

Michelle Farfan

From: Keith Moxon [knoxon@GordonDerr.com]
Sent: Wednesday, March 12, 2008 11:09 AM
To: Causseaux, Steve
Cc: Michelle Farfan; Al Scalf
Subject: Jefferson County - Iron Mountain Appeal - March 14, 2008
Importance: High
Attachments: PLVC LETTER re Iron Mnt.doc; LETTER re Iron Mnt.doc; Log Item No 43.pdf; Log Item No 41.pdf

Dear Mr. Causseaux-

I am writing to request your assistance regarding the hearing set for 3:00 p.m. this Friday in Port Townsend. Due to recent newspaper coverage (Log Item 41 attached), and recent correspondence between County staff and local residents, there appears to be significant confusion about the scope of the code interpretation hearing set for this Friday. County staff has informed citizens that this is an "open public hearing," although the only parties of record are the County and Iron Mountain Quarry. At least one member of the public had advised the County that he has retained a biologist to provide expert testimony on environmental impacts at the hearing (Log Item 43 attached).

The public apparently perceives that this is a public hearing on permits for mineral uses. It is not. It is a hearing on a very narrow code interpretation issue to decide whether a comprehensive plan update is required prior to beginning the permit process for this mineral operation proposal.

Regardless of the outcome of the this code interpretation hearing, there will be ample opportunities in the future for the public to comment on all aspects of permit issues, environmental impacts, etc, related to this proposal. At this point, no permit application has been filed and there is no permit proposal that would provide a basis for public review and comment. Testimony regarding potential project impacts would be irrelevant to the narrow code interpretation issue that has been presented to the Hearing Examiner.

We are concerned that the County and the appellant (Iron Mountain Quarry) will be deprived of an opportunity to present evidence relevant to the code interpretation unless the Hearing Examiner explains at the outset the nature of the appeal hearing and the type of evidence and public testimony that would be relevant.

We propose that the Hearing Examiner limit public testimony and other evidence to the code interpretation issue that is the subject of this appeal - whether the 10-acre limit of JCC 18.20.240(1)(b) applies to land that is subject to the non-conforming use protections of the diminishing asset doctrine. Such testimony, if any, should follow the County's and IMQ's presentations. The code interpretation issue is a legal determination that does not decide any permit entitlements and does not grant any project approvals.

Your assistance in clarifying this issue for those who attend the hearing will be appreciated.

Keith

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From: Michelle Farfan [mailto:mfarfan@co.jefferson.wa.us]
Sent: Wednesday, March 12, 2008 9:43 AM
To: Keith Moxon
Subject: FW: Iron Mountain Appeal
Importance: High

Hi Keith:

Attached are two letters I received this morning. The letter from the Port Ludlow Village Council (PLVC) is Log Item 46 and the letter from the Olympic Terrace HOA is Log Item 47. I will provide you a log stamped copy at the hearing.

Regards,

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From: Lynn Gauche [mailto:lgauche@msn.com]
Sent: Wednesday, March 12, 2008 9:25 AM
To: Michelle Farfan
Subject: Iron Mountain Appeal
Importance: High

Ms: Farfan,

Attached are two letters from me representing first the Port Ludlow Village Council and then representing Olympic Terrace Homeowners Association. These letters are in regards to the matter before you this Friday, March 14th from Iron Mountain Mining. I am also faxing those letters to you. Please let me know if the County recognizes email communications to become a party of record for such hearings. If so, this will simplify future communications.

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Regards,

Lynn Gauché
President, Port Ludlow Village Council
lgauche@msn.com

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