

Planning Commission Workshop



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

STAFF REPORT

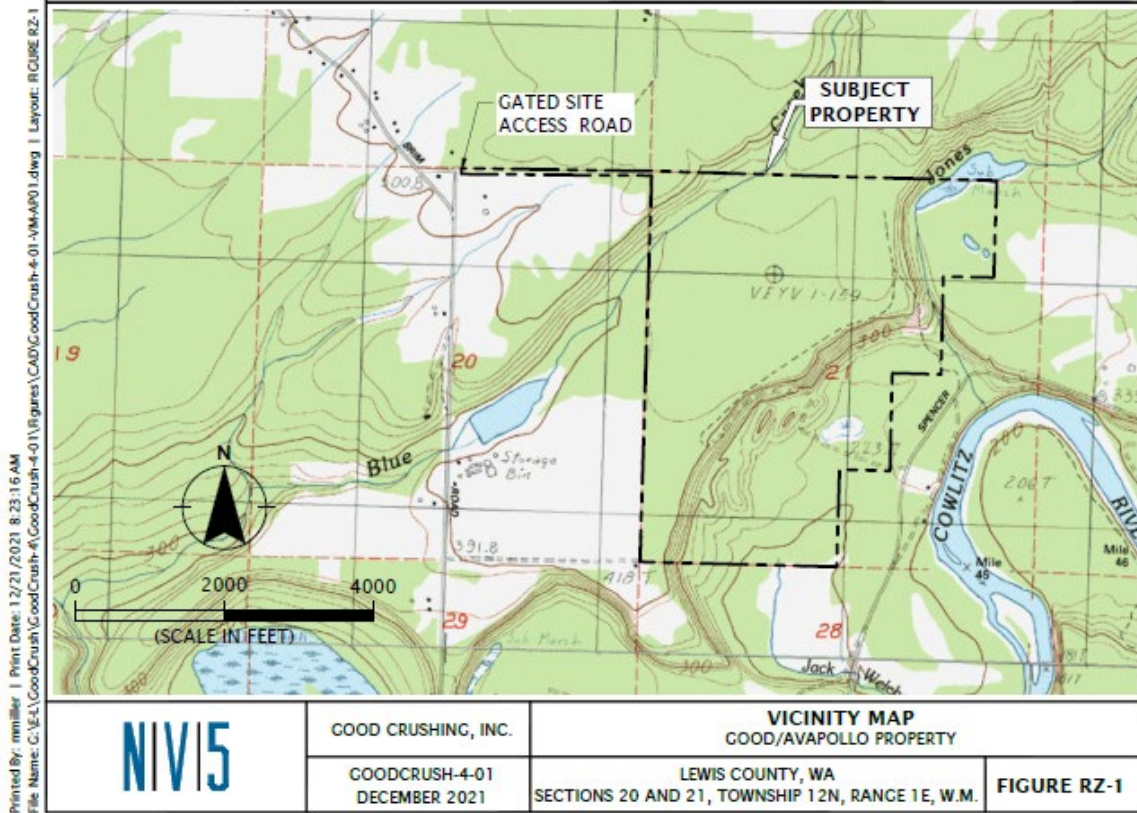
GOOD-AVAPOLLO MINING OPT-IN REZONE PROPOSAL

Date: July 1, 2022
Staff: Mindy Brooks, Senior Long Range Planner
Attachments: A – Good-Avapollo Rezone Application
B – Vicinity Map
C – Supporting Materials
D – SEPA Determination
E – Additional Findings

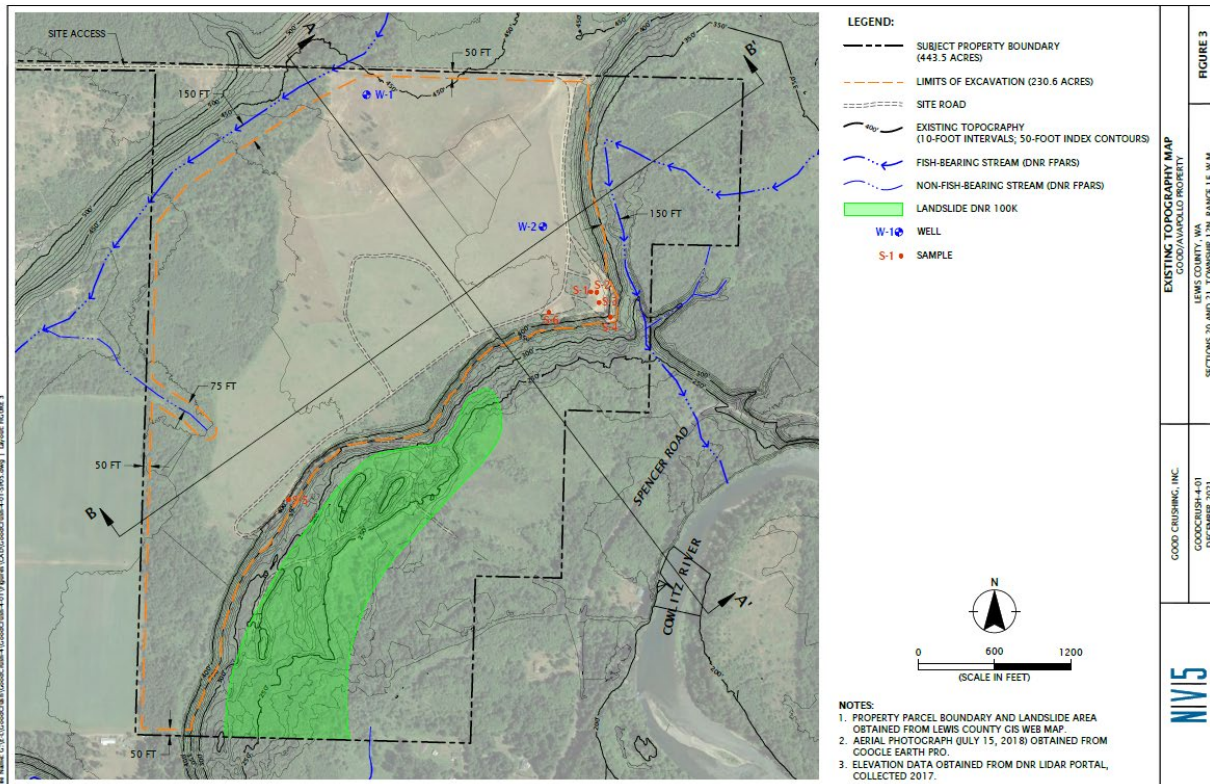
SUMMARY

Alan and Pamela Good along with Avapollo Land Corporation have requested to rezone parcels 028043004001, 028043004002, 028061000000, 028025001000 and 028024001000 from Agricultural Resource Land to Mineral Resource Land. Map 1 is the vicinity map that shows the land proposed for the rezone. The total site size is 443.5 acres. The intended use of the land if rezoned to MRL is to develop a surface mine of gravel, sand, and cobbles. Map 2 shows the proposed mining excavation area.

All materials referenced in this staff report are incorporated by reference into the public record and are found on the Community Development webpage, <https://lewiscountywa.gov/departments/community-development/rezones/>, and listed in Attachment C.



Map 1: Vicinity Map



Map 2: Limits of Excavation

PROCESS

On December 20, 2021, Alan Good and Jason Good, with Avapollo Land Corporation, applied for a comprehensive plan map amendment to Map LU-3 from Resource Lands – Agricultural to Resource Lands – Mineral and the zoning designation from Agricultural Resource Land (ARL) to Mineral Resource Land (MRL). Comprehensive plan map amendments are processed according to Lewis County Code (LCC) 17.05.040, Project permit application Type V, and 17.12, Public Participation Program. The rezone in this case is also a mining “opt-in”, which is allowed by LCC 17.30.850, Process for Petitioning for Designation as a Mineral Resource Land. A comprehensive plan map amendment also includes a required non-project action SEPA review.

The Good-Avapollo Mining Opt-in Rezone Application was determined to be complete on January 26, 2022 and the Notice of Application was published on February 8, 2022 in the Chronicle, posted on the site and mailed to properties within ¼ miles of the site. Public comments were received on the Notice of Application through February 23, 2022. The SEPA determination for the non-project action was issued on May 31, 2022 and public comments were received through June 14, 2022. No appeal of the SEPA determination was filed. The SEPA determination was a determination of non-significance (DNS), which means that the non-project action does not have a probable, significant adverse impact on the environment (see Appendix D).

As a Type V permit application, rezones are required to have a public hearing before the Lewis County Planning Commission prior to a decision by the Board of County Commissioners. Further, to approve a comprehensive plan map amendment the approval criteria of LCC 17.12.100 must be met.

The Planning Commission will hold at least one workshop, at which staff will present an analysis of the proposal against the approval criteria and answer commissioner questions. The applicant is invited and may respond to direct questions from the commissioners. The public is also invited to attend; however, public comments are not taken during the workshop. Following the workshop, Planning Commission will hold a duly noticed public hearing to receive testimony on the proposal prior to making a decision to recommend, or not, that the Board of County Commissions approve the comprehensive plan map amendment and zone change. Public comments may be submitted as testimony for the hearing.

ANALYSIS

The staff analysis is divided into three parts:

Part 1 – Summary of Public Comments

Part 2 – Approval Criteria 17.30.720

Part 3 – Approval Criteria 17.12.100(1)

Part 1 – Summary of Public Comments

Comments have been received on the Notice of Application and the non-project SEPA determination. The full comments are found on the webpage <https://lewiscountywa.gov/departments/community-development/rezones/>. A total of nine (9) members of the public and three (3) local/state/tribal agencies provided comments.

The comments are summarized with staff responses below.

Public comments:

- Negative impact on property values
- Noise
- Air pollution
- Impacts to water quality in streams
- Aquifer contamination
- Impacts on fish and wildlife
- Visual impacts to surrounding properties
- Increased truck traffic on local roads

Staff response to public comments:

The proposed comprehensive plan map amendments and zone change are non-project actions; therefore, project-level impacts are unknown and cannot be assessed at this time. Project-level impacts will be assessed at the time of project permitting and through future SEPA analyses. Currently, project level permitting for new surface mining areas located in MRL zoning classification will require, at a minimum, the Lewis County Hearing Examiner's decision be based upon compliance with the criteria established for the requirements of the following LCC sections (this is not an exhaustive list):

- 17.25, Shoreline Management
- 17.30, Resource Lands
- 17.42, Table 2, Land Use Summary
- 17.110, State Environmental Policy Act
- 17.130, Adequate Public Facilities and Services
- 17.142.020, General Land Use Standards
- 17.142.210, Surface Mining Areas
- 17.158, Special Use Permit

Traffic impacts will be addressed at the time of permitting and local and state requirements will need to be met. LCC 17.142.020(3)(d) requires the surface mining proposal is in compliance with the air quality standards adopted by the Southwest Clean Air Agency (SWCAA) and any SWCAA permit issued for a project.

Cowlitz Indian Tribe comments:

The Cowlitz Indian Tribe provided comments on the SEPA DNS. This site contains fish bearing and non-fish-bearing streams and wetlands; Jones Creek has documented Lower Columbia River coho, a federally threatened species, and associated critical habitat. The site also supports wildlife; for example, cavity-nesting ducks (Wood Duck and Hooded Merganser breeding/brooding habitat) and winter range for elk are identified in the Washington Department of Fish and Wildlife. The Cowlitz Indian Tribe has invested time and resources into fish and wildlife habitat restoration in the area. Salmon, smelt, waterfowl, and elk all remain important traditional foods for the Cowlitz.

Historic villages are still undisturbed in the vicinity of the proposal. The Cowlitz Indian Tribe has requested formal consultation on the project and recommend an Inadvertent Discovery Plan be attached to the permit.

Staff response to Cowlitz Indian Tribe comments:

Requirements of LCC 17.25, Shoreline Management, and 17.38, Critical Area, will need to be addressed during project permitting. There is a 150-foot buffer around two fish-bearing streams on the site. The stream buffer regulations in effect at the time of a complete project permit application will need to be met. There are also wetlands and hydric soils located on the parcels, which at a minimum, will require submittal of a wetland determination with the project application.

At the time of project level permitting, the project site will be reviewed for any mapped historic and cultural sites, and a project-level SEPA threshold determination and Notice of Application will be sent to the Department of Archeology and Historic Preservation (DAHP) and the Indian Tribes for review and comment. Project permit conditions could include an archaeological site investigation cultural resource survey and that an Inadvertent Discovery Plan be in place prior to ground disturbance.

Local and state agency comments:

At the time of development permitting, the following requirements will need to be met (this is not an exhaustive list):

- Future surface mining activities may impact level of service (LOS) of Highway 12 and a traffic impact study will be required by WSDOT.
- Access may be incomplete from Brim Rd and easements may be needed.
- Any new or modification of existing approaches will need a road approach permit from Lewis County Public Works. Actual construction of mining facilities may require improvements to the structural capacity of the County Roads depending on traffic volume and size of trucks.
- Extended mining and personnel on the site will require a permanent approved potable water supply as well as permanent septic treatment facilities.

Staff response to agency comments:

All applicable local and state regulatory requirements will be addressed at the time of project permitting and development.

Part 2 – Approval Criteria 17.30.720

LCC 17.30.720 state the requirements for classifying mineral resource lands. These criteria must be met along with LCC 17.12.100 criteria for approving a comprehensive plan map amendment. The first LCC 17.30.720 criterion relates to existing permitted surface mining operations and therefore does not apply to this proposal. After each criterion below, staff have provided a finding based on information in the record to date.

- (a) Areas where a qualified geologist can demonstrate a high likelihood for occurrence of mineral deposits. A qualified geologist shall provide adequate evidence, for the above, in the form of a report and any associated maps that would provide evidence of mineral resources sufficient to meet the following criteria:

- (i) The site has extractive materials having a probable value in excess of \$500,000 for valuable metallic substances and \$1,000,000 for gravel, sand, coal, and other minerals; and
- (ii) The site has the potential for economically viable production of extractive materials for the foreseeable future;

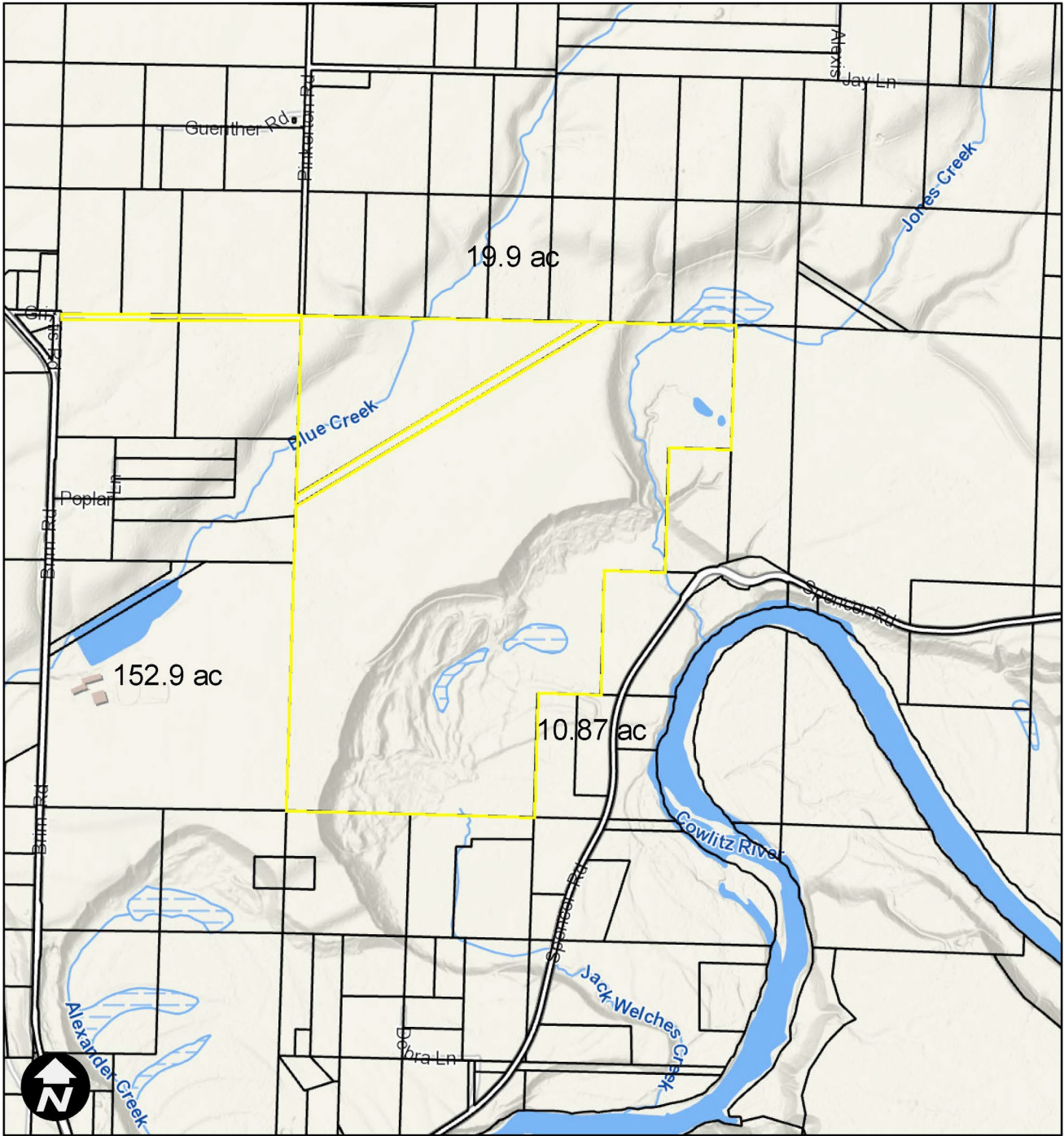
Staff findings: A Mine Resource Evaluation Report was completed by Erick Staley, L.G., L.E.G, Principal Engineering Geologist of NV5 (Attachment C, Supporting Materials). According to the report, the aggregate resource at the site consists mostly of gravel, sand, and cobbles with some fines representing glacial outwash deposits. Based on the results of the testing, and with crushing and washing to remove weak material and fines from the product, the crushed outwash material would meet typical WSDOT specifications for use. The report concludes that the site has potential value as a commercial fill or gravel and sand source for local developments for the foreseeable future. The resulting estimated value for the potential mineable resource is \$267,570,476. Therefore, this criterion is met.

- (b) Greater than 50 percent of the linear frontage of the perimeter of any proposed designated lands shall abut parcels that are equal to or greater than two and one-half acres in size. Abutting parcels with industrial or wholesale uses are exempt from this parcel size calculation but shall be included in the calculation of total linear frontage; and

Staff findings: Map 3 includes all of the parcels abutting the proposed site. All abutting properties are zoned Agricultural Resource Land. There are no abutting properties less than 2.5 acres. The smallest size parcel is 10.87 acres and the largest size parcel is 152.9 acres; the average size is 19.9 acres in size. Therefore, this criterion is met.

- (c) The site is outside any designated urban growth area at the time of application for redesignation.

Staff findings: The site is not located within an urban growth area. Therefore, this criterion is met.



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Map 3: Abutting Parcel Sizes

Part 3 – Approval Criteria 17.12.100(1)

The approval criteria that Planning Commission and BOCC are required to use to determine if a comprehensive plan map amendment can be approved are listed below. After each criterion, staff have provided a finding based on the information in the record to date.

- (a) The amendment conforms to the requirements of the Growth Management Act, is consistent with the county-wide planning policies and the comprehensive plan, including any interlocal planning agreements, if applicable.

Staff findings: Attachment E includes staff findings against LCC 17.12.100(1)(a). Based the findings in Attachment E, the proposed amendment conforms to the requirements of the Growth Management Act and is consistent with county-wide planning policies and the Lewis County Comprehensive Plan. There are no interlocal planning agreements related to the property or the proposed amendments. Therefore, this criterion is met.

- (b) The application and any studies submitted to the department, the planning commission, and the board of commissioners demonstrates a need for the amendment.

Staff findings: The 2015, the Washington Department of Natural Resources (DNR) Rock Aggregate Inventory Map of Lewis County, WA was used as a basis of the 2017 Comprehensive Plan periodic review (Attachment C, Supporting Materials). Based on the map and periodic review analysis, Lewis County has sufficient aggregate reserves to last through 2060. That is based on an assumption that all mineral reserves would be accessed during that period.

Mineral resource use is an allowed use in MRL as well as FRL, RDD-5, RDD-10 and RDD-20 zones. However, in reality mineral extraction within areas of existing aggregate rock doesn't frequently occur. Mineral resource use is not allowed in the ARL zone and, per the DNR map, there are aggregate resources in ARL zoned areas that will not be accessed unless the area is rezoned. The proposal is to rezone ARL to MRL to allow for mineral extraction, which aides in Lewis County meeting the need of providing rock aggregate by accessing existing reserves. Therefore, this criterion is met.

- (c) The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
 - (i) The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan; and

Staff findings: The designation of the site as MRL will have no impact on the rate or distribution of population growth or development to the surrounding area. The applicant states that a future mining operation may employ 10 people. Because surface mining is considered a temporary activity and requires a reclamation plan overseen by DNR, there is no permanent conversion of the land and it would be restored back to agricultural use, or the use listed in the DNR approved restoration plan. Therefore, this criterion is met.

(ii) The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.

Staff findings: The designation of the site as MRL will have no anticipated impact on service providers because there is no development associated with a change to zoning. Impacts from future development may have impact on transportation facilities, as identified through the SEPA DNS comments from WSDOT and Lewis County Public Works. Those impacts will be addressed during project permitting when local and state regulatory requirements must be met. Therefore, this criterion is met.

(iii) The anticipated impact upon designated agricultural, forest and mineral resource lands.

Staff findings: Because surface mining is considered a temporary activity and requires a reclamation plan overseen by the DNR, there is no permanent conversion of the land and it will be restored back to agricultural use, or the use listed in the DNR approved restoration plan. Therefore, this criterion is met.

(d) The amendment does not include or facilitate spot zoning.

Staff findings: The RCW and WAC provide for the designation of mineral resource lands, which would otherwise be inconsistent with the surrounding zoning. Please see Attachment E, Additional Findings, relate the Growth Management Act. In addition, the site is 443 acres in size and would be designated from one resource use to another resource use. Upon completion of mining operations, the site would be restored to agricultural use, or the use listed in the DNR approved restoration plan. Therefore, this criterion is met.

FINDINGS

Based on the information in the record to date and the conditions of the SEPA DNS, staff finds that the Good-Avapollo Mining Opt-in Rezone application to amend the comprehensive plan map from Resource Lands – Agricultural to Resource Lands – Mineral and rezone the site from ARL to MRL meets the approval criteria of LCC 17.30.720 and 17.12.100.

NEXT STEPS

Staff recommend that the Planning Commission hold a workshop to evaluate the application and ask questions of staff and the applicant. The workshop will take place on July 12, 2022 at 6:00pm. The public is invited to attend the workshop. Reminder, no public comments on the rezone application will be taken during the workshop.

At the July 12 workshop, the Planning Commission will decide if they are ready to proceed with a public hearing. A public hearing is tentatively scheduled for August 9, 2022 at 6:00pm, although that date may change at the Planning Commission's discretion. If August 9 is set as the hearing date, the record will be opened on July 21, 2022 to begin receiving written testimony. The public may also provide oral testimony at the hearing.

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.

<u>Alan Good</u>	<u>12/20/21</u>
Signature	Date
<u>Pamela Good</u>	<u>12-20-21</u>
Signature	Date

Lewis County Community Development

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

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.

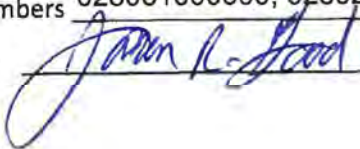
Designation of the subject property to MRL is consistent with the following Lewis County Comprehensive Plan goals: NR 1.1, NR 1.2, NR 2C.2, NR 2C.3, NR 3.1, ED 2.1, ED 2.2, ED 2.3, ED 2.4, ED 3.1, ED 4A.3, ED 4D.1. The designation is proposed through the process described under LCC 17.30.850. Specifically, 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 _____

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [\[HELP\]](#)

1. Name of proposed project, if applicable:

Good/Avapollo Property – Opt-in MRL Designation

2. Name of applicant:

Alan Good

3. Address and phone number of applicant and contact person:

**Alan Good
265 Rupp Road, Toledo WA 98591
360-864-2974**

4. Date checklist prepared:

December 20, 2021

5. Agency requesting checklist:

Lewis County

6. Proposed timing or schedule (including phasing, if applicable):

Designation of the property would occur as part of a 2022 Comprehensive Plan Amendment process conducted by Lewis County.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Designation of the property as Mineral Resource Lands (MRL) is required prior to eventually establishing a surface mine operation. If the proposed MRL designation is approved, the applicant plans to separately apply for and obtain a Lewis County Special Use Permit (SUP) through a public hearing process with the Lewis County Hearings Examiner. Thereafter, the site would need to obtain a Washington State Department of Natural Resources (DNR) Surface Mine Reclamation Permit and a Washington State Department of Ecology (Ecology) Sand and Gravel General Permit.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Mine Resource Evaluation Report completed by NV5 and dated December 2021

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No

10. List any government approvals or permits that will be needed for your proposal, if known.

Approval of Rezone and Map Amendment by Lewis County Board of Commissioners

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The proposal is to rezone and amend the Lewis County zoning map to designate the Good/Avapollo Property (5 parcels: #028043004001, #028043004002, #028061000000, #028025001000, and #028024001000) as Mineral Resource Lands (MRL) in accordance with Lewis County Code (LCC) Sections 17.30.850 and 17.30.720(2). Any subsequent proposal to establish a surface mine at the site will be addressed through a separate SEPA review process associated with an SUP application to Lewis County, pending approval of the proposed MRL designation of the Good/Avapollo Property.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The subject property is located approximately 2.5 miles southeast of Ethel, WA and 3 miles southwest of Salkum, WA. The three main parcels (#028043004001, #028043004002, and #028061000000) are located in all four quarters of Section 21, Township 12 North, Range 1 East, Willamette Meridian. Two narrow parcels along the site access from Brim Road (#028025001000 and #028024001000) are located along the north boundary of the NE quarter of Section 20, Township 12 North, Range 1 East, Willamette Meridian. The property boundaries are shown on the map figure set provided with the MRL designation application (Figures RZ-1 through RZ-6).

B. Environmental Elements [\[HELP\]](#)

1. **Earth** [\[help\]](#)

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other **flat with discrete steep slopes**

b. What is the steepest slope on the site (approximate percent slope)?

LiDAR elevation data collected in 2017 indicates the steepest natural slopes on the site are approximately 100 to 200 percent, located along a discrete, steep slope that separates an upper, flat area in the northwest (which occupies most of the site) from a lower, flat to rolling area east and southeast of the steep slope. There is also a moderately steep slope in the northwest corner of parcel #028043004001 leading further northwest to another flattened area. See the topographic contours shown on Figures RZ-5 and RZ-6 included with the proposal application.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

The United States Department of Agriculture – Natural Resources Conservation Service’s (NRCS) Web Soil Survey (<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>) maps soils in the project vicinity. The upper flat areas that dominate the site are mapped as Salkum silty clam loam, 0 to 5 percent slopes. The steep slopes that separate the upper flat areas are mapped as Xerorthents, steep. There are narrow bands of Lacamas silt loam, 0 to 3 percent slopes that roughly follow the streams mapped on the site (see Figure RZ-5). Soils located in the

east/southeast lowland area below the steep slope are mapped as Winston gravelly loam, 15 to 30 percent slopes; Puyallup fine sandy loam; Puget silt loam; Cloquato silt loam; Lacamas silt loam; and Olequa silt loam.

According to the Lewis County GIS Web Map (<https://gis.lewiscountywa.gov/webmap/>), all of the proposed project area is zoned as Agricultural Resource Lands (ARL). The current proposal does not propose to remove any soils, as the proposal is to designate the property as MRL. Eventual mining of the site, if approved under a Lewis County SUP and DNR Surface Mine Reclamation Permit, would temporarily remove soils from extraction areas during mining but would then replace the topsoil to reclaim the site at the completion of mining in accordance with state requirements overseen by the DNR.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Landslide mapping from the DNR website (<https://geologyportal.dnr.wa.gov/>) indicates landslide deposits are located southeast of the steep slope that cuts across the property (refer to Figure RZ-6).

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

The proposal is to designate the property as MRL to facilitate future permitting and development of a surface mine. The subject property encompasses approximately 443.5 acres. The attached Mine Resource Evaluation indicates the upper, flat areas (i.e., above the steep slope that traverses the site) are underlain by glacial outwash deposits consisting primarily of gravel and sand. The Mine Resource Evaluation includes figures portraying a potential mineable resource at the site over roughly 230.6 acres, which includes approximately 17,987,931 cubic yards of gravel and sand resource extending to a depth of approximately 70 to 100 feet below ground surface.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Erosion could occur along actively mined sections prior to reclamation. Best management practices (BMPs) incorporated into a future application for mine permitting will be used to direct stormwater and any potential erosion toward the incised quarry floor or designed stormwater ponds interior to the site boundaries.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

None – If permitted, a future mine plan would likely include scales and a trailer office, but these would be removed at the completion of mining.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

If the MRL designation is approved, and if subsequent mine-related permits are obtained, future plans to develop a surface mine will implement erosion control practices as required by Ecology for its Sand and Gravel General Permit. Mining activity will take place such that any potential erosion from disturbance of native materials will be directed back into the active (incised) mining area or designed stormwater ponds. Stockpiles of topsoil and overburden reserved for reclamation will be located around the perimeter of the active mine and away from any steep slopes. These stockpiles and slopes will be seeded with an erosion control mix to stabilize the piles and prevent erosion.

2. Air [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

The proposal is to designate the property as MRL to facilitate future permitting and development of a surface mine. If the MRL designation is approved, and if subsequent mine-related permits are obtained, short-term emissions may occur from sporadic operation of equipment (i.e. dozers, loaders, and haul trucks). Material processing will utilize best management practices to reduce fugitive dust in accordance with Southwest Clean Air Agency (SWCAA) permit guidelines for any portable crushers that will be used at the site.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Mobile equipment used for future surface mining will utilize requisite emission control devices. Processing equipment will use best management practices to reduce fugitive dust from processing operations in accordance with SWCAA permit requirements.

3. Water [\[help\]](#)

- a. Surface Water: [\[help\]](#)

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

One fish-bearing stream (Blue Creek) and a non-fish bearing tributary are mapped in the northwestern site by FPARS/Lewis County (see Figure RZ-5). Blue Creek ultimately flows into the Cowlitz River approximately 2.5 miles southwest of the site. Another fish-bearing stream (Jones Creek) is mapped east of the steep slope onsite and flows into the Cowlitz River about 850 feet southeast of the site. The Cowlitz River itself is located at least 750 feet from the site's southeastern boundary and more than 1,700 feet from the steep slope that traverses the site.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) of the described waters? If yes, please describe and attach available plans.

The current proposal does not propose any work near these waters, as the proposal is to designate the property as MRL. If the MRL designation is approved, and if subsequent mine-related permits are obtained, mine traffic would cross over Blue Creek on an existing access road along the north boundary of the site. Mine activity would otherwise observe all County-required buffers from streams in the project area.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

If the MRL designation is approved, and if subsequent mine-related permits are obtained, future plans to develop a surface mine will control stormwater and direct it back into the active (incised) mining area or designed stormwater ponds in accordance with the Ecology Sand and Gravel General Permit.

b. Ground Water: [\[help\]](#)

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Two wells already exist on the site and have been used for rural resource purposes. It is not known at this time if water would be used for any potential mining use, other than for dust abatement, if the MRL designation is approved. Stormwater will be directed to the mine floor or to stormwater management ponds and infiltrate into the ground surface. Mining will be limited to extraction of the sand and gravel resource to no deeper than 10 feet above the local groundwater level.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

No septic discharge or other waste materials would be associated with the proposed project or with future mining. If approved for mining after being designated to MRL, portable toilets would be used at the site.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Runoff will be limited to stormwater from precipitation and seasonal snowmelt. The runoff will be directed into the active (incised) mining area or designed stormwater ponds in accordance with the Ecology Sand and Gravel General Permit.

2) Could waste materials enter ground or surface waters? If so, generally describe.

There will be no waste materials on the proposed project site. Any potential sediment from runoff will be contained onsite.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

If the MRL designation is approved, and if subsequent mine-related permits are obtained, future mining would observe County-required buffers from Blue Creek and the non-fish bearing tributary in the northwest to avoid influencing drainage patterns. The streams and wetlands located below the steep slope in the east/southeast lowland will not be affected by mining disturbance.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Segmental mining/reclamation and best management practices such as onsite infiltration, stormwater detention ponds, ditching, check dams, and topsoil replacement for revegetation will be incorporated to control surface runoff. Runoff from undisturbed areas will be redirected around active mining areas where practical.

4. **Plants** [\[help\]](#)

a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

The current proposal does not propose any vegetation removal, as the proposal is to designate the property as MRL. If the MRL designation is approved, and if subsequent mine-related permits are obtained, grass and trees will be removed as mining progresses across the site. Disturbed areas will be subsequently replanted according to a revegetation plan associated with a future mine and reclamation plan.

c. List threatened and endangered species known to be on or near the site.

None are known.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

If approved for mining after being designated to MRL, future reclamation plans will include revegetating the site according to DNR standards and requirements.

e. List all noxious weeds and invasive species known to be on or near the site.

None are known.

5. Animals [\[help\]](#)

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other: crows, jays
mammals: deer, bear, elk, beaver, other: squirrels
fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site.

None are known.

c. Is the site part of a migration route? If so, explain.

Pacific flyway.

d. Proposed measures to preserve or enhance wildlife, if any:

If the MRL designation is approved, and if subsequent mine-related permits are obtained, mining would observe stream buffers and vegetated setbacks from site boundaries to preserve habitat for animals. As mining is completed across the site, areas will be segmentally revegetated in accordance with DNR requirements.

e. List any invasive animal species known to be on or near the site.

None are known.

6. Energy and Natural Resources [\[help\]](#)

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

If the MRL designation is approved, future mining activity will require use of petroleum products (diesel, gasoline) to power excavation and hauling equipment.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

- c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any:

Not applicable.

7. Environmental Health [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

The current proposal does not include any environmental health hazards, as the proposal is to designate the property as MRL. If the MRL designation is approved, and if subsequent mine-related permits are obtained, petroleum products will be used for mobile equipment and portable crushers. Accidental fuel or oil spills would be possible, but a Spill Control Plan (SCP) will be followed and revised as necessary throughout the life of the project according to Ecology Sand and Gravel General Permit requirements.

- 1) Describe any known or possible contamination at the site from present or past uses.

None are known. The site was formerly used for forestry purposes and growing grass and may have experienced minor spills associated with related machinery.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None are known.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

If the MRL designation is approved, and if subsequent mine-related permits are obtained, fuel and oil for mining equipment will be used on the site. Mining equipment will require occasional refueling and maintenance.

- 4) Describe special emergency services that might be required.

None.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

If the MRL designation is approved, and if subsequent mine-related permits are obtained, BMPs described in the SCP will be employed to reduce the potential for accidental fuel or oil spills during equipment refueling. BMPs will also be used to quickly and completely clean up any spills and remove any spill-contaminated materials to an approved disposal site.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

No adverse impacts are anticipated from rural-resource noise sources in the site vicinity.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

If the MRL designation is approved, and if subsequent mine-related permits are obtained, future mining activity will include sporadic noise generated by mining equipment and haul trucks during operating hours.

3) Proposed measures to reduce or control noise impacts, if any:

If the MRL designation is approved, onsite noise levels from future mining activity will be in conformance with maximum environmental noise levels established by Chapter 173-60 of the Washington Administrative Code (WAC). Requisite muffling devices will be maintained on trucks and excavating equipment. Processing and loading trucks for sales would be located toward the interior of the site approximately 2,000 to 3,000 feet away from potential offsite residential receivers.

8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The upper, flat area of the site is currently used to grow grass and was previously used for commercial forestry. Other areas are undeveloped and mostly forested. The subject property is primarily surrounded by undeveloped land used for forestry and agriculture in a rural setting. Parcels north and east of the site are used for forestry. Parcels west and southwest of the site are used for forestry and agriculture with some rural residential use further west. A few rural residential parcels are located southeast of the site along Spencer Road.

If the MRL designation is approved, and if subsequent mine-related permits are obtained, future mining activity will generally not impact the surrounding properties, which are mostly undeveloped and used for rural resources, or will be located thousands of feet away from potential offsite residential receivers. Truck traffic will use the existing access road onto the site, which could affect residents located along the site access east of Brim Road.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

The site has been used for forestry and, more recently, for growing grass. The site is zoned as Agricultural Resource Lands (ARL). The proposal is to designate the site as MRL, which would eventually lead to topsoil disturbance focused on the upper, flat portion of the site and away from mapped streams. Topsoil would be replaced over disturbed areas as mining is completed, and the site would be revegetated in accordance with the site's reclamation plan. The subsequent use of the site could facilitate either forestry or agricultural use.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides,

tilling, and harvesting? If so, how:

No.

c. Describe any structures on the site.

There are no structures on the site.

d. Will any structures be demolished? If so, what?

Not applicable.

e. What is the current zoning classification of the site?

Agricultural Resource Lands (ARL)

f. What is the current comprehensive plan designation of the site?

Agricultural

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Refer to Figures RZ-5 and RZ-6 included with this application. Discrete, steep slopes are mapped traversing the middle of the site and in the northwestern corner. Landslide deposits are mapped below the steep slope in the southern site. Two streams are mapped in the northwestern site. Other streams and wetlands are mapped in the east and southeast site below the steep slopes.

i. Approximately how many people would reside or work in the completed project?

Three to ten, in accordance with workforce needs according to future mine plans.

j. Approximately how many people would the completed project displace?

None.

k. Proposed measures to avoid or reduce displacement impacts, if any:

Not applicable.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The proposal is to designate the subject property to MRL from ARL to eventually develop a gravel and sand mine on land that is currently used for other rural resource use. The site will be reclaimed back to rural resource use (forestry or agriculture) consistent with the current site use.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

If the MRL designation is approved, and if subsequent mine-related permits are obtained, topsoil will be segmentally removed and stored during mining and will be replaced over completed mine areas to reclaim the site. The site would be reclaimed for forestry and/or agricultural use.

9. Housing [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None.

- c. Proposed measures to reduce or control housing impacts, if any:

Not applicable.

10. Aesthetics [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable.

- b. What views in the immediate vicinity would be altered or obstructed?

The site is surrounded by rural resource land use with some rural residential properties located further to the west and southeast. If the MRL designation is approved, and if subsequent mine-related permits are obtained, mining disturbance will be shielded from view by topography and by trees left in setbacks along the site perimeter and along stream buffers on site. The mine itself will be focused on the upper, flat area, further shielding the mine disturbance from view as it is excavated downward.

- b. Proposed measures to reduce or control aesthetic impacts, if any:

If the MRL designation is approved, and if subsequent mine-related permits are obtained, vegetated screens will be retained to mitigate visual impacts. Perimeter berms will be vegetated around extraction areas to also screen the mine excavation.

11. Light and Glare [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

If the MRL designation is approved, and if subsequent mine-related permits are obtained, excavation and hauling would generally take place during daylight hours. Therefore, lighting will not normally be required. Occasional contract orders may require loading and hauling after daylight hours (for public highway projects, for example). Overhead lighting and head lights will be utilized on haul trucks and loading equipment as needed.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

No.

c. What existing off-site sources of light or glare may affect your proposal?

None.

d. Proposed measures to reduce or control light and glare impacts, if any:

Should emergency maintenance lighting be required, all temporary sources of overhead lighting will be hooded and directed at the specific area to avoid the escape of glare.

12. Recreation [\[help\]](#)

a. What designated and informal recreational opportunities are in the immediate vicinity?

Hunting and fishing are likely available within a half-mile of the site.

b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

No mining activities will affect existing recreational opportunities.

13. Historic and cultural preservation [\[help\]](#)

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

No.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

None are known. The site was formerly forested and has since been used for growing grass.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Hillshade GIS mapping from analysis of LiDAR elevation data indicates the site has been modified by previous forestry and agricultural use.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None - no resources are anticipated due to previous site disturbance and use.

14. **Transportation** [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The site is served by a gravel access road off of Brim Road.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

No. The nearest transit stop is located 4.5 road miles north of the site on Gore Road, north of US Highway 12.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

If the proposed MRL designation is approved, and if subsequent mine-related permits are obtained, at most ten parking spaces would be added. No parking spaces will be eliminated.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

If the proposed MRL designation is approved, and if subsequent mine-related permits are obtained, the existing private road will provide access for haul traffic from Brim Road.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

This proposal is strictly to designate the property as MRL. Any proposed mining of the property will require a subsequent application and SEPA determination for a Lewis County SUP and other permits. Traffic impacts to local roadways will be evaluated prior to submitting a mine proposal, which will determine the anticipated traffic loads from a proposed mine project.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

None are anticipated.

- h. Proposed measures to reduce or control transportation impacts, if any:

None.

15. Public Services [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

No.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

None.

16. Utilities [\[help\]](#)

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other well water
- c. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

This proposal is strictly to designate the property as MRL. Any proposed mining of the property will require a subsequent application and SEPA determination for a Lewis County SUP and other permits. Electrical power may be routed to the site depending on the needs of a future surface-mine proposal.

C. Signature [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Alan Good
Name of signee Alan Good
Position and Agency/Organization President
Date Submitted: 12/22/21

D. Supplemental sheet for nonproject actions [\[HELP\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

A future surface mine development is not likely to impact discharge to water since stormwater would be managed onsite and infiltrated to ground in the mine floor and/or into stormwater ponds onsite. Appropriate buffers would be observed from the mapped streams in the northwestern site area, and mining disturbance would not occur where other streams are located in the east/southeast lowland below the steep slope that traverses the site. Air emissions from equipment operating onsite (i.e. dozers, loaders and haul trucks) would occur during operating hours. No hazardous substances would be produced or stored on the site, and accidental fuel or oil spills from fueling mobile equipment would be managed in accordance with a Spill Control Plan (SPC). Sporadic noise would be generated by mining equipment and haul trucks during operating hours.

Proposed measures to avoid or reduce such increases are:

Water – Mining activity will take place such that stormwater and any potential erosion from disturbance of native materials will be directed back into the active (incised) mining area to infiltrate to ground. Mining will occur no deeper than 10 feet above the groundwater table in accordance with DNR requirements.

Air – Operating equipment will be equipped with mufflers and emission control devices that meet regulatory standards.

Hazardous substances – The site’s SCP will remain in effect through the project duration. Best management Practices (BMPs) will be employed on site to reduce the potential for accidental fuel or oil spills from occurring during equipment refueling. BMPs will also be used to quickly and completely clean up any spills consistent with the SCP and to remove any spill-contaminated materials from the site.

Noise –Setbacks will be maintained from all property lines, including preservation of sight-obscuring vegetation. Requisite muffling devices will be maintained on trucks and excavating equipment.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The site currently has patchwork tree cover and is vegetated primarily with grasses and shrubs following past commercial tree harvest. Mining the site would have a transient impact on this vegetation and animals in the area until the site is reclaimed. Mining would avoid the streams located on the site, including Blue Creek, which is mapped as fish-bearing by FPARS. The site is not located near any marine environments.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Appropriate vegetated buffers will be maintained from streams located in the upper, northwestern portion of the site including Blue Creek. The east/southeast lowland below the steep slope would not be disturbed by mining. At the completion of mining, the site will be reclaimed to rural resource use and restore habitats similar to current conditions.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal will not deplete energy resources. A future surface mine development will produce natural resources, both during the active project (aggregates) and after being reclaimed (forestry or agriculture).

Proposed measures to protect or conserve energy and natural resources are:

Mining and reclamation will be conducted to efficiently extract the aggregate resource while preserving topsoil and overburden soils to reclaim the site. Post-mining use of the site for forestry or agriculture will restore the site to rural resource use.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

No areas designated for governmental protection area located on the site. No significant impacts are anticipated to the listed sensitive areas. Mining activity would be focused on the upper, flat area underlain by glacial outwash and not disturb the lower east and southeast site and the wetlands contained therein. Appropriate buffers from streams would be observed and protected from mining disturbance.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Mining will be conducted in accordance with State and local permits including a Lewis County SUP, Ecology Sand and Gravel General Permit, and DNR Surface Mine Reclamation Permit.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal is to designate the subject property to MRL from ARL to eventually develop a gravel and sand mine on land that is currently used for other rural resource use. A future surface mine development would be reclaimed back to rural resource use (forestry or agriculture) consistent with the current site use. No State shorelines are located on the subject property.

Proposed measures to avoid or reduce shoreline and land use impacts are:

As described above.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The eventual development of a surface mine would result in increased traffic loads to local roads from mine-related haul traffic. Development of the mine is not likely to increase demands on public

services or utilities other than possibly routing electrical power onto the site, depending on the specific mine plan.

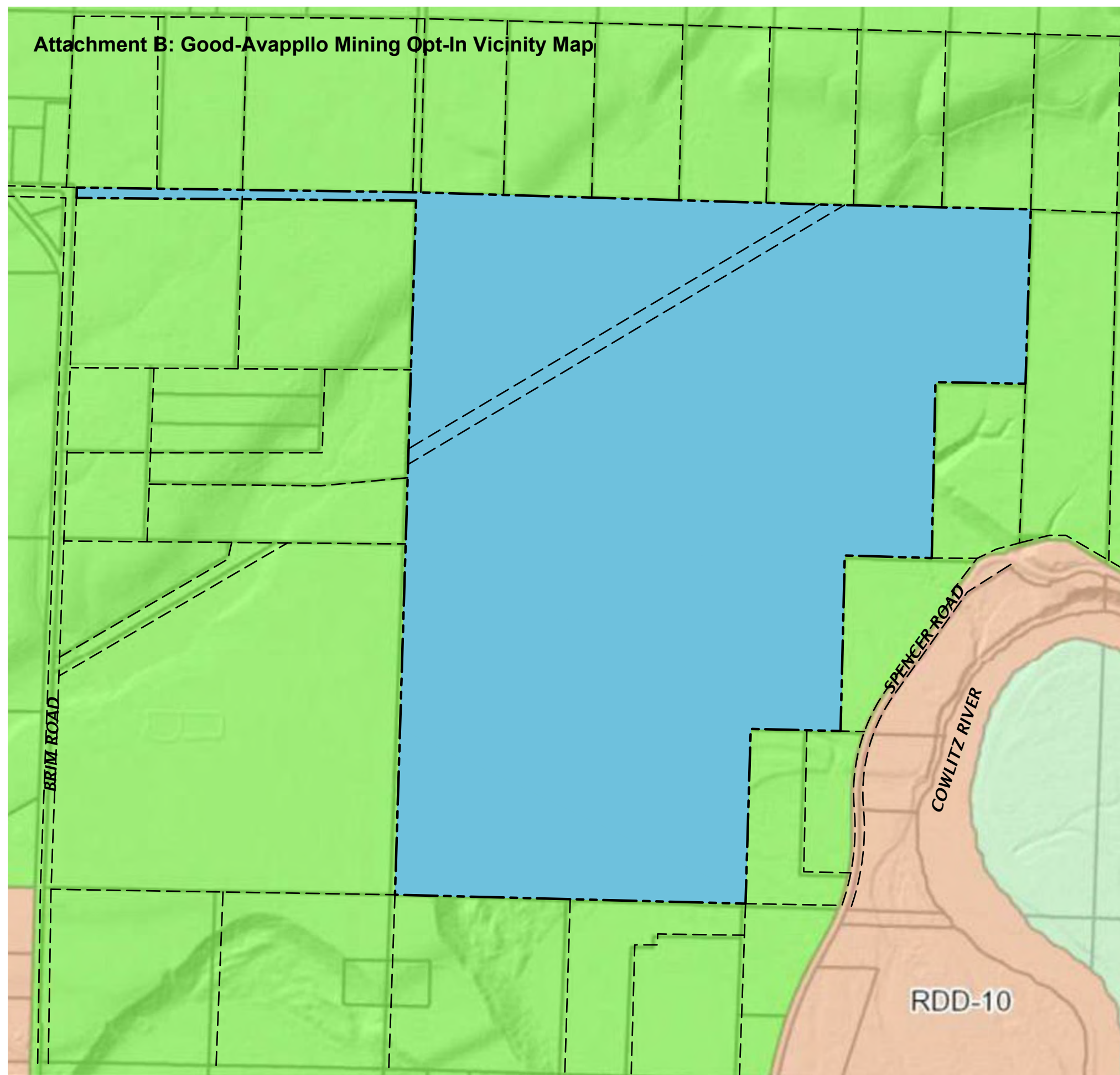
Proposed measures to reduce or respond to such demand(s) are:

A traffic study will likely be completed to inform development of a surface mine proposal for the Lewis County SUP application process. This study would evaluate possible impacts and propose mitigations to address those impacts.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Mining would be conducted in accordance with federal, State, and local regulations and be compliant with requirements from a Lewis County SUP, an Ecology Sand and Gravel General Permit, and a DNR Surface Mine Reclamation Permit.

Attachment B: Good-Avapplo Mining Opt-In Vicinity Map

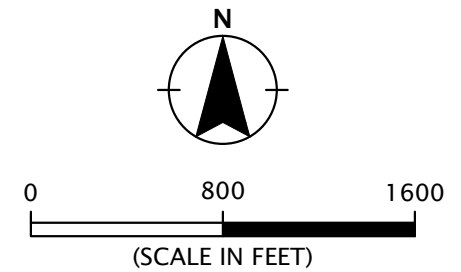


LEGEND:

- SUBJECT PROPERTY BOUNDARY (443.5 ACRES)
- PROPERTY PARCEL BOUNDARY

ZONING:

- MINERAL RESOURCE LANDS
- AGRICULTURAL RESOURCE LANDS
- FOREST RESOURCE LANDS
- RURAL DEVELOPMENT DISTRICT



NOTES:

1. PROPERTY PARCEL BOUNDARIES AND OWNERSHIP INFORMATION OBTAINED FROM LEWIS COUNTY GIS WEB MAP.
2. ZONING BASE MAP IMAGE OBTAINED FROM LEWIS COUNTY ASSESSOR DECEMBER 7, 2021.



GOOD CRUSHING, INC.

GOODCRUSH-4-01
DECEMBER 2021

PROPOSED LAND-USE ZONING MAP
GOOD/AVAPOLLO PROPERTY

LEWIS COUNTY, WA
SECTIONS 20 AND 21, TOWNSHIP 12N, RANGE 1E, W.M.

FIGURE RZ-4

Attachment C: Good-Avapollo Mining Opt-in Rezone Supporting Materials

The following documents and the information contained therein are incorporated into the public record by reference. The documents are available on the Lewis Count Community Development website <https://lewiscountywa.gov/departments/community-development/rezones/>

Documents Incorporated by Reference: *(listed in reverse chronological order)*

2022-06-14	SEP21-0039 Comments on SEPA Determination
2022-05-31	SEP21-0039 SEPA Determination
2022-02-20	RZ21-00002 Public Comments on Notice of Application
2022-02-08	RZ21-00002 Notice of Application
2021-12-20	Mine Resource Evaluation Report
2021-12-20	RZ21-00002 Rezone Application
2015	Lewis County Rock Aggregate Map, DNR

**LEWIS COUNTY – STATE ENVIRONMENTAL POLICY ACT
THRESHOLD DETERMINATION
DETERMINATION OF NONSIGNIFICANCE (DNS)**

LEAD AGENCY: Lewis County – Community Development Department

PROPONENT: Alan Good

FILE NUMBERS: SEP21-0039, RZ21-00002

DESCRIPTION OF PROPOSAL: rezone and amend the Lewis County zoning map to designate the Good/Avapollo Property (5 parcels: #028043004001, #028043004002, #028061000000, #028025001000, and #028024001000) as Mineral Resource Lands (MRL) in accordance with Lewis County Code (LCC) Sections 17.30.850 and 17.30.720(2). Any subsequent proposal to establish a surface mine at the site will be addressed through a separate SEPA review process associated with an SUP application to Lewis County, pending approval of the proposed MRL designation of the Good/Avapollo Property.

LOCATION OF PROPOSAL: The project is located near 133 Griffis Rd, Onalaska Lewis County, WA – Section 21, Township 12N, Range 01E, WM on parcel numbers 028043004001, 028043004002, 028061000000, 028025001000, 028024001000.

THRESHOLD DETERMINATION:

The lead agency for this proposal has determined that it does not have a probable, significant adverse impact on the environment. An environmental impact statement (EIS) is NOT required under RCW 43.21C.030(2)(c). This decision was made after review by Lewis County of a completed environmental checklist and other information on file with this agency and such information is adopted herein by reference. This information is available electronically here <https://lewiscountywa.gov/departments/community-development/rezones/>

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the issue date below. Written comments must be submitted by **4pm on June 14, 2022**.

Responsible Official: **Lee Napier, Director**
Lewis County Community Development
2025 NE Kresky Avenue
Chehalis, Washington 98532

Contact Person: **Preston Pinkston, Planner**


_____ for Responsible Official

Date of Issue: **May 31, 2022**

*This SEPA determination may be appealed in writing to the Lewis County Hearings Examiner until 4 pm on **June 21, 2022** at the Lewis County Community Development Permit Center. Appellants should be prepared to make **specific factual objections**. The appeal procedure is established in Lewis County Code (LCC) Section 17.110.130 and LCC Section 2.25.130. The administrative appeal fee is established by Resolution of the Board of County Commissioners. The current adopted fee schedule is available online at <https://lewiscountywa.gov/departments/community-development/permit-applications-and-handouts/>.*

The following are findings of fact that are in addition to the findings presented in the July 1, 2022 Staff Report.

I. Growth Management Act

The Growth Management Act Revised Code of Washington (RCW) that are applicable to Mineral Resource Lands are addressed below.

1 RCW 36.70A.050 Guideline to classify agriculture, forest and mineral lands and critical areas.

- (1) Subject to the definitions provided in RCW 36.70A.030, the department shall adopt guidelines, under chapter 34.05 RCW, no later than September 1, 1990, to guide the classification of: (a) Agricultural lands; (b) forestlands; (c) mineral resource lands; and (d) critical areas. The department shall consult with the department of agriculture regarding guidelines for agricultural lands, the department of natural resources regarding forestlands and mineral resource lands, and the department of ecology regarding critical areas.
- (2) In carrying out its duties under this section, the department shall consult with interested parties, including but not limited to: (a) Representatives of cities; (b) representatives of counties; (c) representatives of developers; (d) representatives of builders; (e) representatives of owners of agricultural lands, forestlands, and mining lands; (f) representatives of local economic development officials; (g) representatives of environmental organizations; (h) representatives of special districts; (i) representatives of the governor's office and federal and state agencies; and (j) representatives of Indian tribes. In addition to the consultation required under this subsection, the department shall conduct public hearings in the various regions of the state. The department shall consider the public input obtained at such public hearings when adopting the guidelines.
- (3) The guidelines under subsection (1) of this section shall be minimum guidelines that apply to all jurisdictions, but also shall allow for regional differences that exist in Washington state. The intent of these guidelines is to assist counties and cities in designating the classification of agricultural lands, forestlands, mineral resource lands, and critical areas under RCW 36.70A.170.
- (4) The guidelines established by the department under this section regarding classification of forestlands shall not be inconsistent with guidelines adopted by the department of natural resources.

During the 2017 Lewis County Comprehensive Plan periodic update, Community Development consulted with the Department of Agriculture regarding agricultural lands, Department of Natural Resources regarding forestland and mineral resource lands and the Department of Ecology regarding critical area. Community Development also consulted with interested parties identified above and considered input during public hearings. Classification of resource lands was confirmed in the comprehensive plan map adopted by the Board of County Commissioners in 2017. Therefore, this criterion is met.

2 WAC 365-190-070

- (1) In designating mineral resource lands, counties and cities must approach the effort as a county-wide or regional process, with the exception of owner-initiated requests for designation. Counties and cities should not review mineral resource lands designations solely on a parcel-by-parcel basis.
- (2) Counties and cities must identify and classify mineral resource lands from which the extraction of minerals occurs or can be anticipated. Counties and cities may consider the need for a longer planning period specifically to address mineral resource lands, based on the need to assure availability of minerals for future uses, and to not inadvertently preclude access to available mineral resources due to incompatible development. Other proposed land uses within these areas may require special attention to ensure future supply of aggregate and mineral resource material, while maintaining a balance of land uses.

Lewis County Code 17.30.720 and 17.30.850 allows for owner-initiated requests to the change of classification to a mineral resource land if the criteria of the code are met. Please refer to staff findings in the July 1, 2022 Staff Report for findings against the Lewis County Code. Therefore, this criterion is met.

Lewis County Countywide Planning Policies

8 Natural Resource Industries. Maintain and enhance natural resource-based industries including productive timber, agricultural, mineral extraction and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

The site will not be used for residential uses, therefore 8.1 is not applicable. The site will not be used for tourism or recreation, therefore 8.3 is not applicable. The site is not adjacent to an urban growth area, therefore planning policy 8.5 is not applicable. The proposed amendment is not relate to alternative energy production or education, therefore this planning policy 8.6 is not applicable.

- 8.0 Land uses adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use of these designated lands for the production of food or agricultural based products, or timber, or for the extraction of minerals. Encroachment on resource lands by incompatible uses shall be prevented by maintenance of adequate buffering between conflicting activities.

The site of the proposed amendment is adjacent to Agricultural Resource Land. There will be no off-site excavation. All applicable state and local laws related to critical areas and transportation impacts must be met at the time of project permitting. The proposed MRL designation will not impact adjacent agricultural uses. Further, Washington Department of Natural Resources requires a reclamation plan to restore the site to agricultural uses, or the use listed in the DNR approved restoration plan. Therefore, the proposed amendment is consistent with this planning policy.

Attachment E: Good-Avapollo Mining Opt-in Rezone Findings of Fact

8.2 Fishery resources, including the County's river systems inclusive of their tributaries, as well as the area's lakes, and associated wetlands, should be protected and enhanced for continued productivity.

The proposed amendment is a non-project action and will have no impact on fishery resources. If there are future, project-level impacts identified through subsequent permitting process or SEPA review, those will be required to be avoided, minimized or mitigate the impacts per LCC 17.25, Shoreline Management, and 17.38, Critical Areas. Therefore, the proposed amendment is consistent with this planning policy.

8.4 All jurisdictions should encourage best management practices (BMP) to reduce adverse environmental impacts on natural resources

The proposed amendment is a non-project action and will have no impact on the environment. If there are future, project-level impacts identified through subsequent permitting process or SEPA review, those will be required to be avoided, minimized or mitigated per LCC 17.25, Shoreline Management, and 17.38, Critical Areas. Therefore, the proposed amendment is consistent with this planning policy.

11 Citizen Participation and Coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

The proposed amendment has been processed according to LCC 17.05 and 17.12 requirements and meets all applicable state laws. Below are the steps with the citizen participation and coordination opportunities highlighted in gray. The process meets planning policies 11.0 through 11.6.

2021-12-20	Application Submitted by Good-Avapollo
2022-01-26	Letter of Incompleteness sent to Applicant
2022-02-08	Notice of Application posted to: <ul style="list-style-type: none">• The Chronicle• Properties within ¼ mile of subject properties• On Site• On Lewis County Community Development Website
2022-02-23	Comments on Notice of Application due (all persons or organization that provide comments are "parties to the record")
2022-02-24	Comments provided to Applicant
2022-05-31	SEPA Determination issued and posted to: <ul style="list-style-type: none">• The Chronicle• Properties within 500 feet of subject properties• Parties to the Record• SEPA Register• Interagency Review list• Tribal Review list• School District

Attachment E: Good-Avapollo Mining Opt-in Rezone Findings of Fact

	<ul style="list-style-type: none">• Fire District• On Site• On Lewis County Community Development Website
2022-06-14	Comments on SEPA Determination due (all persons or organization that provide comments are "parties to the record")
2022-06-21	SEPA Appeals due <ul style="list-style-type: none">• No appeals filed
<i>Future</i>	Planning Commission Workshops July 12; duly noticed Public Hearing August 9 (dates are tentative)

13 Historic Preservation. Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance to Lewis County.

The proposed amendment is a non-project action. At the time of project level permitting, the project site will be reviewed for any mapped historic and cultural sites, and a project-level SEPA threshold determination and Notice of Application will be sent to the Department of Archeology and Historic Preservation (DAHP) and the Indian Tribes for review and comment. Project permit conditions could include an archaeological site investigation cultural resource survey and that an Inadvertent Discovery Plan be in place prior to ground disturbance. Therefore the proposed amendment is consistent with planning policies 13.0 through 13.2.

II. Lewis County Comprehensive Plan

Mineral Resource Lands are part of the Land Use Element, Resource Land Goals and Policies, Natural Resource section, of the Lewis County Comprehensive Plan. The applicable goals and policies related to mineral resource lands are addressed below.

1.1 View agricultural, timber, and mineral resource lands as an essential feature of Lewis County's identity, contributing to local employment and the retention of natural character.

Mineral resource lands are identified in the Lewis County Comprehensive Plan and Mineral Resource Land (MRL) zoning designations were confirmed during the 2017 periodic review. Classification of mineral resource lands meets state RCWs and WACs. Therefore the proposed amendment is consistent with this plan policy.

1.2 Strive to promote the economic viability of natural resource industries.

Lewis County Code (LCC) 17.30.850 allows for property owners of rural lands to opt-in to mineral resource land designations provided the criteria of LCC 17.30.720 are met. This promotes new mineral resource mining to access aggregate rock reserves identified by the Washington Department of Natural Resources. The proposed amendment meets LCC 17.30.720. Therefore the proposed amendment is consistent with this plan policy.

1.3 Encourage resource uses, particularly agricultural and timber uses, in all rural areas.

Lewis County Code (LCC) 17.30.850 allows for property owners of rural lands to opt-in to mineral resource land designations provided the criteria of LCC 17.30.720 are met. This promotes new mineral resource mining to access aggregate rock reserves identified by the Washington Department of Natural Resources. The proposed amendment meets LCC 17.30.720. Therefore the proposed amendment is consistent with this plan policy.

2C.2 Allow the designation of new mineral resource lands as part of a land use application process.

Lewis County Code (LCC) 17.30.850 allows for property owners of rural lands to opt-in to mineral resource land designations provided the criteria of LCC 17.30.720 are met. This promotes new mineral resource mining to access aggregate rock reserves identified by the Washington Department of Natural Resources. The proposed amendment meets LCC 17.30.720. Therefore the proposed amendment is consistent with this plan policy.

3.1 Continue to protect the interests of landowners who want to utilize the natural resources on their property.

Lewis County Code (LCC) 17.30.850 allows for property owners of rural lands to opt-in to mineral resource land designations provided the criteria of LCC 17.30.720 are met. This promotes new mineral resource mining to access aggregate rock reserves identified by the Washington Department of Natural Resources. The proposed amendment meets LCC 17.30.720. Therefore the proposed amendment is consistent with this plan policy.

3.3 Ensure that new incompatible land uses are appropriately buffered from existing agricultural, forestry, or mineral resource lands.

LCC 17.30.810 requires that mining operations meet state and federal setback standards and that properties abutting mining resource lands must maintain a 50-foot setback for new structures (subject to administrative setback reduction). Therefore the proposed amendment is consistent with this plan policy.

5.1 Work to ensure that agriculture (including ranching), forestry and mineral resource activities are conducted in a manner that minimizes their adverse impacts on water quality, habitat, and other environmentally sensitive areas.

The proposed amendment is a non-project action and will have no impact on the environment. If there are future, project-level impacts identified through subsequent permitting process or SEPA review, those will be required to be avoided, minimized or mitigated per LCC 17.25, Shoreline Management, and 17.38, Critical Areas. Therefore the proposed amendment is consistent with this plan policy.

5.2 Cooperate with appropriate agencies to confirm that mineral extraction sites are restored in a manner consistent with Washington State and Lewis County laws and regulations.

Mining is a temporary use and requires a reclamation plan overseen by the Washington Department of Natural Resources. Therefore the proposed amendment is consistent with this plan policy.

DRAFT