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May 6, 2020

Planning Commission
Thurston County
2000 Lakeridge Drive SW
Olympia, WA 98502

Via Email to jennifer.davis@co.thurston.wa.us and via Planning Commission Contact Form at <https://www.thurstoncountywa.gov/email/pages/default.aspx?List-ID=328>

Re: Lakeside Industries Comments on Thurston County Mineral Resource Lands

Dear Thurston County Planning Commission:

Thank you for this opportunity to provide stakeholder comments on Thurston County's proposed changes to its Mineral Resource Lands Regulations. Based on our assessment, Lakeside Industries, Inc. ("Lakeside Industries") asks the Planning Commission to reject any proposal for continuous noise monitoring and remove the 1,000-foot separation distance from Parks and the Rural Residential 1/5 zone.

Background

Lakeside Industries is a family-owned asphalt manufacturing and paving company with locally-managed regional divisions spanning Western Washington and Northwest Oregon. Lakeside Industries has provided exceptional service to its customers and community since 1952.

Lakeside Industries served as a member of Thurston County's stakeholder group on Mineral Resource Lands from April 19, 2017 to October 24, 2018. The meetings were productive and resulted in numerous proposed recommendations for the Thurston County Comprehensive Plan and Code Provisions on Mineral Resource Lands.

In January and February 2020, the Thurston County Planning Commission resumed its review of Mineral Resource Lands. At a February 5 work session, a few individuals were selected from the stakeholder group to provide direct feedback to the Planning Commission. They asked for additional stakeholder meetings. In response, the Planning Commission directed staff to plan additional meetings. County staff invited a smaller group of stakeholders to hold meetings in February. Those "stakeholder" meetings were different from the previous meetings – they included only six stakeholders. Lakeside Industries was not invited to those meetings.

Continuous Noise Monitoring

Lakeside Industries agrees with the subcommittee's recommendation against continuous noise monitoring. County staff has proposed a continuous noise monitoring option which would require monitoring for "all mineral extraction activities or asphalt plants adjacent to residential zones" to be taken "at a minimum," for "24-hour periods, 7 days a week for at least 48 weeks in a year." This continuous noise monitoring proposal is unstudied, excessive, and impractical.

First, Thurston County has not conducted any studies, review, or analysis to support continuous noise monitoring. The County has not considered whether continuous noise monitoring is possible, feasible, or worthwhile. The County has not identified any other jurisdiction with a similar proposal or provided any data to show that information collected from continuous noise monitoring would be helpful or valuable for enforcement of noise requirements. County staff's description of the proposal noted limited need for the requirement, stating in a January 16, 2019 memorandum that "Noise is a common point of public testimony at hearings for mining operations, but ***the department does not receive substantial written noise complaints.***" (emphasis added).

Additionally, the burden of this requirement significantly outweighs its benefits. Continuous noise monitoring would result in significant burdens on all parties. Collection, monitoring, and analysis of continuous noise monitoring data would be unduly burdensome on mining and plant operations ("Mineral Resource Operations"). Noise exceedances often result from activities at the residential properties or nearby operations – lawn mowers, car horns, chain saws, etc. To determine whether a noise originates from a Mineral Resource Operation, the data must be analyzed by a human. Such analysis is burdensome and cost-prohibitive.

Meanwhile, collection of this data will provide little benefit to the County. In fact, the County has noted that this requirement would be an added burden on County staff:

"Option B-2 would be a significant diversion from the current protocol for noise monitoring reports for mineral extraction operations. Option B-2 will likely result in a substantial amount of more data submitted with noise reports, and consequently more staff time to evaluate the data."¹

Finally, Mineral Resource Operations are not continuous. The Thurston County Code explicitly limits operating hours for Mineral Resource Operations at TCC 17.20.115. It is unreasonably burdensome to require continuous noise monitoring for over 90% of the year, particularly for operations that do not and cannot operate continuously.

¹ Page 5 of Memorandum (2) from Maya Teeple to Thurston County Planning Commission, Thurston County (January 16, 2019) (emphasis added).

1,000-Foot Separation Distance

Parks

Lakeside Industries requests that the Planning Commission remove the 1,000-foot separation distance from parks. The 1,000-foot separation distance is arbitrary and has no basis in science. It is unclear why Thurston County has adopted a separation distance of 1,000 feet; however, there is no evidence to support such an extensive distance. In contrast, critical area buffers are designated based on the best available science and based on formal designation of a critical area for protection of a specific resource.

Additionally, the definition for designation of “parks” for the purpose of the 1,000-foot separation distance is illogical. Several of the “parks” under this rule are smaller than the “separation area” that would be required. At least one of the parks is less than 500-feet across at its narrowest point; yet that park would still have a 1,000-foot separation distance on either side of it under this rule. It is unreasoned to designate exponentially more land for protection of a park than exists at that portion of the park, especially when there is no identified resource that requires protection.

Concerns regarding park impacts are more appropriately considered at the permitting stage. At permitting, the County can require specific mitigation to protect parks. Permitting is also the appropriate time for the County to review the appropriate critical areas, critical area buffers, and mitigation for endangered species.

If the Planning Commission decides to maintain the 1,000-foot separation distance from parks, then Lakeside Industries asks that the Planning Commission adopt the subcommittees’ suggestions, including:

- Allow Mineral Resource Operations to expand on undesignated land, including areas within the 1,000-foot separation distance of a park;
- Allow Mineral Resource Operations to exist up to any disruptive barrier within the 1,000-foot separation distance. In this case, a disruptive barrier should be defined to include roads, rail lines, structures, and other development.
- If a Mineral Resource Operation donated park land, then that land should not be considered a “park” for the purposes of the 1,000-foot separation distance.

Rural Residential Areas

Lakeside Industries requests that the Planning Commission reconsider the 1,000-foot separation distance from the rural residential areas of one dwelling unit per five acres density (the RR 1/5 zone). Like the 1,000-foot separation distance from parks, the 1,000-foot separation distance from the RR 1/5 zone is arbitrary and is not based in science, data, or evidence.

Additionally, the RR 1/5 zone allows forest practices, including timber uses, as a primary use. TCC 20.09.020. Arguably, such logging uses cause similar or greater impacts on residential units than the mining operations. Additionally, mining is allowed as a special use within the RR 1/5 zone. See TCC 20.54.070 (Table 1).

At the permitting stage, the County has the authority to analyze proposed Mineral Resource Operations on a case-by-case basis in consideration of the location and adjacent properties. The permitting stage allows residences and businesses to comment on possible impacts to their property. The permitting stage is an appropriate time for the County to consider whether a particular site is appropriate for the proposed operation based on impacts in the neighborhood.

Finally, if the Planning Commission decides to maintain the 1,000-foot separation distance from RR 1/5 zones, it should exempt active facilities seeking expansion. As the subcommittee mentioned, some facilities are currently located within the RR 1/5 zone. Those existing operations should be permitted to expand or continue operations, which would reduce the need for new operations to open in different areas in the future.

Thank you again for your time and consideration on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'KD', with a stylized flourish extending to the right.

Kyle Danielson
Lakeside Industries, Inc.

Polly Stoker

From: Maya Teeple
Sent: Wednesday, May 06, 2020 5:01 PM
To: Polly Stoker
Subject: FW: My public communication, in case my technology does not work

Could you please forward to the Planning Commission? I believe Loretta will be giving a comment during the comment period, but if her technology does not work she would like this shared.

Maya Teeple
Senior Planner
Thurston County | Community Planning Division
Community Planning & Economic Development Dept.
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From: Sandler & Seppanen <Laurel.Lodge@Comcast.Net>
Sent: Wednesday, May 6, 2020 4:58 PM
To: Maya Teeple <maya.teeple@co.thurston.wa.us>
Subject: My public communication, in case my technology does not work

Maya,
If I have a problem with the technology tonight, can you share this message for me in the public communications time period.
Thanks

Loretta Seppanen, Olympia WA

I thank your staff for facilitating additional mineral lands stakeholder conversations back in February. Those conversations led to the language you will review tonight. I support the changes regarding long-term ag and mineral resource lands.

As your chair Scott Nelson stated at a previous Commission meeting, farmland can also be mineral lands. Most commonly that sand and gravel is on the perimeter of our good agricultural lands. That being the case, the policies you see tonight protect continuous blocks of ag land and leave open the possibility of mining on the perimeter.

I looked at a map showing all the LTA and all mineral lands and found some blocks of Long-term Ag land with no mineral deposits at all. I saw the common pattern of mineral lands on the perimeters of blocks of long-term ag land. I also found examples of mineral land that juts into the middle of long-term ag land. In this last case, I expect no mining will be allowed because of the importance of protecting the contiguous ag block.

This ag/mineral land language and polices balances the temporary use of the perimeters of farmland for mining and the long-term protection of our most important blocks of ag land.

It is clear today, more than ever, given the life-threatening virus in our midst, that local agriculture is vital to our community well-being. I am grateful that the ag study your commission recommended will be on the 2020-21 docket and look forward to being engaged in that work.

