

## NOTICE OF DECISION

### BEFORE THE SKAGIT COUNTY HEARING EXAMINER

**Applicant:** Skagit Aggregates  
c/o Troy Hanson  
14107 State Route 9  
Mount Vernon, WA 98273

**Agent:** Marianne Manville-Ailles  
Skagit Surveyor and Engineers  
806 Metcalf Street  
Sedro Woolley, WA 98284

**Request:** PL18-108, Modification of Special Use Permit PL00-0436,  
Shamrock Lands, Inc.

**Location:** 7818 and 7819 Grandy Lane and 40567 Baker Lake Road,  
Concrete, Washington, situated within SW1/4 Sec. 10, T35N,  
R7E, W.M.

**Land Use Designation:** Secondary Forest-Natural Resource Lands (SF-NRL) and  
Rural Reserve (RRV)

**Summary of Proposal:** To change the access to a previously approved gravel mine and  
remove the office/shop complex.

**Public Hearing:** October 23, 2019. Testimony by Planning and Development  
Services (PDS) staff and applicant's agent. No public testimony.

**Decision/Date:** The application is approved, subject to conditions.  
November 5, 2019

**Reconsideration/Appeal:** Reconsideration may be requested by filing with PDS within 10  
Days of this decision. Appeal is to the Board of County  
Commissioners by filing with PDS within 14 days of this decision,  
or decision on reconsideration if applicable.

**Online Text:** The entire decision can be viewed at:  
[www.skagitcounty.net/hearingexaminer](http://www.skagitcounty.net/hearingexaminer)

## **FINDINGS OF FACT**

1. Skagit Aggregates seeks to modify the access to the site of a previously approved gravel mine.
2. The mine, called Birdsvie Mine, was initially approved on application of Shamrock Lands, Inc. in 2002. The approval was for gravel mining of a 31-acre site, as well as screening and crushing. The project included an office/shop complex in the northwest corner of the property.
3. The existing permit anticipated that the access would be from Baker Lake Road via the northern portion of the site. The proposed new access would be from Grandy Lane off of State Route 20 on the southern side of the site.
4. The site is at 7818 and 7819 Grandy Lane and 40567 Baker Lake Road, Concrete, Washington, within SW1/4 Sec. 10, T35N, R7E, W.M. The parcel numbers are P42379, P106595, P42388, P102186, and P102187.
5. The property is designated Secondary Forest-Natural Resource Lands (SF-NRL) and Rural Reserve (RRV) and is within a Mineral Resource Overlay.
6. The property consists of a gravel terrace about 300 feet above the Skagit River valley. Except for ingress and egress, a 100-foot setback will be maintained from the property lines.
7. After the initial approval, the owners purchased short plat lots located south of the mine site. They also obtained a permit from the Washington State Department of Transportation to allow truck access to and from SR 20 via the short plat roadway. Skagit County Parks provided authorization to cross the Cascade Trail.
8. Skagit Aggregates has a purchase and sale agreement for the subject property pending approval of this modification to the Special Use Permit. The modification will allow an access road for truck traffic from the end of the existing short plat cul-de-sac through the short plat lots, up the slope to the entrance to the mine site. To the extent possible, the roadway will follow the existing gravel road traversing the slope.
9. Under the permit modification the office/shop complex in the northwest corner of the site will be eliminated.
10. The applicants intend to start mining at the subject site when materials at their current holdings have been depleted to the point that materials from this site are needed.
11. Aggregate will be trucked from the site each day, Monday through Saturday. The vehicles used will be tandem trailer rigs and single dump trucks. Initially there will be a maximum of 25 truck-trailer loads daily. As the mine deepens this will increase, ultimately to a maximum of 50 truck-trailer combinations per day.

12. The traffic consultants provided a trip generation and access analysis for the new access point. The entry is on the north side of SR-20 at MP 82.21 (Grandy Lane). The access presently is in existence, serving two mobile homes.

13. The gravel mine is anticipated to generate 100 truck average daily trips (ADT) and 6 truck PM peak-hour trips. Additionally, 40 passenger vehicle ADT and 8 passenger vehicle PM peak-hour trips will be generated. The total for the mine is 140 average daily trips (ADT) and 14 PM peak-hour trips.

14. Based on the low turning volumes and the low amount of through traffic, the traffic study concluded that neither right-turn nor left-turn channelization is warranted. There were no reported collisions within 500 feet of the site access in the period from 2013 to present. The calculated future level of service through 2021 will meet Washington State Department of Transportation standards. Intersection sight distances to both the east and west are greater than required.

15. The County Public Works Department reviewed the consultant's traffic analysis and concurred in the conclusions. Public Works noted that the new access will have little or no impact on the county road system. The nearest intersection, Baker Lake Road and SR 20 is 620 feet to the east, and will continue to operate at an acceptable level of service.

16. The application modifies the Special Use Permit to allow access across the southern slope face of the site. This slope was initially suspected as a landslide hazard, but the investigation carried out for the original permit did not identify any landslide hazard indicators on or above the slope face. The most recent geotechnical analysis evaluated the slope stability with respect to the proposed road construction and concluded that the proposed road improvements will not adversely affect the stability of the slope or any downslope properties. Critical areas was approved with the requirement for a 30-foot setback for the mining operations from the face of the slope.

17. The revised access will make no difference in regard to surrounding land uses. Trees and vegetation will be removed from the mining area, but aesthetic impacts are forecast to be minor due to the location of the site above the valley floor.

18. The application was published, posted and mailed as required by law. No comments were received within the 15-day comment period. An addendum to the initial Mitigated Determination of Non-Significance was issued on May 21, 2019. It found that the proposed modification does not substantially change the original analysis.

19. An access permit was obtained from the Washington State Department of Transportation for use of Grandy Lane for the mining operation on December 19, 2005.

20. Two days before the public hearing, a letter was received from a neighboring couple who live to the east of Grandy Lane, the new ingress/egress portal. They objected to the new

access on the basis that dust, noise, and diesel exhaust would adversely affect their lives. In order to reduce these impacts, the applicants agreed to the construction of an eight-foot high berm on the east side of the haul route road.

21. Expert noise analysis shows that the proposed truck operations would comply with County standards without the berm. However, with it, the predicted sound levels will be further reduced to below U.S. EPA impact guidelines.

22. The public hearing was held as advertised. No public testimony was offered.

23. The Staff evaluated the application in light of the Special Use Permit approval criteria and found that, as conditioned, the proposal will be consistent with the criteria. The Hearing Examiner concurs in this analysis. The Staff Report is by this reference incorporated herein as though fully set forth.

24. In particulate, the Examiner finds that, as conditioned, the proposed new haul route will not create undue noise or other impacts on dwelling units in the vicinity.

25. Any conclusion herein which may be deemed a finding is hereby adopted as such.

### **CONCLUSIONS OF LAW**

1. The Hearing Examiner has jurisdiction over these proceedings. SCC 14.06.120(7).
2. The requirements of the State Environmental Policy (SEPA) have been met. The conditions of the original MDNS shall continue to apply.
3. As conditioned, the requested Special Use Permit modification meets the relevant approval criteria. SCC 14.16.900(1)(b)(v).
4. Any finding herein which may be deemed a conclusions is hereby adopted as such.

### **CONDITIONS**

1. The project shall be carried out as described in the application materials for the mine and for the change in access, except as the same may be modified by these conditions.
2. All required permits shall be obtained and their conditions adhered to.
3. Except as to the eliminated office/shop complex, conditions of approval of the original Special Use Permit, PL00-0436 continue to apply. This includes the conditions of the MDNS dated January 29, 2002.
4. In order to reduce sound levels and other impacts on neighboring properties, an eight-foot high dirt berm shall be constructed on the east side of the haul route road on parcel

#P102186 to mitigate effects from haul truck activity. The berm shall extend from the northern to the southern boundary of parcel #P102186,

5. If any modification to the mining operation or to the newly approved access is proposed, the applicant shall notify Planning and Development Services (PDS) prior to the start of construction or operation.

6. In the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity shall be discontinued and the area shall be secured. The State Department of Archaeology and Historic Preservation and local tribes shall be notified.

7. If cut slopes from the mining operations exceed 50%, the top of the slope shall be fenced or otherwise marked to prevent unauthorized activity in the area.

8. No new domestic water supply well may be installed on site. Any existing wells associated with residential development on the property cannot be used for mining activities.

9. Activities pursuant to this modification shall commence within two years of the permit approval, unless approval of a phasing plan is sought prior to the end of the two year period.

10. Failure to comply with any condition of approval may result in permit revocation.

### **DECISION**

The application for a Special Use Permit Modification (PL18-0108) is approved, subject to the conditions set forth above.

**SO ORDERED**, this 5th, day of November, 2019

  
\_\_\_\_\_  
Wick Dufford, Hearing Examiner

Transmitted to applicant, staff and interested parties, November 5, 2019