AGENDA for Monday, March 7, 2011

AGENDA

Public Hearing:

Call to Order

Morning session beginning at 9 a.m.:

Case: 
#2010101170 - Amendment of Special Use Permit and Two Appeals of the Mitigated Determination of Non-Significance (MDNS) for the Amendment

Applicant: 
Maytown Sand and Gravel, LLC

Appellants: 
Maytown Sand and Gravel, LLC, and Friends of Rocky Prairie

Amend. Request: 
Maytown Sand & Gravel, LLC (MSG) has requested amendment of SUPT 02-0612, which was approved on December 16, 2005 by the Thurston County Hearing Examiner. In that decision, the Examiner approved a Special Use Permit (SUP) for a 284-acre gravel mine within a 350-acre disturbed area in the southeast quadrant of the Maytown Road/Tilley Road intersection. The SUP approval adopted the October 24, 2005 SEPA Mitigated Determination of Non-Significance (MDNS) for the project. The current proposal seeks to amend the SUP as follows: 1) change the timing for field verification of off-site supply wells; 2) change the timing for commencement of background water quality monitoring; 3) clarify the process for water monitoring; and 4) set the number of water monitoring stations to 16 for the initial testing, with a 17th station to be established later. The four items proposed for amendment were set as MDNS conditions that were incorporated into the SUP approval. Therefore, a new MDNS was issued for the amendments on January 19, 2011.

Appeal #1
The MSG appeal asserts that issuance of the MDNS was unnecessary. MSG argues that the amendment process should not have occurred because the changes could and should have been handled as compliance matters, that the amendments are not “actions” under SEPA laws and that even if they technically are “actions” under SEPA, the amendments have no environmental relevance. Therefore, MSG seeks a Hearing Examiner ruling that the MDNS was not required or authorized.

Appeal #2
The FORP appeal asserts that the County should have conducted a new SEPA review of the entire mine project and not just the proposed amendments. In general, FORP argues there was misrepresentation or lack of material disclosure at the time of the 2005 project review, that the new Groundwater Monitoring Plan required in the subject MDNS is a substantial change to the project, and that the 2011 MDNS was issued without an adequate environmental checklist. FORP further argues that the County erred by not vacating the SUP after three years of no mining activity, as well as for noncompliance with conditions of approval, and the SUP should have been vacated at the time the
Interlocal Agreement between the Port of Tacoma, the previous owner, and the Port of Olympia lapsed.

**Location:**
13120 Tilley Road

**Legal Description:** A portion of Sections 1, 2, 11 and 12, Township 2 West, Range 16 North, known as Tax Parcel #12602340100

Adjourn

If you need special accommodations to participate in this meeting, please call us at (360) 786-5498 and ask for the ADA Coordinator, at least three days prior to the hearing. Citizens with hearing impairments may call the County's TDD line at (360) 754-2933.

**Directions to the Thurston County Fairgrounds Heritage Hall**

**Directions - Heading to Lacey on I-5 South:** Take Exit 109, turn left onto Martin Way. Take Martin Way to Carpenter Road. Turn right onto Carpenter and follow approximately 3 miles to the fairgrounds. The fairgrounds will be on your left.

**Directions - Heading to Lacey on I-5 North:** Take Exit 109, turn right onto Martin Way. Take Martin to Carpenter Road. Turn right onto Carpenter and follow approximately 3 miles to the fairgrounds. The fairgrounds will be on your left.