



# King County

Water & Land Resources Division  
Department of Natural Resources & Parks  
201 S. Jackson St., Ste. 600  
Seattle, WA 98104-3855  
(206) 477-4800 Office | (206) 296-0192 Fax

## MEETING NOTES

### **CEDAR RIVER COUNCIL** February 26<sup>th</sup>, 2019 – 7:00 PM - 9:00 PM Maplewood Greens Golf Course 4050 Maple Valley Hwy., Renton, WA 98058

---

*The meeting was called to order at 7:02 pm.*

---

#### **1<sup>st</sup> Public Comment Period**

There was no public comment during this period.

#### **King County Update on Lakeside Industries Asphalt Plant – Ty Peterson, DLS Permitting Division**

Mr. Peterson, a product line manager for King County’s Department of Local Services (DLS), updated the CRC and public on the status of a permit application for Lakeside Industries’ planned asphalt plant on State Highway 169 near the Cedar River. Mr. Peterson originally spoke to the CRC on the issue about a year ago, at which point the only application on file was for a grading permit. Shortly after, King County Council (KCC) passed a moratorium on building permits, halting construction. This moratorium expired last fall, and a permit for construction was filed.

The application with DLS is titled “Lakeside Asphalt Plant.” The public comment period has been extended until March 11; Mr. Peterson said a large amount of comments have already been received. He said the first technical review of the application would not be done for another month, and at the end of March permitting staff would assemble and coordinate their reviews of various aspects of the application. He said as this is a complex site, he believes a decision on the application is likely several months away. He stressed that while he could not comment on the merits of the application, he could answer questions about the application itself, code, process, regulations, and so forth.

Phil Kitzes said Fereshteh Dehkordi at DLS told him they were nearing a SEPA determination; he asked about the status of this. Mr. Peterson said the process is consolidated, that at the end of it a concurrent decision would be issued. If an environmental impact permit statement is needed, the construction permit application would be held. If the determination was a finding of non-significance, then building permits would proceed. Mr. Kitzes said they should be very close to a determination; Mr. Peterson replied it would be likely two months or more before an environmental determination would be rendered. The SEPA determination relies on a comprehensive list of studies, which DLS must understand and agree/disagree with and decide if more answers are needed. Tom Allyn asked why the site has been graded though no permit has been issued. Mr. Peterson said a demolition and minor grading permit to secure the site has been issued, but Mr. Allyn countered the entire site has been graded flat with no permit.

Max Prinsen asked how DLS is replying to public comment received. Mr. Peterson said because of the sheer volume of demand this would take on limited staff resources, direct replies to public comment are not department policy. However, all comments are sorted into categories then addressed through staff reports in support of any decision issued. Comments are determined to be addressable or not applicable. Frank Urabeck asked if a Public Disclosure Request (PDR) is needed to review DLS’s comments summary; Mr. Peterson said this could be done, but the summary is public record already. The comments will be made part of the application file, and could probably be distributed.

Cedar River basin steward Tom Beavers asked how air quality impacts are addressed in the review process, citing citizen Bob Steele’s testimony at recent CRC meetings. Mr. Peterson said air quality regulations are handled at the state level, through regional permits issued by Puget Sound Clean Air (PSCA). DLS is now evaluating the procedures and information PSCA gives about this industry and their permitting. Lakeside already has an air quality permit for this facility. DLS will use SEPA standards to conduct any reviews on this topic, as King County itself has no adopted air quality standards. He added that consultants are being used to evaluate this, but in his experience, the County defers almost totally to PSCA.

Mr. Allyn asked if Jenkins Creek has been checked to monitor pollution levels and its fish runs, as there is an existing plant adjacent to it, and this may be a means to guess at impacts to the Cedar from Lakeside’s plant. Mr. Peterson wasn’t sure if this had been done, but admitted it was a good idea. Mr. Allyn added that samples should be taken during



## King County

periods of high asphalt operation, perhaps August.

Mr. Prinsen expressed an ongoing concern that the surrounding hillsides at the Lakeside plant site may further concentrate air pollution particulates into acid rain. Mr. Peterson said the information provided in the application is being reviewed to be sure it sufficiently addresses needs for this particular location. Jeff Neuner said it seemed odd that a construction permit could be issued the same day as an environmental impact determination. Mr. Peterson replied that a SEPA decision is not appealable at the County level and has to go directly to King County Superior Court for a decision. On a shoreline permit, there would be the option for an appeal to the state shoreline permits board.

A citizen asked if the County takes into account that Lakeside has allegedly not cleaned up old Superfund sites. Mr. Peterson answered that the County judges the merits of the application, not the applicant themselves. He admitted this may be hard to understand, but said if an application meets standards, then a permit must be issued and nothing could be enforced until code is actually violated. Another citizen voiced concern about RAP (recycled asphalt pavement) being considered in this particular location. Mr. Peterson said anyone has the right to ask, and the area in question is zoned as industrial. County policy encourages asphalt recycling, but Mr. Peterson admitted there are local impacts from it and the County is reviewing this situation. A concern was voiced about RAP leaching into soil, culverts, and wetlands. Mr. Peterson said County code forbids RAP from being placed directly on soil and said right now most of the RAP area at the proposed site is covered by a roof.

Mr. Beavers suggested the County determine if there have been local impacts from other Lakeside asphalt plants, including one by the Ship Canal in Seattle's dense urban Fremont neighborhood. Mr. Peterson agreed, acknowledging the County will look at the Issaquah plant as well, which is also in an urban area near a stream. A citizen noted they weren't sure Fremont was a good example, as many environmental processes have changed since the plant opening there and it is not certain if that plant would be allowed there if it were to try to come in now.

Mr. Neuner asked if there is a mechanism to determine total impacts to a given area, citing that this proposed plant location is in an area that has absorbed a lot of impacts already, such as a landfill. Mr. Allyn also suggested looking at totality of traffic and air quality impacts in the area. Mr. Peterson said a traffic study review is underway now, with no determination yet. Corinne Young asked if there would be any addressing of wetland disturbances from old work done at the site by Sunset Materials. Mr. Peterson said Lakeside has proposed restoration of wetlands, streams, and a buffer zone as part of their plan.

Several citizens asked about the public comment process. Mr. Peterson explained that all comments received become part of the file, and are not "archived." He said all comments and questions are reviewed, but may not be answered directly to the questioner. If a comment or question is determined to be relevant, it is taken under consideration and forwarded to the applicant. If a person submits multiple questions, technical review meetings are held where questions are compiled and referred to appropriate entities. The answers then come back to a central point to compile.

A citizen asked if current land zoning could be reversed by KCC, or the building permit moratorium reissued. Mr. Peterson replied that KCC legislating to rezone the property in question may be possible, but in the case of this application, it is "vested" and therefore reviewed and judged based on rules that are in effect now. A rezoning may affect future applications, but not this one. Another citizen asked if all reviews being done by the County and state and commissioned by Lakeside end up at DPER; Mr. Peterson answered that the state generally handles its own process, and noted that the public is free to touch base with both state DOT and the County on permitting issues.

Another citizen voiced concern that everything on the plant site would end up in the river and impact Chinook salmon and orcas. She suggested it was possible the Fremont plant contributes to the poor salmon outlook in the Ship Canal. She also stressed a desire to do an environmental impact statement for this area, that SEPA is not enough. Another citizen asked if it was possible that Lakeside could apply to grow this site in the future. Mr. Peterson said the current proposal uses almost all available area and he sees very little room, if any, for expansion. Mr. Allyn asked if landslide hazard analysis is being conducted on this site, particularly involving the removal of a landfill that protects the east side of the site. Mr. Peterson confirmed there will be such an analysis.

Ms. Young asked if allowing this plant could mean other parcels on this highway would be rezoned as industrial. Mr. Peterson replied while this is technically possible for KCC, it would be difficult. He added that there is an application going through the County's Comprehensive Plan docket process for a metal recycling facility in the area to be zoned as industrial. He said any property owner may file a docket request, and it would undergo a review process.



## King County

Mr. Peterson voiced his appreciation at seeing people concerned about their neighborhood, and that they are genuine in their concern. He said more information about the Lakeside application is on DLS's permitting website under a search for "Special Interest Projects," and that all public comment submitted to DLS could be requested via a PDR. At this point Mr. Prinsen closed the topic for further discussion to allow time for the CRC to complete tonight's agenda.

### Standing Agenda Items

- A) 2019 CRC Work Program: Nathan Brown distributed an updated handout of 2019 CRC priorities, based on the outcome of last month's meeting exercise:
- Top Priority #1: Survival of salmonids. Mr. Urabeck said NOAA Fisheries is drafting a steelhead recovery plan. Mr. Brown agreed to add steelhead back into the CRC's priority list.
  - Top Priority #2: Asphalt plant. The official position of the CRC is opposition, due to potential impacts voiced by citizens not yet being adequately addressed.
  - 2<sup>nd</sup> Tier Priorities: Increase natural origin Chinook runs, as well as sockeye runs/survival; understand Cedar River tributaries and their related water quality issues.
  - 3<sup>rd</sup> Tier Priorities: Advocate with Flood Control District (FCD) for habitat project funding, possibly at a subcommittee level; post fishing regulation signs along river; update on status of Landsburg mine cleanup.
  - Other Priorities: Importance of woody debris - Steve Farquhar said recent winter storms may place a lot of wood in the river by spring; Mr. Prinsen suggested bringing the King County Sheriff's Office (KCSO) to the CRC to discuss it. Ron Straka said generally if King County WLRD identifies a problem, the sheriff's office is called in. He said KCSO goes with WLRD on their spring river surveys. Mr. Brown said he would find out if the KCSO's marine division is available to speak at the March CRC meeting.
  - Mr. Brown added there would be another Cedar River cleanup event this year.
  - Charles Ruthford observed that the Cedar River Salmon Journey (CRSJ) was absent from the list, that they receive thousands of visitors every year and would like the CRC's continued support. It was suggested the CRC have a presence at CRSJ events. Mr. Urabeck agreed to attend some CRSJ events as he was able. Mr. Brown agreed this issue would fall under the "outreach" priority, and that it would be added back to the list.
- B) Membership:
- Mr. Brown reported that nearly all positions on the CRC are now filled, but it is time to review membership and make sure the right people and organizations are being represented, as well as review the chair and vice chair positions. He asked anyone interested in these positions to contact him; elections will be held at the March meeting.
  - Seattle Public Utilities (SPU) Membership Status: Amy LaBarge spoke about SPU's continued representation on the CRC. She acknowledged the gap in their representation was frustrating to the CRC, and there has been dialogue ongoing about issues such as restoring the sockeye hatchery. She continued that being a "member" of the CRC can put SPU in an awkward position when the CRC takes a stance on issues. Therefore she has communicated to Mr. Prinsen a request to change SPU's CRC status from "member" to "liaison." In this, SPU would not be a voting member of the CRC and thus have no official opinion on CRC decisions, but would be willing to communicate and engage with the CRC as much as is feasible. Mr. Prinsen said there was no opposition to this request and noted the CRC website should be updated to reflect this status change. Ms. LaBarge thanked the CRC for their acknowledgment and said she is glad to be here and engage in discussion. She spoke briefly about her background and position with SPU as interim watershed management division director for the Cedar basin.
- C) WRIA 8: Mr. Ruthford said there were no significant updates, as the WRIA 8 Salmon Recovery Council (SRC) has not met since the last CRC meeting. He said the WRIA is still challenged by funding issues, including Snohomish County's recent departure. Mr. Prinsen noted he has engaged in talks to look at possible short-term funding. Mr. Ruthford agreed to update the CRC every two months on this situation.
- D) Seattle Water Supply: Ms. LaBarge reported that after the recent winter storm, snowpack totals have dramatically increased from before (about 65%) and are now looking good. SPU is staying aware about what the rest of the winter may bring, trying to balance the need to maintain the "flood pocket" as well as refilling and storing for summer storage. Mr. Ruthford asked if it was too soon to tell what recent climate change projections may mean for the water supply. Ms. LaBarge replied there is expected to be a long-term loss of snowpack over time, which will stress the system. She said SPU's 2018 water system plan has been posted on their website, and includes some



## King County

discussion about the area's vulnerability to climate change.

- E) Fish Counts: Mr. Urabeck reported that only 15,000 sockeye are forecast to come through the Ballard Locks this year, the worst forecast ever. Discussions continue with SPU and other stakeholders on if anything can be done, and he suggested there may be an update on this at the April meeting. He stressed the importance of public understanding on this issue.

### **CRC Meeting Space – Nathan Brown, CRC coordinator**

Mr. Brown said the cost of the current meeting space is now too high for the CRC's budget, and asked for alternate suggestions, such as the Renton Community Center. He noted that while the exact dates and times of meetings may fluctuate, the meetings will still be held monthly.

### **2<sup>nd</sup> Public Comment Period**

- A citizen suggested planting trees on Cedar River cleanup event days. Mr. Brown replied these cleanup events are done in partnership with a fly fishing group, but said the CRC would support a citizen network-organized effort on this. Mr. Allyn suggested a planting event would be better-timed for late winter/early spring, and that the CRC should maybe support a King County Parks volunteer planting effort. Melinda Woodard added that her Montessori school has a partnership with EarthCorps and will host planting events in the future.
- There was a request for an update on the Riverbend project. Janne Kaje of WLRD said the biggest issue facing this project is funding. The project team has applied for a state grant and is waiting for the legislative outcome of the capital budget; the Governor's budget did not allot enough. Partners are lobbying for various funding sources – Floodplains by Design, PSAR, etc. However, if funding does not come through, it is possible implementation of the project could be delayed. Mr. Kaje says the outlook is optimistic, though, as there is strong support for this in the legislature. He suggested Jon Hansen, project manager, come to the next CRC meeting to speak on this.
- Mr. Allyn took a moment to encourage all to attend one of the Cedar River Education Center's watershed tours. The June CRC meeting will be held at the center, in North Bend.
- Bob Steele said he wished to make it clear that local residents do appreciate the purpose of asphalt, but that the chosen location for Lakeside's asphalt plant is not ideal, especially in terms of environmental impacts to the Cedar River and its salmon populations.
- Another citizen voiced her thanks to the CRC for its work, citing the importance of such councils and public servants in maintaining equity and a voice for the public and the river.

---

*The meeting adjourned at 8:49 pm.*

---

### **Next Meeting**

March 26<sup>th</sup>, 2019, 7 – 9 pm, Red Lion Hotel – Cedar Room, Renton.