

**MINUTES OF THE
SPOKANE COUNTY PLANNING COMMISSION
February 17, 2022**

A public meeting of the Spokane County Planning Commission was called to order by Chair Stephen Pohl at 9:00 a.m. on February 17, 2022. The hearing was accessible to the public via Zoom, with links provided in public notices, published in the Spokesman Review on February 8, online, by mail, and by email 15 days prior to the meeting, as required.

Present

Stephen Pohl, Chair

Pete Rayner, Vice Chair

Clyde Haase

Wayne Brokaw

Deacon Band

Spokane County Department of Building and Planning Staff

Saegen Neiman, Planner

Martha Thornton, Clerk to the Planning Commission

Susan Luna, Clerk to the Planning Commission

Jessica Pilgrim, Legal Counsel

Scott Chesney, Planning Director

Public Commentators

Deirdre Hansen (Dee)

Doug Power

Garry Carroll

Terry Gadbow

Christine Carroll

Craig Henning, Applicant

Todd Hume, Attorney for the Applicant

1. **Call to Order:** Stephen Pohl called the meeting to order. A Quorum was present.

Pete Rayner Proposed to resign as Vice Chairman.

A vote for officers on will be on the February 24 agenda.

2. **Public Comment for items that are not on this agenda:** There were no public comments.

3. Consideration of Public Comment on 19-CPA-04:

Planning Counsel Jessica Pilgrim introduced the purpose of the meeting to address 19-CPA-04, which has been found noncompliant and invalidated by the Growth Management Hearings Board.

The county must come into compliance with its Final Decision and Order by March 14, 2022, the date set by the Growth Management Hearings Board. One means of achieving compliance is by rescission of the offending amendment. RCW 36.70A(2)(b) asserts that a county can adopt or amend its comprehensive plan to resolve an appeal of a Comprehensive plan filed with the growth management hearings board after appropriate public participation. We are facilitating appropriate public participation.

The Planning Commission previously voted to recommend the amendment. The Board of County Commissioners considered and approved the amendment. On September 14, 2021, the Growth Management Hearings Board found it noncompliant and invalidated the matter. The property is back in rural conservation. The county failed to allow a sufficient appeal period for the SEPA threshold determination underlying the Amendment. The County can readvertise the SEPA and allow for the appeal period to run and address the appeals or take other action such as a rescission. The Applicant has other options such as conditional use permit, or reapplication for an amendment at a later date.

Approximately 15 written comments have been received on this matter. Many of the concerns were about blowing sand, dumping, and the mine not being level and compliant with the amendment because it is now a pit. There are also concerns for wildlife because if the mining area gets larger it requires a fence and it will interfere with the resident white tail deer. There were also concerns for the aquifer especially if the mine is dug deeper. There have been concerns about truck traffic problems and wear and tear on roads. All 15 of the comments were in favor of rescission and opposed to the amendment. You won't be making a recommendation; you will be facilitating public comment.

Public Comment:

Deirdre Hansen (Dee)

Heavy trucks hauling sand from the pit, sometimes up to four vehicles per hour, disturb the peace and tranquility of our neighborhood. Noise and disturbances caused by the daily activities of the mine cause stresses on the wildlife. The infrastructure of the road does not readily accommodate a lot of truck traffic. The Trucks must make scars in the road because they must use both sides to make wide angle turns. Initially the project was a small scale 10-acre mine which allowed sand removal and ground level dunes. If the mining operation is allowed to expand to 30 acres, the sand pit will be huge, detrimental to the wildlife, the wellbeing of the community, and the wider community at large.

Doug Power, Director of the Dartford-Austin Neighborhood Association

The decision of Spokane County to issue a determination of non-significance for the comprehensive plan 19—CPA-04 was fundamentally flawed for a number of reasons. Concerned with ground contamination and water runoff into Dartford Creek and the Little Spokane River, both are a habitat for Redband and Steelhead trout. Concerns about dumping in the floor of the mine which sits much closer to the water table than the applicant let on in his initial application. An October DNR inspection found that additional weight has been dumped at the site since the last inspection two years ago. Concerns of illegal dumping. Concerns that the initial environmental assessment issued by the landowner and the County was both incomplete and incorrect. An entire page of the assessment was not filled out, which left the County to guess the answers to the questions. Concerns of illegal mining, on more than the allotted 10-acres. DNR deemed the site to be out of compliance since November of 2017 for mining out of their boundary. Concerns that the mine is operating on Rural Conservation land, outside of its boundary, without reclamation or restoration. Concerns with the ongoing issue of excessive noise and lack of dust control also mentioned by Ms. Pilgrim. Concerns about the insufficient road infrastructure, environmental impact, neighborhood disturbance, fragmenting the wildlife corridor, and the violation of the Spokane County ruling ZN-5387. The site was never supposed to be excavated. There are more details on the written comments which have been submitted using Jennifer Power's email account.

Garry Carroll

Has lived directly north across from the access road for the sand pit area since 1968 and has seen a lot of changes during this time. Concerns that the owner was allowed to mine 10-acres and was not in compliance with conditions of approval for the sand pit mine. Concerned that many complaints have been filed and not been answered. Some issues include, noise, dust, weeds, traffic on Austin Road, the dumping of waste materials which consist of wood waste, limbs, large rocks, and demolition waste, and an unidentified amount of waste that has been buried in the pit. Large Vector trucks have dumped waste in the pit, then washed out their trucks over a two-year period. The waste material has found its way into the water table which is 7 and a half feet below the pit. Tons of material has been removed from outside of the originally awarded 10-acre site. No evidence has been presented by the County to allow this. The site has no security fence, as required in the original agreement. Many new homes are being built as the land in the area is being sold. As people move to the rural area to raise families, the sand pit is surrounded by new homes. Please put an end to this illegal sand pit operation, do not reward the abuser, rescind 19-CPA-04

Terry Gadbow, President of JMAC Resources

Speaks in favor for sand removal. Sand is scarce. 35,000 tons will be needed for the North-South Freeway project. The sand pit is not a major production concrete plant, it is just removal of the sand reclaiming, the area to make it look better in the future, my opinion, than it is now. In favor of not rescinding.

Christine Carroll

Main complaint is the Traffic. A truck Belly-dumps and then another is right behind. They park right across my driveway. We can't even sit outside-just with the 10-acre pit, so I can't imagine what it will be like if it is allowed to grow.

Greg Henning

I have owned the property since 2003 the previous owner had the sand mine for 30 years prior to me. I am touching on the use of the sand coming of the pit. There is a scarcity of sand in Spokane, and a lot of high demand projects. The is a local mine and the sand is extremely valuable for the projects that are going on in the local area. The sand has been inspected and approved for community projects instead of importing form out of state. The operators who haul the sand are compliant with the rules. No accidents or issues on file with the county. Avista utility has used the sand pit to stage the sand from a gas line replacement project.

Todd Hume

We are not here to talk about the issues the neighborhood has with the mine. We are here to discuss the procedural error on the part of the County. The GMA is concerned about the impact on the natural resources. This pit has been operating for many decades, many of the neighbors have just moved there.

He stated the mine is located in an appropriate area, with the appropriate resources for its operations. Encouraged the BOC to support the application.

Peter Rayner moved to close public comment, Deacon Band, seconded.

Public comment was closed by a unanimous vote

Discussion:

Jessica Pilgrim noted that staff was not making a recommendation today. She recommended a motion being made to direct staff to summarize all oral public testimony and forward that summary along with all written public comment to the Board of County Commissioners, for further consideration regarding whether to rescind that portion of Resolution No. 2020-0982. Related to 19-CPA-04 at an open public meeting.

Peter Rayner voiced a concern about whether the property owner could continue operations if the BoCC approved rescission, the property owner can apply for a Conditional Use Permit or submit a new comprehensive plan amendment.

Concern about the expansion for 10 acres to 30 acres was voiced by Wayne Brokaw. Scott Chesney and Jessica Pilgrim explained that the neighbors voiced concerns that the applicant may have gone outside the original 10-acre permit for the mine. The application for a comprehensive plan amendment would cure the infringement by designating the entire site as a Mineral Land.

Rescinding the Comprehensive Plan would not eliminate the existing Mineral Lands designation, the property owner would still be able to operate under current rules in the original 10-acre designated area.

A motion was made by Pete Rayner, seconded by Wayne Brokaw, to Direct Staff to summarize all oral public testimony and forward that summary along with all written public comment to the Board of County Commissioners for further consideration regarding whether to rescind that portion of Resolution 2020-0982 related to 19-CPA-04 at an open public meeting. The motion was passed by a unanimous vote

6. Action on Minutes of: October 28th, 2021, Approval of the minutes passed by a unanimous vote. The Minutes of November 18, 2021, Approval of the minutes passed by a unanimous vote.

7. Staff Report: Scott Chesney commented on continuing a series of workshops with the Planning Commission related to elements of the Comprehensive Plan starting next week with a preview of those submitted by other property owners for 2022 consideration.

In the 2022 cycle. Spokane County B&P is changing processes to enhance public participation. Staff will offer the commission a preview of the submitted 2022 comprehensive plan amendments. Public comment will be accepted continuously via the web and at the February 24 Planning Commission meeting

Generally, the first meeting of the month will be any pending business before the Planning Commission and the second meeting of the month will be planning workshops.

8. Set Next Agenda: The next meeting date is February 24, 2022.

Mr. Raynor moved to adjourn and seconded by Mr. Band. The motion carried unanimously. The meeting was adjourned at 10:23 a.m.

Stephen Pohl, Chair 

Approved _____

Susan Luna, Clerk to the Planning Commission