adverse environmental impacts" that are identified in the environmental documents of record. Based on the evi-dence in this review record, including the DEIS, condition no. 26 would

¹ **Noise meter readings taken by Geary Freshwater were consistent with the EIS noise analysis presented by Dan Bruck, Ph.D., of TRC Acoustics, even though professional caliber equipment was not used.**

not mitigate a probable significant adverse environmental impact and therefore is contrary to SEPA. If a significant adverse environmental impact will result from so-called "highballing", it has not been identified in this hearing record. In fact, the evidence of record conclusively demonstrates that doubling the truck traffic would result in--at most-- a "barely perceptible" increase in noise. See finding no. 8, above. The hearing record does not contain any other assertions of "potential" adverse impact resulting from highballing. For all of these reasons, recommended condition no. 26 is deleted from this Reconsidered Revised Report and Recommendation to the Metropolitan King County Council.

7. The Kaczor appeal contains no fact or argument which justifies reconsideration and revision of the Examiner's Report and Recommendation. The issues raised were considered in the hearing, addressed in the Examiner's review, and were found lacking sufficient basis to deny or further regulate the Cadman, Inc. application.
8. Any portion of any of the above findings which may be construed as a conclusion is hereby adopted as such.

RECOMMENDATION:

GRANT approval of the requested reclassification of the subject property, EXCEPT that segment located west of Gun Club Road, SUBJECT to the following conditions:

1. Mining operations shall be in accordance with the Proposed Action site plan described in the FEIS, as illustrated by the Applicant's site plans (attachments 3a and 3b) following the mining sequence identified therein. Operational hours for the rezone site shall be limited to daytime hours: 7:00 a.m. to 7:00 p.m. Weekend hours on Saturday are limited to 9:00 a.m. to 7:00 p.m. and are for maintenance activities only. Weekend mining operations will only be allowed on an emergency basis to serve a demonstrated public need, and ONLY with the explicit pre-approval of the Department of Development and Environmental Services, Site Development Services Section.
2. The Applicant must maintain, at all times, a valid King County grading permit for the 143-acre East site. All operations must abide by conditions stated therein.
3. Through the grading permit process, the Applicant is required to comply with all applicable provisions of the King County Zoning Code 21A, in particular, and the Development Standards for Mineral Extraction specified in KCC 21A.22.010 through .090. Of critical importance is adherence to the periodic review process to ensure ongoing operations are continuing in accordance with the conditions of approval established under this re-zone. In particular, fencing, Warning/Trespass signs, landscaping, and lighting shall be provided as stipulated in KCC 21A.-22.060(C),(D),(G), and (H).
4. Excavation contours shall not progress below elevation 640 feet mean sea level ("MSL"), as discussed in the EIS, and as illustrated in the Geologic cross-sections of the DEIS (figure 3-10 and 3-11, pages 3-27, 3-28).
5. Prior to the issuance of a grading permit, the Applicant shall establish an account with the Department of Development and Environmental Services to cover the costs of monitoring compliance (other than a normal inspection schedule) with these conditions and costs of code

- enforcement actions associated with the grading permit. The Applicant shall make an initial deposit, the amount to be determined by DDES, Site Development Services Section. The deposit shall be maintained throughout the life of the required grading permit. Other financial guarantees may be determined necessary under the subsequent grading permit. Financial guarantees will be carried out in conformance with KCC 21A.22.090 (Ordinance 12020).
6. The Applicant shall comply with the provisions of King County Ordinance 3139 (noise control ordinance) at all times (KCC 12.88).
 7. Blasting is not permitted.
 8. Extractive operations shall comply with regulations of the Puget Sound Air Pollution Control Agency ("PSAPCA").
 9. A routine road cleaning program shall be established and implemented through the grading permit.
 10. If pit run sales occur from the East Sector, then all gravel trucks leaving the East Sector site shall be washed by a traffic-actuated, high-pressure water jet or truck-wheel wash system, to be approved under the grading permit.
 11. To control fugitive dust emissions, the Applicant shall (FEIS, Air, Page 1-5):
 - A. Pave the East Sector site entry road;
 - B. Keep the entry road free from debris on a daily basis;
 - C. Install a truck-wheel wash system at the West Sector site entry road;
 - D. Where dry materials are stacked into piles, the height from which material is dropped shall be minimized;
 - E. Reduce, as is reasonably practical, the distance that the front end loader has to travel between the open face of the gravel deposit and the hopper at the end of the conveyor system.
 12. Erosion-sedimentation control measures and storm-drainage requirements shall be in conformance with the King County Surface Water Design Manual. These standards will dictate volume and retention times for stormwater detention ponds. Final plans to be approved under the grading permit.
 13. Measures incorporated in the Department of Ecology's General permit shall be followed. Significant components include (FEIS, Water, Page 1-6):
 - A. A monitoring plan for monthly monitoring of process water discharges and type 3 storm water discharges;
 - B. A stormwater pollution prevention plan ("SWPPP");
 - C. A SWPPP for erosion;
 - D. All batch plant process water impoundments will be lined;
 - E. Diversion ditches, channels, ponds, impoundments, or other detention/retention facilities for treatment of process or stormwater water will be designed, constructed and maintained to contain and provide treatment for peak flows resulting from the design storm.

14. Operation Best Management Practices ("BMP"s) will be developed in the SWPPP (FEIS, WATER, Page 1-7).
15. Source control BMPs will be developed under the general permit (FEIS, Water, page 1-7).
16. Groundwater quality protection measures shall include a groundwater monitoring program to include wells first encountered at or near the site boundaries, as described in the EIS (FEIS, Water, page 1-7).
17. Conditions of the NPDES and general permit require monitoring of any storm water discharged off-site; and, monitoring of any storm water discharged to groundwater (FEIS, Water, page 1-8).
18. Relative to wetlands, mining activities shall (FEIS, Plants/ Animals, page 1-9):
 - A. Maintain a separation of 100 feet from the NW wetland and 200 feet from the SE wetland;
 - B. All stockpiled materials shall be stored away from wetland areas;
 - C. Culverts, diversions, and impoundments shall be used to maintain the hydraulic integrity of wetlands;
 - D. A wetland/stream monitoring plan shall be developed to evaluate general impacts of mine operations on wetland and stream hydrology and water quality;
 - E. The SWPPP shall include measures to control dust, mud and silt from entering wetlands.
 - F. Pursuant to the Sensitive Areas Code, Chapter 21A.24, additional wetland mitigation is required for any portions of existing wetlands filled to accommodate road improvements. A final mitigation plan shall be prepared by the Applicant and approved under the grading permit.
19. In conformance with the Surface Mine Reclamation Act, mining shall be sequenced, (as indicated in the Proposed Action site and reclamation plans) to limit the amount of habitat disturbed at one time where. Reclamation shall be initiated as soon as practical after mining in a given area (FEIS, Plant/Animals, page 1-10).
20. To control noise, a minimum 10-foot-high berm shall be constructed along the service road that follows the southern mining boundary of the site. A minimum 20-foot-high berm shall be constructed along the northwest and northern mining boundaries of the site (FEIS, Noise, page 1-13). The height of the berms shall be raised if deemed appropriate during final review of the subsequent grading permit (FEIS, Noise, page 1-13).
21. Speeds on the access road shall be kept to a minimum. If truck noise on the access road becomes an issue after operation, speeds shall be reduced accordingly under the grading permit and/or periodic review process (FEIS, Noise, page 1-14).
22. A post-construction noise monitoring program/plan shall be developed by the Applicant and implemented under the grading permit. DDES shall conduct independent noise monitoring of the facility at least four (4) times per year to verify compliance with the noise ordinance. If necessary, additional mitigations, such as raising berms, may be required as a result of such monitoring (FEIS, Noise, page 1-14).

23. Ambient sensitive back-up alarms shall be used on all Cadman trucks and on-site heavy vehicles (FEIS, Noise, page 1-14).
24. The Applicant shall provide reimbursement to King County for pavement damage ("accelerated pavement deterioration") repair on SE Green Valley Road between the existing Cadman entrance and SR169 for damaged caused by Cadman trucks (FEIS, Transp., page 1-17).
25. The following conditions, or their equivalent, will be required under the State access permit required by WSDOT, or Developer Services agreement, the Applicant is obligated to obtain for this project:
 - A. The Applicant shall construct a southbound right-turn deceleration pocket on SR169 at SE Green Valley Road intersection. Should the County and/or State determine that the implementation of this pocket is not feasible, then the proponent shall contribute a proportionate share to the entire cost of a traffic signal and intersection improvements at the SR169/SE Green Valley Road intersection if/when warrants are met. (FEIS, Transp., page 1-18).
 - B. The Applicant will provide improvements to SR169 at Green Valley Road to address Cadman's trucks left turn and acceleration movement eastbound from Green Valley Road to northbound SR169. Review and approval of road improvements shall be determined by WSDOT through the State access permit for the East Section of the site.
 - C. In the event Cadman allows pit-run to be hauled into and out of the East Sector while operations continue on the West Sector under the Proposed Action, Cadman shall also implement those transportation mitigation measures described in Alternative 1 (FEIS, Transp., page 1-19), which include:
 - 1) Construction of a westbound to northbound acceleration lane from the East Sector onto SR169 at SE Green Valley Road to WSDOT design standards;
 - 2) Prior to operation of the East Sector site, Cadman would construct a southbound left turn storage pocket on SR169 at SE Green Valley road to WSDOT design standards;
 - and 3) Concurrent with the construction of the southbound left-turn pocket, Cadman would construct a north-bound left turn storage pocket on SR169 at SE Green Valley Road (FEIS, Summary, Transp., page 1-18).
 - D. The Applicant shall implement a Traffic Control Plan for the construction of SR169 conveyor underpass to be approved by WSDOT prior to undertaking this activity and shall be administered as part of the County's grading permit for the East Sector.
 - E. During King County's yearly review of Cadman's grading permit, a signal warrant analysis shall be administered by WSDOT at SR169/SE Green Valley Road intersection to determine if any of the 11 signal warrants from the manual of Uniform Traffic Control Devices are met (FEIS, Transp., page 1-19).
 - F. The Applicant shall contribute a proportionate share of costs ("pro-rata") for traffic signal design and construction if/ when signal warrants are met at the SR169/Green Valley Road intersection. The pro-rata share would be based on the number of Cadman-generated vehicles on both side-street approaches to the intersection (FEIS, Transp., page 1-19).
 - G. Road plans for auxiliary lanes shall include illumination and storage lengths to

accommodate the expected truck traffic. Plans shall meet WSDOT standards and are subject to WSDOT review and approval.

26. DELETED.
27. Prior to issuance of a grading permit, the Applicant shall provide a final reclamation plan approved by Washington State Department of Natural Resources ("DNR").
28. The granting of this rezone does not preclude the Applicant from having to obtain other federal, state, and local authorizations and permits or from complying with any conditions set forth herein.
29. Trucks will not be allowed to queue on or adjacent to any public roadways in the vicinity of the facility. As construed herein, vicinity shall mean:
 - on SR169: Between the Black Diamond corporate limits and the intersection of SR169 and Franklin-Cumberland Road, except that, Washington State Department of Transportation may impose additional restrictions on queuing;
 - on Green River Valley Road: Between 218th Avenue SE and SR169, except that, King County Department of Transportation may impose additional restrictions on queuing.
30. If the conveyor is not constructed and operational within two (2) years from the date of grading permit issuance for the East Sector proposal Phase I, no further hauling shall occur from the East Sector until such time the conveyor is operational.
31. A naturally vegetated protective buffer, at least fifty feet wide, shall be preserved along the south boundary of the subject property. North of that buffer there shall be a protective berm which rises at least twelve feet from the north boundary of the buffer, generally as illustrated in exhibit no. 63 of this hearing record. Vegetation located on the south slope of the "berm" (area of 12-foot rise) shall be maintained in healthy growing condition.
32. The reclassification shall not become effective unless and until the Applicant submits a revised legal description for the East Sector site, less that area not zoned potentially for M (Mineral) located west of the Gun Club Road.

RECOMMENDED this 13th day of March, 1997.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 13th day of March, 1997, to the following parties and interested persons:

Robert/Cathy Adkins	Doris/Gregory Dunham
Ruth Anderson	John Dunton
C.Armour/Hart Crowser	Connie Dye
Larry Baird	J.Ecklund/Glacier Construction
Dan/Joann Baldwin	Eugene Emerson
Brad Barton	Dale/Mary Erickson
Gordon Baxter	John Erickson
Tim Beadle	Gordon Eudott
K. Beardslee/Wa.Trout	Robert/Rhonda Everly
Gary Beckwith	T.Everson/Everson's Econovac
Arlette Bennett	Andrew Falcon
Michael Bennett	Peg Ferm
Gary Beyerman/Weyerhaeuser	Roy Ferrier
Peter Blundell/Ultrablock	Lynne Fisher
Russell/Teryl Boblet	Janet P. Flippin
Steve Borquez	Leonard Flothe
Gil Bortleson	Robert Fortner
Robin Boynton/CRLU	Geary/Bonnie Freshwater
Geoffrey Bowie	Jean Friese
Marshall Brenden	Kathryn Gardow
Denice Brenner	Michael Gaudio
Matt/Carol Brock	Steve/Marge Gengiano
Dr. Daniel Bruck	Duane Gerrard
Fong Cha	Vern/Judith Grant
Hicham Chatila/Transpo Group	Mr/Mrs D. L. Graves
M. Cililberti/CAC	Gail/Ralph Graves
John Clay	Al Guidotti
W.Kombol/Palmer Coking Coal	William R/Kate R. Halstead
Jeanne Coke	Kenneth Hansen
Steve Cournier	B.Harrison/SunnyHillCommClub
Russell Cridel	Donna/John Harvold
Lois Culver	Bob Hasegawa
Steve Curtis	Marni Heffron
Joyce Dalsanto	Greg Henderson
Priscilla Darby	Ron Henke
Jeff Davis	L.Herman/Hart Crowser
Stacie Dean	Bud/Kathy Hinegardner
Donald/Louise Deffley	Jan R/Elaine Hollenbeck
Charlene K. Dennie	Joyce/James E. Horton
C. Dennie	Dan Howe
Loretta Dennis	Duane Huckell
Tom Dodd	Joan Humphrey
Douglas Dopps	Jeanne Hunt/Weyerhaeuser Co
	Harriet Hutchins

Karen Johnson
P. Johnson
Dick Jones
Deloris Kaczor
Michael/Diana Kaczor
Lance Kelso
Cheryl King
Mike Knight
Dave Kocher
Claudia/Richard Langlois
Jill A. Lightner
Mike/Bob/Jim Linder
Curtis/Shirley Lindsay
John Loney
Joyce Lyons
Denise Mahnke
Tory Malewski
Thomas Mann
Kim Markus
Linda Marlin
Dolores Matthai
Tina McCann
Paula McCann
Jim McCann
Dave McClain
Julianne McNeeley
Howard Meece
Frank Melewald
Rich Melewald
Jim Messmer
Lee B. Minshull
Gerold Mittelstadt
Mike/Shelly Moffatt
Michael Murphy
Shawn Murphy
Gary/Tamara Olsen
H. Cory/Diane Olson
Bryan Oster
Ted Pablow
Edward Pebley
Ross Peterson
Patricia Pierson
Chuck Preston
Philip Price
E. Pritchett/LHYW Comm
Drew Proanucci

Gordon/Teri Lynn Reeve
John Reld
Roger Repenn
Bruno Ridall
Betty Roberts
Jon/Norah Romanelli
Ranchero Partnership
Dave Rutton
Genny Ryan
Mrs. E. Sarver
Mr/Mrs Mark Satterlee
Paul Schmidt
Susan Schmoll
Pete Schroeder
Jeff Scramm/Transpo Group
John Schwartz
Chris Searcy
Leslie/William Senn
Rod Shearer/Cadman Sand&Gravel
Dorothy/Clayton Snyder
Brad Smith
Eric Smith
Russ Stevenson
Beth Stroh-Stern/Tolt CC

Betty/Erich Studer
 D.Templeton/Hart Crowser
 Charles Theilken
 Peggy Timm
 Teri Tingvau
 Willard/Sarah Todnem
 Ilze Tomsevics
 Roger Travis
 Tammy/Mark Trump
 Jeff/Renee Udd
 Al Wallace/Caincross Hempelmann
 Kristen Wallace
 Ken Walte
 Patty Warren
 J.Webber/Transpo Group
 Joe/Marie Webby
 Carl Wegener
 Philip C. White/Weyerhaeuser
 Chuck Whitman
 Kirk Wings/McCaulley-Frick-Gilman
 Mark Yormark
 Fonda Rae Zimmerman
 James E. Zobac

C&PS RR Co.,Burlington Northern RR
 Duwamish Watershed Alliance
 J. Banas/Totem Girl Scout Council
 B. Berg/Totem Girl Scout Council
 Howard Botts/City of Black Diamond
 City of Carnation Library
 Millard Deusen/WA Dept of Fisheries
 Riverview School Dist./Dept.ofTrans
 City of Duvall Library
 Corps of Engnrs/Envir Res Sec
 Optimum Environment
 D.Goldman/Earth Science Appl
 Black Diamond Gun Club
 Helpers of the Hatching
 Les Johnson/City of Enumclaw
 R.E. Johnson/WA Department of Fish
 Rick Luther/Black Diamond Police
 R.Malcolm/Muckleshoot Indian Fish
 Lynn Mitchell/Woodinville Weekly
 Tulalip Tribe/Kim Ordon,Fisheries Dept. WADNR, So.Puget Sound/David Pierce
 Upper Green Valley Preservation Society WADNR, So.Puget Sound/David Weiss
 P. Weideman/Snoqualmie Valley Record

Harold Morgan/City of Carnation
 Fire Protection District No.10
 Fire Protection District No.17
 Fire Protection District No.35
 Keith Olson/City of Black Diamond
 Plum Creek Timber Company
 Puget Power/Licensing & Regulation
 Brad Rayson/Teamster's Local #174
 G. Reed/King Conservation District
 Soos Creek Action Response
 B.J.Ritchie/WA Department of Ecology
 South Central School Dist.#406
 Enumclaw School District#216
 J. Sevy/City of Carnation
 S. Simonitch/Snoqualmie Villy Reporter
 Black Diamond Historical Society
 Duvall Historical Society
 Enumclaw Plateau Preservation Society
 Tulalip Tribe/Daryl Williams
 WASP&R/Chris Regan

WSDOT/Richard L. Anderson
WSDOT/Vicki Erickson
WSDOT, NW Region/Robert Josephson
WA Dept.of Fish & Wildlife/P. Schneider

WADNR/Warren Warfield
WA State Patrol/CVE/Don Lewis
M.A. Dane/The Vincent Community Club

Tom Beavers, Natural Resources
Greg Borba, DDES-LUSD, Site Plan Review
Steve Bottheim, DDES-LUSD, Site Dvlpmnt
Luanne Coachman, DDES-LUSD, SEPA Section
Kathy Fendt, KCDOT
Jack Kenney, DDES-LUSD, Site Dvlpmnt
Mark Mitchell, DDES-LUSD, Site Plan Rvw
Tina Morehead, KCDOT, Roads Division
Office of the Prosecuting Attorney
Carl Osaki, Seattle-KC Health Dpt
Steve Townsend, DDES-LUSD, Eng Rvw
Barbara Questad, DDES-LUSD, SEPA
Kate Stenberg, Natural Resources
White, DDES-LUSD, Site Dvlpmnt Svc

Lori Grant, Natural Resources
Jon Hansen, DDES-LUSD, Site Development
Nancy Hopkins, DDES-LUSD, Site Plan Review
Curt Horner, Seattle-KC Health Dpt
Fatin Kara, Natural Resources, SWM
Bruce Engell, DDES-LUSD, Site Dvlpmnt
Randy Sandin, DDES-LUSD, Site Dvlpmnt Svc
Paulette Norman, KCDOT, Road Svcs Div
Michaelene Manion, DDES-LUSD, Site Plan
Lisa Pringle, DDES-LUSD, Site Plan Review
Gary Samek, KCDOT, Trans Planning
Trudy Rolla, Seattle-KC Health Dpt
Larry West, DDES-LUSD, Site Dvlpmnt Svc Fred

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

The timely filed appeal of MICHAEL E. KACZOR and DELORIS V. KACZOR, received by the clerk of the King County Council on March 3, 1997, must be regarded as an active appeal which should be scheduled for consideration by the Metropolitan King County Council at the nearest practicable date following the expiration of the appeal period indicated in the following paragraph. Because this report and recommendation deletes the condition of approval which had been appealed by Applicant CADMAN, INC., that appeal is now presumed withdrawn. However, if for some reason Applicant CADMAN, INC. wishes to pursue that appeal, it must submit a new "notice of appeal" by the date indicated in the paragraph below. No new appeal fee will be required from CADMAN, INC. because that fee has already been paid.

Except as provided in the preceding paragraph, in order to appeal the (reconsidered and revised) report and recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before March 27, 1997. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before April 3, 1997. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the date on which the Council passes an ordinance acting on this matter.

MINUTES OF THE JANUARY 9, 1997, JANUARY 10, 1997, JANUARY 16, 1997, AND JANUARY 23, 1997 PUBLIC HEARINGS ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L93RZ009 - CADMAN/BLACK DIAMOND MINE PIT EXPANSION:

R.S. Titus was the Hearing Examiner in this matter. Participating in the hearing on January 9, 1997 were Al Wallace/Attorney representing Cadman, Inc., Rod Shearer/ Cadman, Inc., Michael Kaczor, Diana Kaczor,

Geary Freshwater, Robin Nelson/Cadman, Inc., Dr. Daniel Bruck/Towne-Richards-&-Chaudiere, Inc., Marni Heffron/Heffron Transportation, Lori Herman/Hart Crowser, John Dunton, Kristen Wallace, Nancy Hopkins/DDES-LUSD-Site Plan Review Section, Luanne Coachman/DDES-LUSD-SEPA Section, Curt Horner/Sea-KC Dept. of Public Health, Paulette Norman/KCDOT-Road Services Division, and Larry West/DDES-LUSD-Site Development Services. Participating in the hearing on January 10, 1997 were Al Wallace, Diana Kaczor, Gerold Mittlestadt, Kristen Wallace, Geary Freshwater, Michael Kaczor, Joe Webby, Phil White/Weyerhaeuser, Duane Huckell, Jeff Scramm/Transpo Group, Nancy Hopkins, Luanne Coachman, Curt Horner, and Fred White/DDES-LUSD-Site Development Services. Participating in the hearing on January 16, 1997 were Al Wallace, Gerold Mittlestadt, Joe Webby, Kristen Wallace, Dr. Daniel Bruck, Kirk Winges/McCaulley-Frick-Gilman, Inc., Michael Kaczor, Diana Kaczor, Jeff Scramm, Marni Heffron, Nancy Hopkins, Luanne Coachman, Curt Horner, and Randy Sandin/ DDES-LUSD-Site Development Services. Participating in the hearing on January 23, 1997 were Al Wallace, Rod Shearer, Lori Herman, Joe Webby, Gerold Mittlestadt, Michael Kaczor, Geary Freshwater, Robin Nelson, Diana Kaczor, Phil White, Brad Smith, Nancy Hopkins, Luanne Coachman, Larry West, and Jon Hanson/DDES-LUSD-Site Development Services.

On January 9, 1997, the following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 Department of Development and Environmental Services, Land Use Services Division preliminary report and recommendation to the King County Hearing Examiner, prepared for the January 9, 1997 hearing, with 22 numbered attachments
- Exhibit No. 2 Draft Environmental Impact Statement (EIS) for Cadman Black Diamond Mine Pit Expansion, including technical appendices, published December 1995
- Exhibit No. 3 Final EIS for Cadman Black Diamond Mine Pit Expansion, published October 1996
- Exhibit No. 4 Copy of original Unclassified Use Permit application, no. L93UU001, dated September 8, 1993
- Exhibit No. 5 Subsequent Rezone application (with cover letter from Applicant dated September 9, 1994) to convert UUP to Rezone, no. L93RZ009, dated August 22, 1994
- Exhibit No. 6 Summary plan of continued operations for Cadman, Inc., Black Diamond, dated September 2, 1993, prepared by Hart Crowser, dated received by DDES September 8, 1993
- Exhibit No. 7a Notice and staff report for public hearing on DDES file no. L93UU001, Appeal of Threshold Determination, held on March 15, 1994
- Exhibit No. 7b King County Zoning and Subdivision Examiner (now KC Hearing Examiner) decision on appeals of environmental non-significance, dated May 20, 1994, re: L93UU001 (now known as L93RZ009)
- Exhibit No. 8a King County Hearing Examiner's office Notice of Pre-Hearing Conference, dated November 7, 1996, re: L93RZ009
- Exhibit No. 8b King County Hearing Examiner's office, Pre-Hearing Order, dated November 25, 1996, re: L93RZ009
- Exhibit No. 8c King County Hearing Examiner's office, Corrected Pre-Hearing Order, dated December 13, 1996, re: L93RZ009
- Exhibit No. 9 Reproduction of King County Comprehensive Plan Land Use Map, 1995 (page 22)
- Exhibit No. 10 Zoning and Potential Zoning maps (two, 8.5" x 11") produced by King County GIS, dated December 18, 1996
- Exhibit No. 11 Assessor maps (2): STR 25-21-6 & STR 24-21-6, received by DDES September 8, 1996
- Exhibit No. 12 Legal description of leased area (with map), received by DDES from Applicant September 8, 1993

- Exhibit No. 13 Copy of Proposed Ordinance no. 96-1023, sent to Clerk of Council by DDES November 27, 1996, introduced December 16, 1996
- Exhibit No. 14 Department of Development and Environmental Services hearing notice (zoning map attached), mailed to all parties December 6, 1996
- Exhibit No. 15 Affidavit of posting/notice of public hearing
- Exhibit No. 16 Affidavit of newspaper publication/notice of public hearing
- Exhibit No. 17 Letter, dated December 12, 1996, from Deloris Kaczor, to DDES, dated received by DDES December 13, 1996
- Exhibit No. 18 Memorandum, dated December 17, 1996, from R.S. Titus/Deputy King County Hearing Examiner, to Nancy Hopkins/DDES Staff Representative & Rod Shearer/Applicant, transmitting public comment (received by Hearing Examiner December 17, 1996) from Mike Knight and John Erickson
- Exhibit No. 19 [exhibit no. 19 is combined with, and contained in, exhibit no. 20]
- Exhibit No. 20 Combined SEPA file nos. E94E0507/EIS preparation and E94E0600/MDNS appeal and proceedings
- Exhibit No. 21 Rezone file no. L93RZ009
- Exhibit No. 22 East Sector Mine Development Plan, dated November 1996, prepared by Hart Crowser for Applicant, received by DDES December 19, 1996; annotated by DDES staff with colored marker
- Exhibit No. 23 Three cross sections of East Sector, illustrating existing and reclaimed topography elevations (MSL), prepared by John C. Dunton for Applicant, received by DDES December 19, 1996
- Exhibit No. 24 Preliminary East Sector Reclamation Plan, illustrating reclaimed surface elevations, existing and proposed riparian zones, surface water, and extent of minable resource, prepared by John C. Dunton for Applicant, received by DDES December 19, 1996
- Exhibit No. 25 Correspondence in response to final EIS, dated November 13, 1996, from Robert Josephson/ Manager of Planning & Local Coordination/WSDOT, to Luanne Coachmen/SEPA Section, dated received by DDES November 21, 1996, re: impact mitigation measures for Cadman Mine Pit expansion
- Exhibit No. 26 Memorandum, dated December 21, 1996, from DDES Staff, to R.S. Titus/Deputy King County Hearing Examiner, re: proposed witness list, new information and proposed preliminary exhibit list for public hearing
- Exhibit No. 27 Applicant's proposed witness list, prepared by Alan Wallace/Attorney for Cadman, Inc., with transmittal letter dated December 24, 1996
- Exhibit No. 28 Proposed witness list, prepared by Deloris Kaczor, dated December 16, 1996, with transmittal letter from Michael Kaczor dated December 26, 1996
- Exhibit No. 29 Applicant's proposed rebuttal witness list and evidence, prepared by Alan Wallace/Attorney for Cadman, Inc., received via fax by DDES January 3, 1997
- Exhibit No. 30 Applicant's requested modifications and deletions to staff report, prepared by Alan Wallace/Attorney for Cadman, Inc., received via fax by DDES January 8, 1997
- Exhibit No. 31 Letter, dated January 6, 1997, from City of Black Diamond, to DDES, re: public comment
- Exhibit No. 32 Palmer/Weyerhaeuser easement agreement, dated December 19, 1996, signed by Palmer Coking Coal and Weyerhaeuser
- Exhibit No. 33 Oral testimony/written form: Rod Shearer/ Cadman, Inc.
- Exhibit No. 34 Cadman News, five issues: dated June 1995, September 1995, March 1996, August 1996, & December 1996

- Exhibit No. 35 Black Diamond Operations Facility Site Plan, prepared by Hart Crowser, August 1995
- Exhibit No. 36 Oral testimony/written form (with attachments): Robin Nelson, Cadman, Inc.
- Exhibit No. 37 List of Federal/State/County regulatory agencies overseeing Cadman Black Diamond Mine operations
- Exhibit No. 38 Oral testimony/written form: Marni C. Heffron, Heffron Transportation
- Exhibit No. 39 Oral testimony/outline form (with attachments): Lori Herman, Hart Crowser
- Exhibit No. 40 Oral testimony/outline form: John Dunton, Cadman, Inc.
- Exhibit No. 41 Aerial photograph (oblique angle) of Cadman site, dated May 23, 1994, taken by Soundview Aerial Photo

On January 10, 1997, the following exhibits were offered and entered into the hearing record:

- Exhibit No. 42 Oral testimony from January 9, 1997/written form: Kristen Wallace, Cadman, Inc.
- Exhibit No. 43 Copy of Ordinance no. 12273, dated August 24, 1996, passed May 20, 1996
- Exhibit No. 44 Modifications to staff report (exhibit no. 1, above), prepared by Kristen Wallace, January 10, 1997
- Exhibit No. 45 Sound level study, dated January 5, 1995, recorded and prepared by Geary Freshwater, Boondocks Nursery (Cadman Mine area resident)
- Exhibit No. 46 Copy of Kaczor property survey map, prepared by Commonwealth Land Title Insurance Company, identified as NW/S25/T21/R06
- Exhibit No. 47 Copy of three quit claim deeds, identifying property owners in area of Cadman Mine: Marcia Britton, Judy Cloes, and Crestland Company
- Exhibit No. 48 Map showing Weyerhaeuser owned land in Cadman Mine area, identified as S24/T21N/R6E
- Exhibit No. 49 Four photos, taken November 1, 1996, submitted by Phil White/Weyerhaeuser, with descriptions written on back

On January 16, 1997, the following exhibits were offered and entered into the hearing record:

- Exhibit No. 50 Letter, dated January 16, 1997, from Donald Nettleton/Plum Creek Timber Company, to the King County Hearing Examiner, with fax cover page
- Exhibit No. 51 Oral testimony January 16, 1997/written form: Dr. Daniel Bruck, Towne Richards & Chaudiere, Inc.
- Exhibit No. 52 Excerpt from USDOT "Transit Noise & Vibration Impact Assessment", dated April 1995
- Exhibit No. 53 Cadman Black Diamond Mine Pit air quality analysis, prepared by McCaulley, Frick and Gilman, Inc., dated June 21, 1995
- Exhibit No. 54 Map showing King County recommended queuing locations for Cadman Mine operation trucks
- Exhibit No. 55 Letter (on postcard), dated January 7, 1997, from Ken Hansen, to DDES

On January 23, 1997, the following exhibits were offered and entered into the hearing record:

- Exhibit No. 56 King County Surface Water Management Division drainage investigation report, dated November 11, 1995, re: complaint from Joe Webby
- Exhibit No. 57 Copy of Ordinance no. 12531 (with attachment), dated June 5, 1996, passed November 25, 1996

- Exhibit No. 58 Copy of Ordinance no. 12533 (with attachment), dated November 26, 1996, passed November 25, 1996
- Exhibit No. 59 Copy of Tax Assessor's list of names and addressed for a 500 foot radius surrounding the Cadman Mine, dated September 14, 1993
- Exhibit No. 60 Draft: DDES proposed deletions, modifications, and additions to recommended conditions contained in preliminary staff report (exhibit no. 1, above); prepared and submitted by Nancy Hopkins
- Exhibit No. 61 Rationale for DDES staff report changes and additions to recommendations, dated January 16, 1997
- Exhibit No. 62 Cadman Mine monthly production report, dated May 3, 1995
- Exhibit No. 63 Cadman Black Diamond Mine pit eight year plan - use and reclamation
- Exhibit No. 64a Photo, taken January 18, 1997, by Rod Shearer/Cadman Mine, Inc. re: land owned by Joe Webby, showing Webby's cafe, parking lot, road access, and used car lot
- Exhibit No. 64b Photo, taken January 18, 1997, by Rod Shearer/Cadman Mine, Inc. re: land owned by Joe Webby, showing distance from road to parking area (measuring tape in picture)
- Exhibit No. 64c Photo, taken January 18, 1997, by Rod Shearer/Cadman Mine, Inc. re: land owned by Joe Webby, showing closer view of Webby's used car lot

Pursuant to administrative continuance, the following exhibits were offered and entered into the hearing record on January 31, 1997:

- Exhibit No. 65 Final DDES deletions, modifications, and additions to recommended conditions contained in preliminary staff report (exhibit no. 1, above); prepared and submitted by Nancy Hopkins

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