

## John Friedenbach

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**From:** John Friedenbach <friedenbach@hbmwd.com>  
**Sent:** Thursday, March 21, 2019 5:04 PM  
**To:** 'Miller, John'; 'Ford, John'  
**Cc:** lwalker@thomaslaw.com  
**Subject:** Zoning Text Amendments to Implement the General Plan

**Importance:** High

Hi John & John,

I mentioned to John Miller this morning that I am not able to attend tonight's Planning Commission meeting. However, our District does have some concerns regarding the proposed text in the Mineral Resource language.

Our concerns regarding tonight's Planning Commission meeting zoning text item are as follows:

1. Section 28.8 appears to attempt to vest existing mining operations whether they are vested or not. 28.5.3.2 requires buffering of incompatible land uses from mining activity, whether or not the mining activity is permitted. 28.5.5.1 appears to attempt to vest the existing extraction sites, whether or not they are actually vested uses.
2. Mining is added as a use permitted with a use permit in AE. It is unclear whether the impacts of allowing mining in an AE zone were studied in the EIR.
3. The limitations applicable to streamside management areas in 314-61.1 do not apply to mining operations. Section 61.1.9.2.5 provides "Development within Streamside Management Areas shall be limited to the following: ... Normal, usual and historical agricultural and surface mining practices and uses which are principally permitted within the SMA shall not be considered development for the purposes of this standard." There is no reason not to apply the streamside management protections to mining operations.

We have raised some of these concerns in previous correspondence specifically regarding the Mercer Fraser property on the Mad River adjacent to our Ranney Collector wells adjacent and immediately down stream of their property. There are activities that have been conducted and continue on the property that have not demonstrated that they were properly permitted. The District continues to be concerned that the zoning ordinance will be used to summarily permit prior illegal activities rather than being a forward looking tool to adequately protect the health, safety, and welfare of the residents.

Thank you for considering our comments and concerns.

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