



STAFF REPORT AND RECOMMENDATION TO THE HEARING EXAMINER

Report Date: April 7, 2021
Report Submitted By: *KW* Karen Witherspoon, AICP
Senior Project Planner
File Number: SUP19-0002 PUBLIC HEARING (21-6-004)
Project Name: Expansion of Good Quarry

A. SUMMARY OF PROPOSED ACTION

The proposed action for the Special Use Permit Hearing is the expansion of the existing Good Quarry into the existing Johnson Quarry to create one contiguous mine area. The expansion is more than three acres of mining activities beyond two approved DNR reclamation plan areas that were in effect before July 26, 1999. The Good Quarry (DNR permit #70-012859) was approved in 1997 for 32 acres and the Johnson Mine (DNR permit #70-011245) was approved in 1974 for 14 acres. The expansion will incorporate both mine areas and an additional 95.8 acres into one contiguous mining operation of 141.8 acres. Operations will include soil and rock extraction, stockpiling and associated mining activities. The site may receive clean inert fill from local construction projects as part of the reclamation plan. The current sales yard, scales, night watchman trailer, commercial access, crushing and processing located at the Good Quarry will continue to be utilized for the expansion area. The proposed expansion area is intended to extend the life of the mine operation not to increase the intensity of the mine operation. No new buildings are proposed and no new water or septic connections are proposed as part of the project.

B. GENERAL INFORMATION

Property Owners: Fries & Waller Rock Quarry LLC
169 Sargent Road
Winlock, WA 98596-9668

Alan & Pamela Good
265 Rupp Road
Toledo, WA 98591

Applicant: Good Crushing, Inc. (Alan Good)
265 Rupp Road
Toledo, WA 98591

Applicant's Engineer: GeoDesign Inc. (Erick Staley)
9450 SW Commerce Cir #300
Willsonville, OR 97070

Tax Parcel Numbers: 014999-000-000 (Good),
015003-000-000 (Good) and
015000-000-000 (Fries & Waller – leased by Good Crushing)

Location: 699 Tennessee Rd (site access)

Acreage: Total of three parcels is 182.25 acres and proposed mine
permit boundary is 141.8 acres

Zoning Classification: Rural Development District 20 Acre (RDD-20) and
Mineral Resource Lands (MRL/Mine)

Comp. Plan Designation: Other Rural Lands and Resource Lands

Sewage Disposal: Existing Septic System (no new connections)

Water Supply: Existing Group B Public Water System (no new connections)

C. APPLICATION HISTORY/BACKGROUND

Current Application:

The application packet was submitted on August 30, 2019. The application packet includes the Special Use Permit application and introduction narrative and Attachments A – K: site plan figure set for special use permit; reclamation plan figure set; SEPA Checklist 2019; previous SEPA checklist 2000; previous issued MDNS 2000; Hydrogeologic Assessment 1995; addendum to Hydrogeologic assessment 1998; HPA from 2003; Water Well Logs; Stormwater engineering calculations; and letter from WDFW for Type F stream relocation. (Exhibit 1 – <https://lewiscountywa.gov/departments/community-development/blog/good-quarry-expansion-project-2019/> located under the Subheading "Application Documents" for a total of twelve document files on the webpage). The signed application packet was determined to be complete for processing on September 9, 2019 (Exhibit 2).

A Master Site Review (MSR19-0709) for critical areas and resources lands was approved on October 31, 2019 (Exhibit 3). The Notice of Application was issued and published in *The Chronicle* on November 12, 2019 (Exhibit 4).

The SEPA checklist was reviewed and a DNS was issued and published in *The Chronicle* on November 12, 2019 (Exhibit 5). The SEPA Threshold determination and Notice of Application for Special Use Permit application were mailed to the surrounding property

owners within 500 feet of the subject parcels on November 5, 2019 (Exhibit 6). Notice of the DNS and Special Use Permit was posted on-site by county staff on November 12, 2019 (Exhibit 7). The required notice of application timeframe was met. Fourteen (14) agency/department comment letters and public comment letters were received during the comment period (Exhibit 8 – <https://lewiscountywa.gov/departments/community-development/blog/good-quarry-expansion-project-2019/> located under the Subheading “Public Comments Submitted During SEPA and Notice of Application” for a total of two document files on the webpage; Public Comments 1 – 8 and Public Comments 9 - 14). No appeals were filed and the Threshold Determination was retained. The SEPA Threshold Determination is final.

Responses to the public comments and additional information were requested from the applicant on January 8, 2020 (Exhibit 9). The requested information was submitted on April 3, 2020 (Exhibit 10 – <https://lewiscountywa.gov/departments/community-development/blog/good-quarry-expansion-project-2019/> located under subheading “Applicant Response to Comments” for a total of two document files on the webpage; Good Crushing’s Response to Public Comments and Blasting Report – March 2020).

On January 6, 2021, the applicant was notified by the Hearing Examiner’s Office of the scheduled public hearing time and date (Exhibit 11).

Previous Application and Site History:

The Good Quarry was challenged when it began operations in 2000, resulting in an appellate decision. *Evaline Community Ass'n v. Good*, No. 28805-2-II, 2003 Wash. App. LEXIS 1846 (Aug. 20, 2003). As detailed in that opinion, Good applied for a surface mining permit from the State in 1997 to use 32 acres as a surface mine; at a time when Lewis County did not regulate mining operations. *Id.* at *3. In 2000, Lewis County adopted a special use permitting process for surface mines, requiring a hearing examiner decision. *Id.* at *8. Good submitted to this special use and SEPA process under protest, asserting that the quarry was vested from before this regulation’s existence. *Id.* Opponents of the quarry appealed the resulting MDNS and special use permit. *Id.* *12. The Court of Appeals held that the Good Quarry’s surface mining, including the rock crusher and the asphalt batch plant, vested as a use under the state surface mining act and the Good’s 1997 DNR surface mining permit application, before the County enacted its local code special use permit provisions at issue. Therefore, challenges based noncompliance with those provisions failed. *Id.* at *16-18.

As a result, the special use permit and SEPA process from 2000 were not legally binding upon the Good Quarry, which was a lawful nonconforming use. Nevertheless, the applicant represents that the quarry has voluntarily complied with the general limitations in the special use permit to reduce its impact (Exhibit 10 – Good Crushing’s Response to Public Comments pages 10-15).

D. PUBLIC HEARING NOTICE

A notice of public hearing was published on March 16, 2021 in *The Chronicle*, the newspaper of record for Lewis County (Exhibit 12). Additionally, notice of the public

hearing was mailed to property owners within 500 feet of the subject parcels' outer boundaries, to the people that commented during the notice of application and to the applicant on March 15, 2021 (Exhibit 13). The public hearing notice was posted by County staff at the property's physical location on March 15, 2021 (Exhibit 14). The required notice of hearing timeframe was met.

E. AGENCIES CONTACTED

Lewis County Environmental Health Division – Septic
Lewis County Environmental Health Division – Water
Lewis County Public Works Department
Lewis County Building Division/Fire Marshal
Lewis County Fire District #15
Washington State Department of Ecology (ECY)
Washington State Department of Natural Resources (DNR)
Washington State Department of Transportation (WSDOT)
Washington State Department of Fish & Wildlife (WDFW)
Washington State Department of Labor & Industries WISHA Division (WISHA)
Southwest Washington Clean Air Agency (SWCAA)
US Army Corps of Engineers (USACE)
Cowlitz Indian Tribe
Confederated Tribes of the Chehalis
Washington State Department of Archaeology and Historic Preservation (DAHP)
Evaline School District #36

F. NATURAL ENVIRONMENT

Topography:

There is a narrow ridge running between the two existing quarries having slopes between 15% and 35%. The remainder of the expansion area has roughly 9% slopes. The highest natural elevation of the expansion area is in the southwest corner of the proposed mine area and decreases in elevation moving in northeast direction. The two existing mine areas have steep slopes for the berms around the boundary of the mine areas. The berm slopes, excavation high walls and final reclamation grades are regulated under the DNR reclamation plans and permit in accordance with RCW 78.44 Washington State Surface Mining Act. Exhibit 1 – Attachment B - Reclamation Plan Figure Set shows the mining sequence and the reclamation sequence for the proposed mine expansion. Additionally, the figure set identifies the final topography of the site after reclamation is complete.

Surface Water:

The expansion area has three mapped Type N (non-fish) streams. The project proposes to convey the flow from these streams through the floor of the quarry into the onsite stormwater system to maintain the hydraulic continuity. The application materials indicate this would be accomplished by conveying the stream flow to the existing stormwater management ponds for the northern site area and to proposed stormwater ponds in the southern site area. The stormwater pond system ultimately outlets to streams east of and outside of the project area (Exhibit 1, Application Documents, Introduction narrative and Application Attachment C – SEPA Checklist for expansion area).

Ground Water:

The application materials (Exhibit 1 – introduction narrative, Attachment B – Reclamation Plan Figure Set – Figure 7, Attachment F – 1995 Hydrogeologic Assessment Report and Attachment G – Addendum to Hydrogeologic Assessment Report) discuss the geology, aquifer, ground water location and surrounding water well logs. In Exhibit 10 – Good Crushing’s responses to public comments, additional information is provided about the current and proposed operation related to ground water. The mine floor depth will be above the primary water-bearing zone as determined by Ecology’s well records and measurements from on-site wells (Exhibit 1 – Attachment B – Reclamation Plan Figure 7).

DNR required the 1995 Hydrogeologic Assessment Report prior to approving the original mining reclamation plan in 1997. GeoDesigns Inc. reviewed the original 1995 report, the 1998 addendum to the report and reviewed Ecology’s well logs for new wells surrounding the mine expansion area (Exhibit 1 – Attachment I – water well reports). The mining will be limited to the basalt hard-rock, leaving the underlying sedimentary mudstones and sandstones (Lincoln Creek Formation) intact. The proposed expansion of the mining operation will not include dewatering, since the excavation will stay above the primary water-bearing zone. Exhibit 1 – Attachment F – 1995 Hydrogeologic Assessment Report gives background information about the water quality in the Lincoln Creek Formation as being low quality for domestic use and at times has high total dissolved solids and excessive amounts of iron and manganese. The report also mentions that “open hole wells” in shale can experience “slaking”. Open hole wells do not have full casings/screens in the well hole. Slaking is the process by which shale is hydrated by the exposure to water, and crumbles into flakes or granular particles and then falls off the sides of the well hole into the well hole itself. Current well construction standards for drinking water well are administered through the Ecology.

Vegetation:

The northern portion of the expansion area has isolated stands of trees, the remaining expansion area has roughly 90 acres of agricultural hay fields, some former garden sites and some smaller isolated stands of trees. As mining proceeds, the 90 acres of agricultural hay fields, the isolated tree stands and former garden areas from previous site use will be removed. The disturbed areas will be planted with trees for commercial forestry use according to the reclamation plan and the application documents in Exhibit 1. Assurance of adequate funding for and the management of the reclamation process is regulated by DNR.

Wildlife:

No threatened or endangered species are known to exist on or near the site. The Washington State Fish and Wildlife (WDFW) habitat layer of the GIS system was consulted by staff and notice of the SEPA Threshold Determination and the Special Use Permit application were sent to WDFW for review. WDFW had previously commented in the July 12, 2019 letter (Exhibit 1, Application Documents - Attachment K) the streams have limited flow and lack aquatic habitat.

Sensitive Areas:

There is a mapped wetland located outside of the project area to the east of the southeastern portion of the project area. The applicant is proposing the mining activities will observe a 300-foot buffer from the offsite wetland. The establishment of the 300-foot buffer avoids any potential impacts to the offsite wetland and a wetland assessment report is not required as provided in Lewis County Code (LCC) 17.38.210. The northeastern portion of the project area includes a portion of the critical aquifer recharge area for the existing Group B Public Water System serving drinking water to the existing Good Quarry office building and night watchman trailer. The southeastern portion of the expansion area is within 50 feet of the critical aquifer recharge area of a Group A Public Water System with a service capacity of 30 connections.

The proposed expansion area does not include any mapped hydric soils. The proposal is located outside of the shoreline jurisdictional area and the mapped floodplain and floodway areas. The proposal is also located outside of any mapped areas of high arsenic levels, erosion hazard areas, landslide hazard areas or mapped areas of soil liquefaction susceptibility.

G. NEIGHBORHOOD CHARACTERISTICS

The existing Good Quarry and the mine expansion area are zoned Rural Development District 20 Acre (RDD-20). The portion of the parcel that contains the existing Johnson Quarry mine area is zoned as Mineral Resource Lands (MRL/Mine). The access road into the Good Quarry along with the commercial scales, office building and night watchman trailer are zoned Rural Development District 10 acres (RDD-10). The proposed mine expansion area is located within 1,320 feet of lands zoned as Agricultural, Forest and Mineral Resource Land.

The adjoining lands on the north and southwest are zoned RDD-20, to the west are zoned Mineral Resource Lands (MRL/Mine), to the east are zoned RDD-10 and to the south are zoned a mix of RDD-20, Local Forest Resource Lands - 20 Acre (FRL-LI), Mineral Resource Lands (MRL/Mine) and RDD-10.

The surrounding development consists of lands used for commercial timber to the west and northwest of the expansion area. The existing Good Quarry is directly north of the expansion area with residential parcels north of the existing Good Quarry. The parcels to the east and southeast of the southeastern portion of the mine expansion range in size from half acre to 2.0 acres and are primarily residential uses. The Winlock Fibre sawmill and log storage yard is approximately a quarter mile east of the southeastern portion of the mine expansion area, east of Tennessee Road and north of Hale Road. There are some residential uses on larger parcels to the south and southwest of the proposed expansion area. The Hale Road Quarry and adjacent borrow pit are located south of the expansion area and south of Hale Road. The Hale Road Quarry is owned by Lewis County and has operated since the late 1960's.

A screen shot of the GIS layer of the 2019 aerial photos of the development site and the surrounding area is incorporated by reference into the record (Exhibit 15). A screen shot of the GIS layer for zoning is incorporated by reference into the record (Exhibit 16).

H. TRANSPORTATION PLANS

The existing Good Quarry is currently served by a gated and paved access road off Tennessee Road. Tennessee Road has a speed limit of 40 miles per hour (Exhibit 17). The proposed mine expansion area will continue to be served through the existing commercial road approach to Tennessee Road. No new vehicle trips are proposed to occur from the project. The proposed expansion is designed to extend the life of the mine operation, not to increase the intensity of the use or truck traffic currently existing. No new approach permits are required for the road approach to Tennessee Road. **A condition of approval should state all traffic related to haul use, quarry sales of rock or asphalt and employee traffic shall access from Tennessee Road at the existing commercial road approach site access. No new road approaches are authorized as part of the mine expansion.**

The Evaline School District submitted comments (Exhibit 8 – comment #10) related to the location of the existing K-6 grade school on Schoolhouse Road approximately 0.4 miles east of the existing Good Quarry site access off Tennessee Road. The comment notes the school has not previously experienced any issues created by traffic from the current operation, but would request the haul traffic continue to be routed away from Schoolhouse Road as much as possible, specifically during the morning and afternoon hours when students and staff would generally be coming to and going from school grounds. The existing Good Quarry has on-site signage directing the truck drivers not to use Schoolhouse Road (Exhibit 10 – Good Crushing’s responses to public comments – Attachment A three photographs). **A condition of approval should state the quarry site operator’s shall maintain the current on-site signage directing truck traffic not to use Schoolhouse Road.**

I. ADEQUATE PUBLIC FACILITIES AND SERVICES (LCC 17.130)

Potable Water: The application materials (Exhibit 1, Application Documents, Introduction narrative) indicate the proposed project will continue to be served by the existing Group B Water System and there are no proposed changes to water service.

Wastewater Disposal: The existing Good Quarry sales office and night watchman trailer are served by an approved existing septic system. No new septic systems are proposed as part of the mine area expansion. There are two existing residences with septic systems on the expansion site. The existing buildings and septic systems are proposed to be demolished as the mining progresses to those areas. **A condition of approval should state all existing septic systems to be demolished shall follow the requirements of LCC 8.40.290 Abandonment. An additional condition of approval should state all structures to be demolished shall submit a demolition application to Lewis County Community Development Department prior to the demolition of said structure.**

Fire/Emergency Services: An adequate facilities memo from the Lewis County Sheriff’s Office and from Lewis County Fire District #15 were submitted on August 30, 2019 (Exhibit 1, Application Documents, Introduction narrative and SUP application).

School District: An adequate facilities memo from the Evaline School District #36 was submitted on August 30, 2019 (Exhibit 1, Application Documents, Introduction narrative and SUP application).

Transportation: The existing access is off Tennessee Road and is under the jurisdiction of Lewis County Public Works. No new access points are proposed and the existing access point is approved as a commercial road approach for the existing Good Quarry mining operation.

Solid Waste: An adequate facilities memo from Goebel for refuse disposal service was submitted on August 30, 2019 (Exhibit 1, Application Documents, Introduction narrative and SUP application).

Stormwater: Lewis County Public Works comments (Exhibit 8 – Comment #3) stated a Lewis County stormwater permit is not required. The stormwater will be regulated under the Washington State Department of Ecology Sand and Gravel General Permit.

J. STATE ENVIRONMENTAL POLICY ACT (SEPA) – LCC 17.110

A SEPA Threshold Determination on Nonsignificance (DNS) was issued on November 12, 2019 for the proposal (Exhibit 5). No appeals of the SEPA threshold determination were submitted within the appeal timeframe. The Determination of Non-Significance (DNS) was retained and is final.

K. COMPREHENSIVE PLAN

The property currently has a comprehensive plan designation of Other Rural Lands over the majority of the expansion area parcel. The existing Johnson Quarry within the expansion area parcel is designated as Resource Lands. The Other Rural Lands designation includes resource industries such as agriculture, forestry and mining with deference to the effects that are typical of the operations of those industries. Several policies in the Economic Development Element, the Rural Area Sub-Element, and the Resource Area Sub-Element of the Comprehensive Plan recognize the importance of ensuring that rural resource economic activities will continue to be viable in Lewis County. The proposed development is consistent with Policy ECONOMIC DEVELOPMENT 2.1, Policy ECONOMIC DEVELOPMENT 2.4, Policy RURAL 2.1, Policy RURAL 3.1, Policy NATURAL RESOURCES 1.1, Policy NATURAL RESOURCES 3.1 and Policy NATURAL RESOURCES 5.2 of the Lewis County Comprehensive Plan.

- POLICY ED 2.1 Strive to create jobs in sectors such as industry, tourism, recreation, agriculture, natural resources, and retailing.
- POLICY ED 2.4 Facilitate the continued operation of resource-based industries such as agriculture, forestry, mineral extraction, and energy production.
- POLICY RURAL 2.1 Promote the development of a vital rural economy in Lewis County with jobs in agriculture, mining, timber production, home occupations, small businesses, and a variety of other industries.
- POLICY RURAL 3.1 Ensure that rural public facilities and services are provided at levels that are consistent with the preservation of rural character and in the historical and typical manner that is found in rural Lewis County. Use

development regulations to ensure that water, wastewater treatment and other services are consistent with established standards.

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

L. PUBLIC CONCERNS

Fourteen (14) agency/department comment letters and public comment letters were received during the comment period (Exhibit 8 – <https://lewiscountywa.gov/departments/community-development/blog/good-quarry-expansion-project-2019/> located under the Subheading "Public Comments Submitted During SEPA and Notice of Application" for a total of two document files on the webpage; Public Comments 1 – 8 and Public Comments 9 - 14). A GIS screen shot of the location of the comment letters in relation to the ¼ mile (1,320 foot) buffer of the mine expansion boundary is included (Exhibit 18). Of the fourteen comment letters received during the notice of application comment period, nine are comments from the public. An additional public comment was received after the notice of hearing was published and before the submittal of the staff report to the Hearing Examiner (Exhibit 19).

Items from the comment letters that the County has the ability to address through the special use permit process are addressed in this staff report. However, only those concerns that Lewis County has the regulatory authority to address will be included in recommended conditions of approval.

M. STATUTES/CODES/FINDINGS

The zoning district for the mine expansion area is Rural Development District 20 Acre (RDD-20) and Mineral Resource Lands (MRL/Mine). The RDD-20 zoning district authorizes new and the expansion of existing mineral resource uses through a special use permit process (LCC Section 17.42.020 Table 1 Land Use Summary). The appropriate signed application, a Type III – Special Use Permit for Mining, was submitted on August 30, 2019 (Exhibit 1 Application Documents). The Mineral Resource Lands zoning district lists the primary uses of mineral resource lands (LCC Section 17.30.750) to include:

1. *quarrying and mining of minerals or material, including, but not limited to, sand and gravel, sand, rock, clay, coal, and valuable metallic and nonmetallic substances; and,*
2. *the exploitation, primary reduction, treatment, and processing of minerals or materials, together with the necessary buildings, structures, apparatus, or appurtenances on said property where at least one of the major mineral or material constituents being exploited is from said property, including, but not limited to, concrete hatching, asphalt mixing, brick, tile, terra cotta, and concrete products, manufacturing plants, and rock crushers and the use of accessory minerals and materials from other sources necessary to convert the minerals and materials to marketable products.*

The hearing examiner's decision shall be based upon compliance with the criteria established for the requirements of LCC 17.05, 17.30, 17.42, 17.110, 17.130, 17.142.020, 17.142.200, 17.150.020, 17.150.030, and 17.158.

A. LCC 17.05 General Provisions

LCC 17.05.040 Project permit application type

(1) Project permit applications are categorized as one of five types described below. Tables 17.05-1 and 17.05-2 specify various permits that fall within the categories and the methods for processing the various project permits.

Type III applications are quasi-judicial actions that require an open record hearing and decision before the hearing examiner.

Staff response: The Special Use Permit – Type III application was submitted for this project (Exhibit 1) on August 30, 2019. The application materials were signed appropriately and determined to be a complete application packet for processing (Exhibit 2). A public hearing before the hearing examiner is scheduled for April 30, 2021, beginning at 9:00 am. This criterion has been met.

(2) Table 17.05-1 Permit Review Type – Process Chart and Table 17.05-2 Process Required for Different Permit Types:

Type III – Notice Period is at least 15 days before an open record public hearing, Mailed notice is required, Notice Posted on road frontages is required, Notice published in the Newspaper of Record is required, the public hearing is conducted by the Hearing Examiner, decision is issued by the Hearing Examiner and the appeal process is to the appropriate court as defined in LCC Section 2.25.140.

Staff response: The Notice of Public Hearing was published in the newspaper of record, posted on the road frontage and mailed as required on March 16, 2021 which is approximately 45 days prior to the scheduled public hearing. The Hearing Examiner will conduct the hearing and issue a decision with designated appeal process. This criterion has been met.

(3) LCC 17.05.140 duration of decisions

All project permit approval shall be valid for a period of three years, after which they shall automatically expire, unless otherwise stated.

Staff response: The operation of the mining area is not limited to a period of three years. The project applicant has a period of three years to comply with the conditions of approval of the special use permit and to acquire the County's signature on the Washington State Department of Natural Resources (DNR) "Form SM-6". **A condition of approval should state the special use permit for the mine expansion shall expire in three years unless the applicant completes the conditions of approval and the County signs the DNR "Form SM-6". Once the Form SM-6 is signed by the County, the time period of the mining operation is as determined by the DNR Reclamation Plan.**

B. LCC 17.142.020 General land use standards.

(1) The administrator or hearing examiner shall ensure that the following general standards, in addition to the specific standards for the zoning district and use type, are met when approving a land use.

(2) General Use Findings. General use findings include the requirements that the land use:

(a) Will be harmonious and in accordance with the general and specific objectives of the Lewis County comprehensive plan and zoning regulations.

Staff Response: The Comprehensive Plan designations of Other Rural Lands and Resource Lands, and the zoning classifications of Rural Development District 20 acre (RDD-20) and Mineral Resource Lands (MRL/ Mine) identify the proposed activities permissible within the designations and classifications. The purpose of the Rural Development District is to achieve a variety of lot sizes, protect rural character, and protect small rural businesses, which have historically served the citizens of Lewis County. As previously stated in Section K (Comprehensive Plan) of this staff report, the project complies with the policies and objectives of the Lewis County Comprehensive Plan.

Exhibit 18 shows the location of the public comment letters in relation to the ¼-mile buffer around the three mine parcels. All comment letters submitted during the notice of application are included in Exhibit 8 and the one comment letter submitted during the notice of hearing is in Exhibit 19. Comment letter #5, #11, #12 and #13 of Exhibit 8 express concerns related to experiencing water quality issues such as turbidity, discoloration and odor from their drinking water well after blasting has taken place. Comment letter #5 and #11 are from different people, but are for the same parcel, which is located approximately ½ mile (2,640 feet) northeast of the existing mine's northern parcel boundary. Comment letter #12 and #13 are within ¼ mile (1,320 feet) north and northeast of the existing mine's northern parcel boundary. Additionally, comment letter #8 and #14 expressed concerns of potential affects the blasting may have on wells in general.

Although there are relevant issues of concern raised in the public comments, the most appropriate way to address those issues is through conditions imposed in the process. With the recommended conditions of approval, the proposed mine area expansion is harmonious and in accordance with the general and specific objections in the Lewis County comprehensive plan and the zoning regulations. As conditioned, the project meets this criterion.

(b) Will be adequately served by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and waste disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

Staff Response: Adequate Facility Memos were signed and submitted by Fire, Law Enforcement, the School District and Refuse Disposal (Exhibit 1). Lewis County Public Works and other agencies have commented on this project (Exhibit 8). As conditioned, the project meets this criterion.

(c) Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.

Staff Response: Based on the current proposal, there will no cost to the public for facilities and services. As stated previously in this report, Adequate Facility Memos were signed and submitted by Fire, Law Enforcement, the School District and Refuse Disposal (Exhibit 1). As conditioned this criterion is met.

(d) Will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare, or odors.

Staff Response: The proposed project is the expansion of mine area between two existing surface mine operations. There will not be an increase in intensity of the existing mining activity. The proposed project is intended to extend the life of the mine operation. Traffic patterns and vehicle trips are not proposed to increase as a result of the project. The commercial sales area will continue to be located at the existing location within the existing Good Quarry permitted area.

The application materials (Exhibit 1 – introduction narrative) indicates the rock crushing and asphalt batch plant will follow conditions of their respective air quality permits issued by Southwest Washington Clean Air Agency (SWCAA). Permits issued by SWCAA regulate odor, dust, smoke, fumes and other emissions that have the possibility of effecting outdoor air quality standards and regulations. The expanded mine area will have vegetated perimeter berms for noise abatement and visual screening. Stormwater, erosion and potential spills from equipment fueling are regulated under Ecology’s Sand and Gravel General Permit, which also include best management practices (BMPs). Any lighting will use lights that have downward-directed shields to limit ambient light transmission off the site. The hours of noise-emitting operations will be within a specific range, and blasting done on specific notice. As conditioned in this staff report, the project meets this criterion.

(e) Will have vehicular approaches to the property designed as to not create an interference with traffic on surrounding public streets.

Staff Response: The commercial road approach to Tennessee Road is existing and approved through Lewis County Public Works. The proposal does not include any modifications to the existing road approach nor any new road approaches. As conditioned, the project meets this criterion.

(f) Will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of major importance.

Staff Response: The project site was reviewed for any mapped historic and cultural sites. The SEPA threshold determination and notice of application were sent to the Department of Archeology and Historic Preservation (DAHP) and the Indian Tribes for comment. No comments or concerns were raised during the comment period from these entities. The application material (Exhibit 1 – introduction narrative) indicate the mine site will be returned to commercial forestry use after reclamation is complete. As proposed, this criterion has been met.

(g) Will ensure adequate protection is given critical areas, including surface and ground water consistent with the critical areas requirements of Chapter 17.38 LCC.

Staff Response: The Master Site Review (MSR19-0709), which reviews zoning, critical areas and resource lands, was approved on October 31, 2019 (Exhibit 3). The discussion in Section F (Natural Environment) of this staff report indicated the mapped critical area include three Type N (non-fish) streams, an off-site wetland, a portion of the critical aquifer recharge area for the Group B Public Water System serving the existing Good Quarry facilities, and an off-site critical aquifer recharge area for an existing Group A Public Water System located at the end of Quarry Road.

The Type N streams will be re-routed as part of the WDFW Hydraulic Project Approval (HPA) permit to convey the stream flow into the existing and proposed stormwater ponds. The stormwater ponds are reviewed and approved through the Washington State Department of Ecology (ECY) sand and gravel general permit. The sand and gravel general permit includes review of Best Management Practices (BMPs), Erosion and Sediment Control Plan (ESCP) and the Stormwater Pollution Prevention Plan (SWPPP).

DNR commented the expansion of the mining operation will require an expanded surface mine reclamation permit from DNR to include the entire 141.8 acres. Currently the Good Quarry reclamation permit is under DNR permit #70-012859 and the Johnson Mine reclamation permit is under DNR permit #70-011245 (Exhibit 8 – Comment #1).

ECY provided comments stating both existing mines have coverage under the ECY Sand and Gravel General Permit with permit numbers WAG501479 for the existing Good Quarry and WAG501492 for the existing Johnson Mine. The expansion of these sites will require one of the existing permits to be modified to include all 141.8 acres of the proposed mining area before the second one can be terminated (exhibit 8 – Comment #9). **A condition of approval should state the applicant shall provide the approved modified ECY Sand and Gravel General Permit for the 141.8 acres and that includes approval of the stormwater system and the approved HPA from WDFW for the re-routing of the Type N streams prior to the County**

signing the DNR Form SM-6 for the expanded mine area of 141.8 acres in the reclamation plan.

The proposed reclamation plan figures (Exhibit 1 – Application Documents – Attachment B) identify the 300-foot buffer for the off-site wetland. The largest regulated buffer under LCC 17.38 is 300 feet. The proposal of a 300-foot buffer allows the project to avoid impacts to the wetland and its actual buffer. **A condition of approval should state the project shall maintain a 300-foot buffer from the off-site wetland; no mining activities are allowed within the 300-foot wetland buffer.** As conditioned, the project ensure adequate protection of the wetland.

As discussed below in this staff report, there is a specific review for surface mining operation within critical aquifer recharge areas. As conditioned, the project meets this criterion.

(h) Will ensure that on-site public facilities, or facilities designed to serve the site, are limited to the project area and are not available to spur growth outside the area of the permit, when located in a rural area.

Staff Response: Based on the proposal, the existing on-site facilities are designed to the serve the site are not expanding beyond the project site.

The administrator or hearing examiner may condition such permits based on written recommendations in environmental documents, and as otherwise necessary to comply with the requirements of this chapter, the county comprehensive plan, development regulations, and environmental regulations.

(3) General Use Standards. The following criteria are used to help determine the conformance with the general findings for land uses:

(a) The applicable portions of the Lewis County Code, and the Lewis County road development standards.

Staff Response: Review of the Lewis County Code for zoning, critical areas, resource protection, road, stormwater and public health were conducted by staff for this proposal. Additionally, Lewis County Public Works provided comments for the proposal, which are reflected in the staff report. No new road access is requested as part of this proposal. This criterion has been met.

(b) The handling and treatment of dangerous or hazardous waste in accordance with LCC Title 8, Chapter 173-303 WAC, and other applicable standards.

Staff Response: The applicant submitted responses to comments (Exhibit 10 – Good Crushing’s Responses to Public Comments) indicating the rock crushing and asphalt batch plant are located outside of the mapped critical aquifer recharge area and that the Ecology Sand and Gravel General Permit requires a spill control plan (SCP). **A condition of approval should state the proposal is required to comply with the handling and treatment of**

dangerous or hazardous waste in accordance with LCC Title 8, Chapter 173-303 WAC, and other applicable standards in the Spill Control Plan. As conditioned, this criterion is met.

- (c) The maximum environmental noise levels established by Chapter 173-60 WAC and incorporated herein by reference, together with any adjustments authorized therein.

Staff Response: Generally, the Good Quarry voluntarily complied with the conditions from the 2001 SEPA and Special Use Permit decisions and installed an acoustic vegetated berm along the northern and northeastern property boundary of the existing Good Quarry and equipped the rock crusher with rubber conveyor belts. The rock crusher is located on the mine floor which is now over 100 feet in elevation below the acoustic berm. As proposed, the expansion mine area will include perimeter berms and vegetated screens to limit noise and visual impacts of the expansion area. The rock crusher and asphalt batch plant's location will continue to be the mine floor of the existing Good Quarry. This area will be reclaimed (R-4) after the mining sequencing is complete as shown in Exhibit 1 – Attachment B – Reclamation Plan Figure Set – Figure 4. **A condition of approval should state the proposal is required to comply with the environmental noise levels established by Chapter 173-60 WAC.** As conditioned, this criterion is met.

- (d) The air quality standards adopted by the Southwest Washington Clean Air Agency (SWCAA) and any SWCAA permit issued for a project.

Staff Response: The SWCAA is responsible for enforcing federal, state and local outdoor air quality standards and regulations in Lewis County and other southwest Washington Counties. The Agency has authority over rock crushing batch plants and fugitive dust emission from mining operations and private haul roads. The use of the rock crusher and asphalt batch plant each require permits from the SWCAA. The permits from SWCAA regulate odor, dust, smoke, fumes and other emissions. The existing access road is paved to limit dirt and dust as trucks leave the site. **A condition of approval should state the proposal shall be in compliance with air quality standards adopted by SWCAA and the applicant shall provide documentation of compliance with this condition of approval to the Lewis County Community Development Department prior to the County signing the DNR Form SM-6.** As conditioned, this criterion is met.

- (e) The terms of any permit issued for a project by a resource agency, including Washington State Department of Fish and Wildlife, HPA, water quality permit, Chapter 90.48 RCW, shoreline permit, Chapter 90.58 RCW, or permit issued by the U.S. Army Corps of Engineers.

Staff Response: It is the applicant's responsibility to meet other local, state, and federal regulations. **A condition of approval should state all appropriate local, state and federal permits required for the proposed development shall be obtained.** As conditioned, this criterion is met.

- (f) Conditions imposed in any final environmental determination, mitigated determination of nonsignificance (DNS) or final environmental impact statement under Chapter 43.21C RCW.

Staff Response: As stated previously in the report in Section J – SEPA – LCC 17.110, no appeals of the SEPA threshold determination (file number SEP19-0028) were submitted within the appeal timeframe. The Determination of Non-Significance (DNS) was retained and is final. This criterion is met.

- (g) Health standards for wells and drain fields as set forth in sections such as Chapters 8.40 and 8.41 LCC.

Staff Response: The current project does not include new connections to septic or water services. As discussed and conditioned above in this report, all abandoned septic system shall comply with Lewis County Code. LCC Chapter 8.40 regulates new and existing septic systems and LCC Chapter 8.41 regulates specific areas in Lewis County that prohibit the use of septic systems.

Individual water wells in Lewis County do not require a Lewis County permit for construction. Individual water well construction is regulated through Washington State Department of Ecology. Group B Public Water System wells are regulated by Lewis County, and the larger Group A Public Water System wells are regulated by Washington State Department of Health (DOH). Group A Public Water Systems are inspected by DOH contract on a three year cycle and the water system plans are reviewed every six years. The Group A Public Water System operators are required to conduct specific water testing as identified in their state approved water system plan. As mentioned above, the project does not require a new individual well, a new connection to the existing Group B Public Water System, nor a new connection to any surrounding Group A Public Water Systems.

The well located at the end of Quarry Lane (100 Draws Lane) is a Group A Public Water System with a 30 connection capacity and is known as Sward #276 Public Water System ID# 06046. The water system plan for this Group A Public Water System requires source water sample testing on the inorganic contaminants (IOC) panel, which includes turbidity, every three years. The well is 195 feet deep and has a 10-year time-of-travel boundary as a wellhead protection area shown on Exhibit 20 (red circle with green dot in the center). The wellhead protection area is a critical aquifer recharge area located approximately 50 feet east of the east property line of the southeastern portion of the proposed expansion area. The approximate location of the proposed mine excavation boundary is shown as an orange line on Exhibit 20. The mining excavation boundary in that area is approximately 500 feet west of that east property line. The overburden and topsoil storage and southern stormwater pond will be located between the excavation limit line and the east property line, but outside of the 300-foot wetland buffer (Exhibit 1 – Attachment B Reclamation Plan Figure Set – Figure 4 & Figure 5). The Ecology Sand and Gravel General Permit will include stormwater best management practices

(BMPs) and treatment requirements for the outflow of the stormwater pond. Ecology conducts annual inspections as part of the Sand and Gravel General Permit monitoring process and permit compliance. **A condition of approval should be included stating the Ecology Sand and Gravel General Permit shall include BMPs and treatment requirements for the stormwater dispersion near the wetland buffer that is within the wellhead protection area (critical aquifer recharge area) of Public Water System ID# 06046 – Sward #278.** As conditioned in this staff report, this criterion is met.

- (h) Flood hazard standards as set forth in Chapter 15.35 LCC.

Staff Response: The proposed project is outside of the Flood Zone A, the 100-year floodplain. The proposal is located in Flood Zone C, typically areas of minimal flooding. This criterion is met.

- (i) Stormwater standards as set forth in Chapter 15.45 LCC.

Staff Response: Public Works comments indicated stormwater standards and permitting in LCC Chapter 15.45 do not apply for this project. All stormwater review and permitting are conducted through the Ecology Sand and Gravel General Permit. Ecology submitted comments stating the expansion of the mining area and merging of the existing mining operation will require a new Ecology Sand and Gravel General Permit to be issued that covers then entire operation. As previously conditioned in this report, this criterion is met.

- (j) The supplemental requirements of Chapter 17.145 LCC.

Staff Response: None of the specific supplemental requirements of Chapter 17.145 LCC apply to this project. This criterion does not apply.

- (k) Other applicable standards.

Staff Response: The current proposal was reviewed based on current Lewis County Code provisions. One comment letter mentioned issues related to noxious weeds growing on the property (Exhibit 19). The Lewis County Noxious Weed Control Program focuses on education, prevention, technical assistance and control of noxious weeds through voluntary compliance. Preventing the spread of weeds is more effective and less costly than eradication. From March through October, when weeds are growing the most rapidly, the program employs field staff to survey public and privately owned lands in Lewis County for noxious weeds and to work with landowners to achieve weed control. However, the primary responsibility for noxious weed control is placed on the landowner whether private, State or County lands. **A condition of approval should be included that states, the property owner is responsible for noxious weed control on the three mine parcels.** As conditioned in this staff report, the project meets this criterion.

C. LCC 17.142.200 Surface Mining Areas

(1) Applicability. This section applies to the creation of new surface mining areas or the expansion of lawfully permitted activities beyond an approved DNR reclamation plan area in effect on July 26, 1999; provided, however, this does not cover any mining activity which is less than three acres in size.

Staff Response: The project is the expansion of more than three acres of mining activities beyond two approved DNR reclamation plan areas that were in effect before July 26, 1999. The Good Quarry (DNR permit #70-012859) was approved in 1997 for 32 acres and the Johnson Mine (DNR permit #70-011245) was approved in 1974 for 14 acres. The expansion will incorporate both mine areas and an additional 95.8 acres into one contiguous mining operation of 141.8 acres. LCC 17.142.200 applies to the expansion of the existing mine areas into one mine boundary of 141.8 acres.

(2) Mine Development Standards. All permits issued pursuant to this section shall require the following minimum standards. The hearing examiner may increase buffers and mitigation when good cause is shown.

(a) Setbacks/Screening.

(i) A 50-foot setback from the mine property and from all abutting property, consistent with and subject to the reduction provisions of LCC 17.30.810, shall be maintained for areas of direct cut or fill connected with resource extraction operations. For mining operations, the setbacks may be increased when necessary to provide lateral support for abutting properties or public rights-of-way.

(ii) A 25-foot-wide screen, consisting of sight-obscuring vegetation, berms, or other methods approved by Lewis County, shall be maintained within the 50-foot setback on the mine property. This screen is meant to conceal the mine from public rights-of-way and/or property used for residential purposes.

(iii) Any direct extraction operation areas within a public utility right-of-way shall be subject to the written conditions of approval from the affected utility, which shall be incorporated into the permit.

(iv) A 200-foot setback shall be maintained between any mining activity and any existing structure occupied for sleeping or eating purposes but not including accessory structures such as barns or outbuildings, existing at the date of application.

Staff Response: The application documents (Exhibit 1 – Introduction narrative, SUP application, Attachment A SUP Figure Set and Attachment B Reclamation Plan Figure Set) and the response to comments (Exhibit 10 – Good Crushing’s Responses to Public Comments) identify and discuss the perimeter berms and barriers required by both Lewis County and the federal Mine Safety and Health Administration (MSHA). As part of the DNR reclamation plan, DNR requires the permit boundary be staked/marked on-site and

maintained through the life of the project. DNR conducts annual inspections as part of the reclamation permit process.

Excavated top soil and overburden will be used to create the berms and the berms will provide storage of these materials until reclamation is completed. The project documents include a 50-foot perimeter setback with a 25-foot vegetative screen setback within that 50-foot setback. The combination of berms and vegetated screening (trees) will be established around the perimeter of the expanded mine area prior to conducting mining near neighboring properties. Additionally, the applicant's response to comments (Exhibit 10) indicates the outer 25 feet of the berms will be planted with native tree seedlings and the final height of the berms will be constructed to 12-14 vertical feet.

The 2019 GIS aerial photo (Exhibit 15) does not show existing on-site screening vegetation in the proposed expansion area within the 50-foot setback adjacent to existing parcels used for residential purposes. Many of the surrounding parcels have retained forested areas between the existing residences and the proposed mine area expansion. The proposed project cannot rely on adjacent properties to meet the 25-foot visual screening requirements to conceal the mine from public right-of ways or property used for residential purposes. **A condition of approval should be included requiring a 25-foot-wide perimeter planting area within the 50-foot mine boundary setback. The combination of berms and native vegetated screening trees of shall be of such height, width and density to mitigate noise and viewing of the mine site prior to conducting mining near neighboring properties and public right-of-ways without reliance on vegetation found on surrounding parcels.** As conditioned, these criteria are met.

The project does not propose any extraction within any public utility right-of-ways. This criterion does not apply.

According to the Lewis County GIS maps and Assessor's data the closest off-site residence located at 132 Highland Road is approximately 210 feet from the property line and is approximately 260 feet from the proposed expansion of the mine boundary. The closest residence to the existing Good Quarry property line located at 123 W. Rayburn Road is approximately 175 feet from the property line and is approximately 225 feet from the mine boundary. A screen shot from the GIS maps showing distance from the three mine parcel's property lines to various residences is included in this report as Exhibit 21. This criterion is met.

(b) Road Use. To assure the maintenance and development of adequate county roadways, owners of surface mining operations may be required to enter into a haul route agreement with the county engineer upon adoption and implementation of a haul route agreement program. The haul route agreement shall address impacts immediately attributable to the project use.

Staff Response: The proposed expansion is to extend the life of the mining operation, not to increase the intensity or number of truck trips from the current mining operation. The application materials (Exhibit 1 – SUP application) lists the existing trips per day as approximately 50-200 with most trips generated in the morning and early afternoon. Depending on area need for rock deliveries, 5 to 20 drivers complete 5 to 10 round trips per day. Lewis County Public Works did not request an updated haul route agreement. As previously conditioned in this report, the haul route does not include Schoolhouse Road. Whereas before the quarry was gratuitously complying with a condition not to use Schoolhouse Road, now the condition will be binding, the quarry will need to ensure that its operators comply. As conditioned, this criterion is met.

(c) Traffic Safety. The operator may be required to install traffic improvement, control, and warning signs to assure adequate access and traffic safety.

Staff Response: The existing Good Quarry has on-site warning signs prohibiting the use of Schoolhouse Road. As conditioned, this criterion is met.

(d) Noise/Bright Lights.

(i) No development or activity shall exceed the maximum environmental noise levels established by Chapter 173-60 WAC.

(ii) Bright lights shall be shaded or shielded from adjoining residential properties.

Staff Response: As previously conditioned, the project shall meet the requirements of Chapter 173-60 WAC. The application materials (Exhibit 1 – introduction narrative) states any lighting will use lights that have downward-directed shields to limit ambient light transmission off the site. Additionally (Exhibit 10) indicates 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. **A condition of approval should be included to require all outdoor lighting be limited to security lighting for access and building security and that all outdoor lighting should be hooded and shielded to prevent glare as seen by adjacent properties and vehicles on public roadways.** As conditioned, these criteria are met.

(e) Surface Mining Operation within Critical Aquifer Recharge Areas. Surface mining operations within critical aquifer recharge areas (as designated in Chapter 17.38 LCC) shall meet the following standards:

(i) Fuel tanks and oil drums shall be double containment construction and protected by bermed areas having adequate capacity to accommodate, contain, and allow the removal of petroleum spills. Fuel nozzles shall not contain locking devices. Fuel storage shall be

above ground. Fueling of mobile equipment shall be located at least 20 feet above the seasonal high ground water level or within lined and bermed areas with adequate capacity to accommodate, contain, and allow the removal of petroleum spills. Where the nature of the operation is such that the machinery cannot be moved for fueling, or the aquifer is less than 20 feet from the surface, the hearing examiner may approve an alternative fueling plan which accomplishes aquifer protection.

(ii) All operations shall maintain a fuels/hazardous waste management plan maintained by the operator and available on the site at all times.

(iii) Surface mines shall not use any noxious, toxic, flammable, compactable, or combustible materials not specifically authorized by Lewis County department of health for backfill or reclamation. Non-contaminated process water used for gravel washing shall be routed to settling ponds to minimize off-site discharges. A general permit from the Department of Ecology for process and stormwater discharge may substitute for these requirements.

(iv) On-site truck and equipment wash runoff shall be routed to retention facilities equipped with an oil-water separator prior to its release to settling ponds.

(v) Use of chemicals, petroleum or hazardous products, and disposal of such products, in concrete or asphalt plant operations within critical aquifer recharge areas shall meet the standards set forth in Chapter 90.48 RCW and Chapter 173-303 WAC.

Staff Response: The applicant's responses to Public Comments (Exhibit 10) state no fuel tanks or oil drums will be stored in the expansion area. All petroleum products currently stored at the existing Good Quarry site meet the stated containment criteria and the permit conditions of the Ecology Sand and Gravel General Permit's Spill Containment Plan (SCP). Mobile equipment will not be refueled within the critical aquifer recharge area. Stormwater is managed through the Ecology's Sand and Gravel General Permit. As conditioned above the stormwater approval with the Ecology Sand and Gravel General Permit will need to include protections of the critical aquifer for the Group A Public Water System located at Quarry Lane (Sward #287 PWSID# 06046). No equipment washing and no concrete or asphalt batch plant will be located within the critical aquifer recharge area. **A condition of approval should be included requiring all fueling, equipment washing and asphalt batch plant operations shall be located outside of the mapped critical aquifer recharge area. A condition of approval should state backfill operation shall follow clean soil policy and backfill operation plans for the entire mine operation be incorporated into the revised DNR reclamation permit.** As conditioned, these criteria are met.

(f) Public Safety. Owners of surface mines shall ensure their operation(s) will not be hazardous to neighboring uses. Blasting activities shall be conducted so that ground vibrations comply with all state laws about peak particle velocity, air pressure, and other state requirements, including but not limited to Chapter 9 of the Blasting Guidance Manual identified below. All fly-rock shall be contained within the site. All activities shall comply with the standards set forth in official guidelines, including but not limited to Office of Surface Mining U.S. Department of Interior, Blasting Guidance Manual, 1987 ed., Explosives: WAC 296-52-493, Part F, or as revised.

Staff Response: WAC 296-52 was revised by the State of Washington rule making effective August 1, 2017. The revisions to the WAC incorporated requirements from Chapter 9 of the Office of Surface Mining U.S. Department of Interior, Blasting Guidance Manual, 1987 ed., and the "Explosives" sections of the revised WAC are now located in Part C of WAC 296-52. The Washington State requirements for blasting vibration limits, type of blast, duration of blast, record keeping for blasting activities have changed since the early 2000's, which in itself were more stringent requirements than the blasting requirements from the 1970's through the 1990's. The specific duties for the blaster in-charge are now identified in WAC 296-52-67010 and Vibration and Damage Control are listed in WAC 296-52-67065. Many of the recommendations proposed by the original Good Quarry's consultants (Civil Solutions) during the SEPA and Special Use Permit process in 1999-2001 are now requirements of WAC 296-52 as currently in effect. The draft blasting notification plan from June 4, 1999 was created by Dick Fleming, P.E. of Civil Solutions (Exhibit 22) and was discussed during the April 25-26, 2001 public hearing by expert witness Dr. Chris Breeds from SubTerra, Inc.

The current application's materials (Exhibit 1 – introduction narrative) state the blasting activities will be conducted so that ground vibration comply with all state laws regarding peak particle velocity, air pressure and other state requirements. All fly-rock will be contained within the site. Prior to any blast, 24-hour notice will be given to all property owners or residences within 500 feet of the mine permit boundary, and if a blast does not occur as scheduled in the notification, 24-hour renotification will be provided. Additionally, included in the applicant's response to comments (Exhibit 10 – Good Crushing's Responses to Public Comments and the Blasting Report from March 2020) is report of blast vibration analysis dated March 17, 2020 analyzing recorded blasts. None of the blasts dates were on a Saturday or Sunday from 2017 through 2020.

The report stated the analyzed blasts recorded between April 11, 2017 and May 16, 2019, and blasts on February 28, 2020 are below the statutory vibration thresholds. However, Table 8-A of WAC 296-52-67065 shows the following:

Table 8-A
PEAK PARTICLE VELOCITY LIMITS

Distance from blasting site	Maximum allowable peak particle velocity *1
0 to 300 ft (91.4 m)	1.25 in/sec (31.75 mm/sec)
301 to 5000 ft (91.5 m to 1524 m)	1.00 in/sec (25.4 mm/sec)
5001 ft (1525 m) and beyond	0.75 in/sec (19 mm/sec)
*1	Peak particle velocity must be measured in three mutually perpendicular directions and the maximum allowable limits must apply to each of these measurements.

It appears from the data provided, two of the blasts (August 8, 2018 and September 14, 2018) recorded at 123 Rayburn Road exceeded the maximum allowable peak particle velocity for distances between 301 feet to 5,000 feet. The WAC does provide for alternative ways to determine the blasting limit calculation such as using a scaled-distance equation shown in Table 8-B below or by using the "Z" curves on the seismographic records and readings:

Table 8-B
SCALED-DISTANCE EQUATIONS

Distance from Blasting Site	Scaled Distance Equation
0 to 300 ft (91.4 m)	$W \text{ (lbs)} = (d \text{ (ft)}/50)^2$ or $W \text{ (kg)} = (d \text{ (m)}/22.6)^2$
301 to 5000 ft (92 m to 1524 m)	$W \text{ (lbs)} = (d \text{ (ft)}/55)^2$ or $W \text{ (kg)} = (d \text{ (m)}/24.9)^2$
5001 ft (1524 m) and beyond	$W \text{ (lbs)} = (d \text{ (ft)}/65)$ or $W \text{ (kg)} = (d \text{ (m)}/29.4)^2$

Key:

W = The maximum weight of explosives in pounds (or kilograms) that can be detonated per delay interval of 8 milliseconds or greater.

d = The distance in feet (or meters) from the blast to the nearest dwelling, public building, school, church, commercial, or institutional building not owned, leased, or contracted by the blasting operation, or on property where the owner has not given a written waiver to the blasting operation.

It should be noted, the residence located at 322 Hale Road is within the boundary of the proposed mine expansion area. Using the "Z" curves provided in Exhibit 10 Blast Report, all of the blast records remain below the thresholds. WAC 296-52-67010(8) requires the blaster in charge maintain blast records including all seismographic records and readings when such records are required. The previous draft blasting notification plan from June 4, 1999 created by Dick Fleming, P.E. of Civil Solutions (Exhibit 22) discussed the effects of blasting on structures and drinking water wells, and concluded blasting has little to no effect and that vibration below 2 in/sec will not cause damage to a well. The plan did recommend a pre-mining survey of structures and wells potentially susceptible to blast related damage either due to their proximity to the blast or to the nature of their construction.

A condition of approval should be included stating an annual blast monitoring report showing compliance with WAC 296-52 and including the signed complete copies of the blast records from the blaster in charge shall be provided to the Lewis County Community Development Department by January 31st of each year for all blasts conducted from January 1st to December 31st of the previous calendar year. A condition of approval should be included stating seismograph records and readings shall be conducted for each blast and conducted in a manner consistent with WAC 296-52. An additional condition of approval should be included stating prior to the County signing the DNR Form SM-6, the applicant will conduct pre-mining survey of structures and wells potentially susceptible to blast related damage either due to their proximity to the blast or to the nature of their construction and submit the study to Lewis County for a baseline study.

Washington State Department of Labor & Industries is responsible for enforcement of RCW 49.17 the Washington Industrial Safety and Health Act (WISHA) for blasting, explosives, fly-rock, ground vibrations and air pressure regulations listed in WAC Chapter 296-52. WISHA conducts inspection of mine operation when complaints are submitted and during the three year inspection rotation.

WAC Chapter 296-52 requires all fly-rock to remain within the mine boundary and regulates the permissible level of vibration related to a blast. The blast report (Exhibit 10) indicates the number of blasts from 2017 through early 2020 happened at 2 to 4 times per year and only occurred on week days. **A condition of approval should be included requiring all blasting activities be in compliance with WAC Chapter 296-52. Additionally, a condition of approval should be included stating no explosives will be stored on-site.** As conditioned, this criterion is met.

(g) Surface Water Permit. A National Pollutant Discharge Elimination System (NPDES) sand and gravel general permit or individual permit, as appropriate, shall be a condition of approval and incorporated herein by reference.

Staff Response: As previously conditioned in this staff report the project applicant is required to obtain a revised Ecology Sand and Gravel General Permit for the entire mining operation of 141.8 acres. As conditioned, this criterion is met.

(h) Hours of Operation. Regular hours of operation shall be between the hours of 6:30 a.m. and 7:00 p.m.; blasting shall only occur during the time period between 10:00 a.m. and 4:00 p.m. Prior to any blast, 24-hour notice shall be given to all property owners or residences within 500 feet of any mine property line. If a blast does not occur as scheduled in a notification, 24-hour renotification shall be required. The hearing examiner may inquire into the proposed hours of operation and set additional limits when deemed

necessary to protect quiet enjoyment of neighboring residential properties. The hearing examiner may include provisions for exceptions from established regular hours of operation. Extended hours may be requested and approved under conditions set by the hearing examiner, particularly for work on public works contracts where an emergency may require work outside regular hours.

Staff Response: The application materials in Exhibit 1 – introduction narrative and in Exhibit 10 - Good Crushing’s responses to public comments both indicate the existing Good Quarry regular operating hours are generally consistent with this criterion. The Good Quarry webpage lists the following hours of operation for the sales office and general public as Monday through Friday 7:30 am to 3:30 pm and closed on Saturday and Sunday (Exhibit 23).

Public comments included requests to reduce the hours of operation for rock crushing and to expand the 500-foot notice distance for blasting notices. A screen shot from the GIS maps shows the 500-foot buffer around the three mine parcels (Exhibit 24) and another GIS screen shot shows a quarter mile buffer from the three mine parcels (Exhibit 25). By expanding the distance for notification of blasting dates and times, all of the smaller residential parcels southeast of the proposed mine expansion would be included in the notification. Discussions with Daniel Massey at WISHA indicate the perception of how large a blast “feels” is directly tied to if the blast was expected or unexpected. Mr. Massey encourages all of the mining operations in Washington State to have open discussion and ample notification to the surrounding residents and property owners to keep the “unexpected or surprise” of blasts from happening.

Exhibit 10 – Good Crushing’s responses to public comments discussed the current business practices related to rock crushing, delivery hours and blasting frequency. The documents indicate on-site rock crushing is conducted on an infrequent basis, blasting is currently occurring 2 to 4 times per year and are limited to the hours of 10 am to 2 pm, and deliveries for projects run 8 am to 5 pm. The loading of trucks to prepare for deliveries happen prior to and after the regular delivery hours, but within the mines operation hours of 6:30 am to 7 pm. The existing Good Quarry 1997 DNR Reclamation Permit approved the use of rock crushing and the asphalt batch plant. Even though the operating hours listed in the 2001 Lewis County special use permit are not binding, the mine operation has complied with the hours of operation timeframes.

Several ways to provide blasting notification to the surrounding properties have been attempted over the years that the Good Quarry has been in operation. An example of one blasting notification letter previously used by Good Quarry is included as Exhibit 26. Many of the comment letters expressed concern with the current practice for blasting notification relying only on the reader board at the Good Quarry entrance. **A condition of approval should be included stating the regular hours of operation for the mine operation except for rock crushing and blasting activities, are limited**

to 6:30 am to 7:00 pm. Authorization from Lewis County Community Development is required for hours of operation exceptions to these regular hours when the quarry will have limited night work that may be required by the need for reduced traffic on public projects or to provide emergency response. Blasting activity shall only occur between 10:00 am and 4:00 pm (Monday through Friday); no blasting activities shall occur on Saturday or Sunday. Rock crushing activity shall only occur between 9:00 am and 5:00 pm (Monday through Friday); no rock crushing activities shall occur on Saturday or Sunday.

A condition of approval should state prior to any blast, 48-hour notice shall be given to all property owners and residences within a quarter mile (1,320 feet) of all mine property lines as shown in Exhibit 25 and to the Lewis County Community Development Department. If a blast does not occur as scheduled in a notification, 48-hour renotification shall be required. Notification to the public shall be provided in one or more of the following methods: in person, by phone call, by e-mail or by first class mail. Notification to Lewis County Community Development shall be by email. Additional methods of notification may be utilized by the applicant.

A condition of approval should be included stating the applicant shall develop an accessible process or procedure for the affected residents to request notification when their contact information has changed or if notification has not been successful. This process and/or procedure shall be submitted to Lewis County Community Development prior to the County signing the DNR Form SM-6. As conditioned, this criterion is met.

(3) Exceptions. This permit process shall not be applicable to mines regulated under federal mining laws.

Staff Response: The exception in this criterion does not apply to this project. The Lewis County permit process applies to this mine expansion. The only federal review of this mining activity is through the federal Mine Safety and Health Administration (MSHA), which is under the US Department of Labor. MSHA inspects all surface mines twice per year to prevent death, illness and injury from mining, and promotes safe and healthful work places for miners.

D. LCC 17.150.020

LCC 17.150.020 (2) All Rural Area Uses. Any permit issued in rural areas shall meet the following conditions:

(a) Urban growth is prohibited in all rural area developments, except as otherwise allowed in Chapter 36.70A RCW, the Growth Management Act.

Staff Response: The proposed project is the expansion of two existing mine operations into one contiguous mine operation of 141.8 acres. As discussed in

this staff report, mineral extraction is consistent with both the Rural Development District and the Mineral Resource Lands zoning classifications. Mineral extraction is not considered to be an urban growth. Urban Growth is defined in RCW 36.70A as “growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170.” This criterion is met.

(b) To accomplish this objective, the review authority (either the administrator or hearing examiner, depending on the permit) shall find that:

(i) The project makes adequate provision to assure that the development is limited to rural development and rural governmental services.

(ii) The project does not, directly or in concert with growth likely in the area affected, create a demand for urban governmental services or establish a form of “urban growth” that is prohibited outside urban growth areas.

Staff Response: The proposed project is resource based. The existing sales area and night watchmen trailer are serviced by the existing Group B Public Water System and the proposal does not include any new water or septic system connections. Adequate Facilities Memos were signed and submitted by Fire, Law Enforcement, the School District and Refuse Disposal indicating each facility provider has the capacity to serve and is willing to serve the project. In addition, the proposal does not meet the definition of urban growth. As conditioned, the project is consistent with these criteria.

E. LCC 17.150.030

(1) Special Characteristics of Rural Development.

(a) Rural development refers to development outside of urban growth areas and outside designated long-term agricultural forest and mineral resource lands. Rural development can consist of a variety of residential, commercial and industrial uses and densities, including clustered residential development, at levels which are consistent with the preservation of rural character as defined in the Lewis County comprehensive plan.

Staff Response: As previously discussed in this staff report, the proposed use of mineral extraction is consistent with the comprehensive plan designation of Other Rural Lands and the zoning classification of Rural Development District. The criterion is met.

(b) Rural development in Lewis County typically relies on existing facilities for school and fire, though existing facilities may be upgraded or expanded.

Staff Response: The Adequate Facilities Memos for Fire, School, Law Enforcement and Refuse Disposal were submitted for this project. This criterion is met.

- (c) Rural development commonly uses existing small towns and crossroad commercial facilities to meet local commercial needs.

Staff Response: The proposed project does not add any commercial facilities to the area. This criterion is met.

- (d) Rural residential development typically minimizes any impacts to the overall productivity of designated long-term resource lands within a one-mile radius of the proposed development.

Staff Response: The proposed project is resource based. Buffers and setbacks are provided and conditioned in the project to ensure any potential impacts from the rural residential development to productivity of the resources lands would be minimized. This criterion is met.

- (e) Clustered developments are considered appropriate for rural development if:

(i) The overall density of the land does not exceed the underlying zoning of the parcel (unless bonus densities are awarded);

(ii) The development can be accommodated with fire, school, and other rural public facilities without the need to relocate or create a new facility to serve the newly developing area; and

(iii) The development can be served by commercial facilities in existing crossroad commercial areas and small towns and does not establish a new commercial center for the county.

Staff Response: The proposed project does not include clustered residential development. This criterion does not apply.

- (f) Industrial and commercial uses are appropriate forms of rural development if consistent with the requirements in RCW 36.70A.070(5)(d) and the descriptions of rural character in Lewis County comprehensive plan.

Staff Response: RCW 36.70A.070(5)(d) is related to the mandatory elements within a comprehensive plan. Subsection (5) refers to the Rural Element and (d) refers to Limited Areas of More Intensive Rural Development (LAMRID). The proposed project is located in the Rural Development District 20 Acre (RDD-20) and the Mineral Resource Lands (MRL/Mine) zoning classifications, but not within any of the LAMRID zones. The proposed project is for the expansion of existing mine extraction boundaries and mineral extraction is consistent with the Comprehensive Plan and the underlying zoning classifications. This criterion is met.

F. LCC Chapter 17.158 Special Use Permits

17.158.010 Purpose

Special use permits may be allowed as set forth in this chapter. Special use permits shall be reviewed as a Type III application.

Staff Response: As stated above, the proposal was reviewed with the Type III Process. This criterion is met.

N. CONCLUSIONS

With the conditions of approval recommended in this report, the proposed expansion of the existing Good Quarry into the existing Johnson Quarry to create one contiguous mine area encompassing a total of approximately 141.8 acres, which includes the expansion area of 95.8 acres and the two existing mine boundaries of 14 acres and 32 acres will comply with the Lewis County Comprehensive Plan and will comply with the requirements of the Lewis County Code.

O. RECOMMENDATIONS

Staff recommends that the Special Use Permit application from Good Crushing Inc. (Alan Good) file number SUP19-0002 be **approved**, subject to the following conditions:

1. All traffic related to haul use, quarry sales of rock or asphalt and employee traffic shall access from Tennessee Road at the existing commercial road approach site access. No new road approaches are authorized as part of the mine expansion.
2. The quarry site operator's shall maintain the current on-site signage directing truck traffic not to use Schoolhouse Road.
3. All existing septic systems to be demolished shall follow the requirements of LCC 8.40.290 Abandonment.
4. All structures to be demolished shall submit a demolition application to Lewis County Community Development Department prior to the demolition of said structure.
5. The special use permit for the mine expansion shall expire in three years unless the applicant completes the conditions of approval and the County signs the DNR "Form SM-6". Once the Form SM-6 is signed by the County, the time period of the mining operation is as determined by the DNR Reclamation Plan.
6. The applicant shall provide the approved modified ECY Sand and Gravel General Permit for the 141.8 acres and that includes approval of the stormwater system and the approved HPA from WDFW for the re-routing of the Type N streams prior to the County signing the DNR Form SM-6 for the expanded mine area of 141.8 acres.
7. The project shall maintain a 300-foot buffer from the off-site wetland; no mining activities are allowed within the 300-foot wetland buffer.
8. The proposal is required to comply with the handling and treatment of dangerous or hazardous waste in accordance with LCC Title 8, Chapter 173-303 WAC, and other applicable standards in the Spill Control Plan.
9. The proposal is required to comply with the environmental noise levels established by Chapter 173-60 WAC.

10. The proposal shall be in compliance with air quality standards adopted by SWCAA and the applicant shall provide documentation of compliance with this condition of approval to the Lewis County Community Development Department prior to the County signing the DNR Form SM-6.
11. All appropriate local, state and federal permits required for the proposed development shall be obtained.
12. The Ecology Sand and Gravel General Permit shall include BMPs and treatment requirements for the stormwater dispersion near the wetland buffer that is within the wellhead protection area (critical aquifer recharge area) of Public Water System ID# 06046 – Sward #278.
13. The property owner is responsible for noxious weed control on the three mine parcels.
14. A 25-foot-wide perimeter planting area is required within the 50-foot mine boundary setback. The combination of berms and native vegetated screening trees of shall be of such height, width and density to mitigate noise and viewing of the mine site prior to conducting mining near neighboring properties and public right-of-ways without reliance on vegetation found on surrounding parcels.
15. All outdoor lighting be limited to security lighting for access and building security and that all outdoor lighting should be hooded and shielded to prevent glare as seen by adjacent properties and vehicles on public roadways.
16. All fueling, equipment washing and asphalt batch plant operations shall be located outside of the mapped critical aquifer recharge area.
17. Backfill operation shall follow clean soil policy and backfill operation plans for the entire mine operation be incorporated into the revised DNR reclamation permit.
18. An annual blast monitoring report showing compliance with WAC 296-52 and including the signed complete copies of the blast records from the blaster in charge shall be provided to the Lewis County Community Development Department by January 31st of each year for all blasts conducted from January 1st to December 31st of the previous calendar year.
19. Seismograph records and readings shall be conducted for each blast and conducted in a manner consistent with WAC 296-52.
20. Prior to the County signing the DNR Form SM-6, the applicant will conduct pre-mining survey of structures and wells potentially susceptible to blast related damage either due to their proximity to the blast or to the nature of their construction and submit the study to Lewis County for a baseline study.
21. All blasting activities be in compliance with WAC Chapter 296-52.
22. No explosives will be stored on-site.
23. The regular hours of operation for the mine operation except for rock crushing and blasting activities, are limited to 6:30 am to 7:00 pm. Authorization from Lewis County Community Development is required for hours of operation exceptions to these regular hours when the quarry will have limited night work that may be required by the need for reduced traffic on public projects or to provide emergency response.
24. Blasting activity shall only occur between 10:00 am and 4:00 pm (Monday through Friday); no blasting activities shall occur on Saturday or Sunday.
25. Rock crushing activity shall only occur between 9:00 am and 5:00 pm (Monday through Friday); no rock crushing activities shall occur on Saturday or Sunday.
26. Prior to any blast, 48-hour notice shall be given to all property owners and residences within a quarter mile (1,320 feet) of all mine property lines as shown

in Exhibit 25 and to the Lewis County Community Development Department. If a blast does not occur as scheduled in a notification, 48-hour renotification shall be required. Notification to the public shall be provided in one or more of the following methods: in person, by phone call, by e-mail or by first class mail. Notification to Lewis County Community Development shall be by email. Additional methods of notification may be utilized by the applicant.

27. The applicant shall develop an accessible process or procedure for the affected residents to request notification when their contact information has changed or if notification has not been successful. This process and/or procedure shall be submitted to Lewis County Community Development prior to the County signing the DNR Form SM-6.

P. EXHIBITS

- Exhibit 1 Subheading – “Application Documents” which include twelve documents submitted on August 30, 2019 (Special Use Permit application and introduction narrative and Attachments A – K: site plan figure set for special use permit, reclamation plan figure set, SEPA Checklist 2019, previous SEPA checklist 2000, Previous issued MDNS 2000, Hydrogeologic Assessment 1998, addendum to Hydrogeologic assessment 2003, HPA 2003, Water Well Logs, Stormwater engineering calculations, letter from WDFW for Type F stream relocation)
<https://lewiscountywa.gov/departments/community-development/blog/good-quarry-expansion-project-2019/>
- Exhibit 2 Complete Application Review Letter dated September 9, 2019
- Exhibit 3 Master Site Review (MSR19-0709) dated October 31, 2019
- Exhibit 4 Notice of Application – Affidavit of Publication
- Exhibit 5 SEPA Threshold Determination – Affidavit of Publication
- Exhibit 6 Notice of Application and SEPA Threshold Determination – Affidavit of Mailing
- Exhibit 7 Notice of Application and SEPA Threshold Determination – Affidavit of Posting
- Exhibit 8 Subheading – “Public Comments Submitted During SEPA and Notice of Application” which include two documents: Public Comments 1 – 8 and Public Comments 9 – 14 (total of 14 comment letters)
<https://lewiscountywa.gov/departments/community-development/blog/good-quarry-expansion-project-2019/>
- Exhibit 9 Request for Additional Information and Response to Comments – Letter from County
- Exhibit 10 Subheading – “Applicant Response to Comments” which include two documents: Good Crushing’s Response to Public Comments and Blasting Report – March 2020
<https://lewiscountywa.gov/departments/community-development/blog/good-quarry-expansion-project-2019/>
- Exhibit 11 Letter From Hearing Examiner – Setting Hearing Date and Time
- Exhibit 12 Notice of Public Hearing - Affidavit of Publication
- Exhibit 13 Notice of Public Hearing - Affidavit of Mailing
- Exhibit 14 Notice of Public Hearing - Affidavit of Posting

- Exhibit 15 Screen shot of County GIS layer showing 2019 Aerial Photo of the subject parcels and surrounding area
- Exhibit 16 Screen shot of the County GIS layer showing current zoning designations of the subject parcels and surrounding area
- Exhibit 17 Screen shot of County GIS layer showing speed limits on County Roads near the mine operation
- Exhibit 18 Screen shot of County GIS layer showing location of comment letters and 1/4 mile buffer from mine parcels
- Exhibit 19 Comment letter during hearing notice
- Exhibit 20 Screen shot of County GIS layer showing Group A Public Water System at Quarry Lane
- Exhibit 21 Screen shot of County GIS layer showing mine boundary distance to closest residences
- Exhibit 22 Previously proposed draft blasting notification plan – Civil Solutions – June 4, 1999
- Exhibit 23 Good Quarry Webpage – showing hours of operation
- Exhibit 24 Screen shot of County GIS layer – 500 foot buffer around the three mine parcels
- Exhibit 25 Screen shot of County GIS layer – Quarter Mile (1,320 foot) buffer around the three mine parcels
- Exhibit 26 Example of blast notification letter previously sent by Good Quarry