

Lewis County Community Development

2025 NE Kresky Ave, Chehalis, WA 98532 • Phone: (360) 740-1146 • Fax: (360) 740-1245

APPLICATION FOR AMENDMENT

- | | | |
|-------------------------------------|---|---------------------|
| <input type="checkbox"/> | Rezone or Amendment to Zoning Regulations | Rezone Fee: \$2,700 |
| <input type="checkbox"/> | Comprehensive Plan Amendment | SEPA Fee: \$1,300 |
| <input checked="" type="checkbox"/> | Resource Land Opt-in Application | |

Applications Accepted September 1 through December 31

SUBMITTAL REQUIREMENTS:

For office use only

Permit Tech

- Completed application form
- Legal Description (for site specific amendments) Refer to Figures RZ-1 and RZ-2
- For map changes, site maps, no larger than 11" x 17", clearly labeled, and reproducible in black and white, that show the following features:
 - a. Property boundaries that show the existing land use designation and zoning. Refer to Figure RZ-3
 - b. Property boundaries that show the proposed land use designation and zoning. Refer to Figure RZ-4
 - c. All natural and built features (such as roads, streams, buildings, slopes, fences, etc.) as well as adjacent properties and their uses. SEPA Checklist attached, which references Figures RZ-5 & RZ-6
- The State Environmental Policy Act (SEPA) Checklist and associated fees: <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance>
- For text changes, documentation that shows the proposed code or plan to be changed, as well as the proposed language. Will only be processed with the consent of the Lewis County Board of County Commissioners.
- Application Fee

PLEASE TYPE OR PRINT

1. Applicant (continue on page five if more than one applicant):

Name Alan and Pamela Good
Address 265 Rupp Road, Toledo WA 98591
Contact Home (360) 864-2974 Work (_____) _____ Email alangood@toledotel.com

2. Contact Person (if other than the applicant):

Name Alan Good as above; & Erick Staley at NV5
Address 9450 SW Commerce Circle, #300, Wilsonville, OR 97070
Contact Home (_____) _____ Work (503) 968-8787 Email erick.staley@nv5.com

3. Assessor Tax Parcels:

028043004001 & 028043004002 (owner: Alan and Pamela Good)
028061000000, 028025001000, & 028024001000 (owner: Avapollo Land Corporation)

4. Location of property:

Quarter Section all 1/4's, Section 21, Township 12 North, Range 01E

Location (road name/city): 0 Spencer Road & 0 Brim Road

Is the property within an Urban Growth Area? Yes _____ No X

If yes, which jurisdiction? _____

5. Total acreage of the parcel(s): 443.5 acres

6. Signatures:

I/We the undersigned, do hereby affirm and certify, under penalty of perjury, that I am/We are the owner(s) under contract of the described property, and that all statements contained in, or attached to, this application are in all respects true and accurate to the best of our knowledge.

Alan Good 12/20/21
Signature Date

Pamela Good 12-20-21
Signature Date

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APPLICATION FOR AMENDMENT QUESTIONS

PLEASE PROVIDE A RESPONSE THE FOLLOWING APPROVAL CRITERIA. ATTACH ADDITIONAL SHEETS IF NECESSARY.

A. Is there a demonstrated need for the proposed change? Please provide supporting evidence.
Please see the attached sheet providing response to this question.

B. What is the anticipated effect upon the rate or distribution of population growth, employment growth, development and conversion of land as envisioned by the Lewis County Comprehensive Plan?

If the land were designated MRL, developing a surface mine on the property would not impact population growth or development to the surrounding area. The site itself may employ around 10 people, and there would be additional employment growth with associated businesses to the mine. MRL designation would allow development of a significant mineral resource as described under points D and F below. Surface mining is considered a temporary activity requiring a reclamation plan by state law and overseen by the Washington DNR. The site could be restored back to rural agriculture and/or forestry use after the site is mined.

C. What is the anticipated effect on the ability of the county and/or other service providers (e.g., cities, schools, water purveyors, fire districts) to provide adequate services and public facilities including transportation facilities?

If designated MRL, developing a surface mine would not likely have a significant impact on county and/or other service providers. There would be no housing or other development to increase population and associated demand for services. Transportation facilities could be impacted by truck traffic. Traffic impacts to local roadways would be evaluated as part of a specific mine proposal for a Special Use Permit (SUP), if the MRL designation is first approved.

D. If the proposed change is to or from an agricultural, forest or mineral resource land designation, explain why the existing land use/zoning designation is not appropriate and why the proposed land use/zoning designation is appropriate.

The subject parcels historically were used for forestry but were not returned to commercial timber. Patchy trees, shrubs, and invasives were cleared between 2012 and 2014. Since then, the site has been used for growing grass. The parcels are underlain by glacial outwash deposits of economic significance, as discussed in the attached Mine Resource Evaluation Report. The potential estimated value of the resource is significantly greater than \$1,000,000, which is a requirement under LCC 17.30.720(2) for opt-in designation of a property into the County's MRL. These deposits are mapped by Washington DNR to also underlie land east of Brim Road located about 1 mile southwest of the site, where Lewis County previously operated an aggregate quarry. Based on the findings in the Mine Resource Evaluation and past mining of similar deposits in the site vicinity, the subject parcels should be zoned MRL.

Good/Avapollo Property – Opt-in MRL Designation

Lewis County Community Development Application for Amendment Questions

Question A. Is there a demonstrated need for the proposed change? Please provide supporting evidence.

Lewis County has relied on a 2015 review¹ of county aggregate reserves for its planning policies and its Comprehensive Plan. While the 2015 report estimated that aggregate reserves may last until 2060, based on expert review² of that report and testimony from a recent opt-in process for the Jorgensen Rezone (RZ19-0001), the 2015 report did not account for typical factors that reduce mineable resources at a site (e.g., setbacks from property lines, buffers from sensitive areas, waste materials within the resource), nor did it account for the amount of growth the county is actually experiencing – approximately 18 percent more growth than what was projected in the 2015 study. The expert report from RZ19-0001 concludes the amount of aggregate reserves for the county may actually be only half of the estimated projection.

Several bedrock quarry projects have recently been proposed in the county, including the Jorgensen Rezone and the Goods Quarry expansion. The subject property for this proposal is underlain by a mineral resource composed of glacial outwash gravel and sand, offering a different variety of aggregate products than bedrock sites (e.g., rounded sand and gravel products, etc.). Other potential sand and gravel sites in Lewis County are located near rivers and floodplains with potential impacts to significant salmonid habitat. The subject property for this proposal is located in a rural setting primarily surrounded by undeveloped land, significantly elevated and far from the Cowlitz River floodplain, thus making the site a large, well-placed deposit to designate for future mineral resource use.

References

¹ Eungard, D.W., 2015, Rock Aggregate Resource Inventory Map of Lewis County, Washington. Washington State Department of Natural Resources, Information Circular 120, 25 p., 1 map, scale 1:100,000.

² Perteet, Jorgensen Timber, LLC Rezone – Land Use Applications RZ19-0001 and SEP19-0037 – Comments to the September 8, 2020 Planning Commission Workshop, dated October 13, 2020.

E. List the zoning designations of each property that abuts the site. If the proposed change is not consistent with the abutting properties, explain why the proposed change does not constitute a "spot zone." (Note - The site is defined as the parcel or parcels that are the subject of the proposed change.)

All abutting properties are zoned Agricultural Resource Lands (ARL). The site is primarily surrounded by undeveloped land used for forestry and agriculture in a rural setting. Surface mining is another natural-resource use and a temporary activity. The site could be restored to agricultural and/or forestry use upon reclamation as mining is completed. As for "spot zoning", all mines/MRL designations are "spot zones" within Lewis County (and most other counties), as there are no concentrated clusters of MRL-zoned properties, nor would it be advisable. Mines best serve their community when they are strategically distributed to provide needed aggregate products throughout the county, serving their surrounding areas without excess truck traffic, associated consumer-borne costs for transit time, and fuel use/greenhouse gas emissions.

F. Explain how the proposed change serves the interest of not only the applicant, but the public as a whole.

In addition to point E, designation of the subject property as MRL will allow the applicant to apply for a Lewis County SUP to establish a surface mine. Such a development would provide sand and gravel aggregate resource to the surrounding area for the benefit of the economy and infrastructure of Lewis County. The County previously used a similar, nearby deposit for just that purpose.

G. Explain how the proposed change fulfills the goals of the Washington State Growth Management Act, RCW 36.70A.020.

The proposal fulfills planning goals 2, 5, and 8 under RCW 36.70A.020. Designation of the property to MRL will provide the opportunity to develop a surface mine that will not result in sprawling, low-density development. Developing the aggregate resource underlying the property will promote economic opportunity and help maintain and improve infrastructure, which is a fundamental circulatory system for commerce. Depending on the mine project proposed for a County SUP, the site could be reclaimed to other rural resource use such as forestry or agriculture. Mine reclamation planning is a state requirement overseen by the DNR, and it is common to reclaim mines to such rural resource use. Thus while a future mine project may temporarily disturb soils on the site, the soils can be restored and the site reused for agriculture and/or forestry after mining is complete.

H. Explain how the proposed change is consistent with the county-wide planning policies and the Lewis County Comprehensive Plan, including an applicable interlocal agreements or city comprehensive plan policies. Be sure to address all comprehensive plan chapters.

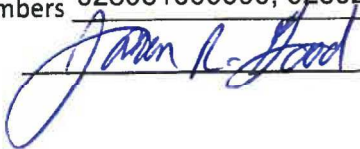
Designation of the subject property to MRL is consistent with the following Lewis County Comprehensive Plan goals: NR 1.1, NR 1.2, NR 2C.2, NR 2C.3, NR 3.1, ED 2.1, ED 2.2, ED 2.3, ED 2.4, ED 3.1, ED 4A.3, ED 4D.1. The designation is proposed through the process described under LCC 17.30.850. Specifically, the subject property meets the classification criteria for mineral resource lands under LCC 17.30.720(2), as supported by the Mine Resource Evaluation; and notarized statements from the landowners have been provided with this application stating that they will voluntarily commit the subject property to the designation for a period until full utilization of the mineral resource potential occurs. The applicant has extensive experience in mining and is well-versed in the requirements and processes needed to successfully and responsibly operate a surface mine.

ADDITIONAL APPLICANTS PAGE

Please have every party who wishes to join this application provide the following information and sign below.
You may attach additional sheets if necessary.

I/We, the undersigned, do hereby affirm and certify, under penalty of perjury, that I am/We are the owner(s) under contract of the described property, and that all statements contained in, or attached to, this application are in all respects true and accurate to the best of our knowledge.

Applicant:

Name Avapollo Land Corporation / Jason Good
Address 10552 Bonchester Hill St, Las Vegas, NV 89141
Telephone Home (____) _____ Work (702) 370-1563
E Mail _____
Parcel Numbers 028061000000, 028025001000, & 028024001000
Signature 

Applicant:

Name _____
Address _____
Telephone Home (____) _____ Work (____) _____
E Mail _____
Parcel Numbers _____
Signature _____

Applicant:

Name _____
Address _____
Telephone Home (____) _____ Work (____) _____
E Mail _____
Parcel Numbers _____
Signature _____