

NOTICE OF DECISION

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

Applicant: Lakeside Industries, Inc.
c/o Karen Deal, Environmental Program Director
P. O. Box 7016
Issaquah, WA 98027

Request/File No: Special Use Permit, PL13-0053

Location: 11816 Havekost, Road, Anacortes, within a portion of Sec. 35, T35N, R1E, W.M. Parcel 32612, immediately south and west of existing quarry.

Land Use Designation: Rural Resource - Natural Resource Lands and within the Mineral Resource Overlay.

Summary of Proposal: To expand an existing gravel mine to the west to include an adjacent 34-acre parcel. The expansion will encompass approximately 22.5 acres and will extend mining operations for another 30 years. Crushing, screening, recycling and processing activities are proposed on site.

SEPA Compliance: A Mitigated Determination of Non-Significance (MDNS) was issued on October 1, 2013. The MDNS was not appealed.

Public Hearing: April 9, 2014. Testimony by staff and applicant. No public testimony. Planning and Development Services (PDS) recommended approval.

Decision/Date: The application is approved, subject to conditions. April 24, 2014.

Reconsideration/Appeal: A Request for Reconsideration may be filed with PDS within 10 days of this decision. The decision may be appealed to the Board of County Commissioners by filing an appeal with PDS within 14 days of the date of decision or decision on reconsideration, if applicable.

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

FINDINGS OF FACT

1. Lakeside Industries, Inc. (applicant) seeks to expand its existing gravel mine near Anacortes.
2. The proposal is located at 11816 Havekost Road, within a portion of Sec. 25, T35N, R1E, W.M. The parcel number is P32612
3. The property is zoned Rural Resource - Natural Resource Lands (RRc-NRL) and is within a Mineral Resource Overlay. The existing mine is immediately to the north and east. Properties to the south and west of the site are zoned Rural Reserve and are used for low density developments and forest land. A high density residential development (zoned Rural Intermediate) called "The Point" is located approximately 2,000 feet west of the subject site
3. The parcel is 34 acres in size and bordered by the road on the west. The proposed expansion would enlarge to the mining area westerly by approximately 22.5 acres.
4. The existing mine has been mined to an elevation of approximately 320 feet above Mean Sea Level. The new mining area, known as the Campbell parcel, slopes steeply upward from the existing mine to an elevation of about 470 feet and then moderately slopes down to about 310 feet near its western boundary.
5. The applicant estimates that the proposed expansion will increase the material available for export from the current 1.3 million cubic yards to approximately 3.2 million cubic yards and will extend mining operations by about another 30 years.
6. Mining in the Campbell parcel will begin on the east and extend progressively to the west in three segments. Crushing, screening, recycling and processing activities at the site will maintain a 200 foot buffer from the property boundaries. Mining extraction and transportation will maintain a 100 foot buffer from the boundaries.
7. The increased mining proposed will all be in the dry. Each of the segments is expected to take about 10 years. Only one or two employees will be working on the site during maximum operation. Normal hours of operation will be between 8 a.m. and 5 p.m., Monday through Saturday. Operations will be based on market conditions and seasonal demands.
8. Mining will occur only above the reclamation contours indicated in the Reclamation Plan. Reclamation will proceed sequentially as the mining segments are completed. All segments will require some timber harvest and removal of some overburden soils. Topsoil from all segments will be stockpiled onsite within the current mining area. After reclamation, the site will be reforested.
9. Access to the mining expansion area will be from the existing mine to the east. Access from outside is off Havekost Road through an established driveway. Truck trips generated by the expansion will remain the same as at present -- between 40 to 50 trips daily. Parking is available onsite. No additional traffic is anticipated.

10. According to a professional Hydro-geological Report, risks to surface and ground water quality from the operation will be low. Stormwater drainage will be to the existing quarry where it will infiltrate to ground water as it does under the current mining. Adverse erosion and run-off impacts are not anticipated. There is a restroom in the existing mine, served by an approved septic system. Minor volumes of petroleum fuels will be stored in the tanks of on-site machinery and vehicles. The applicants will develop a Spill Response Plan and adhere to a Stormwater Pollution Prevention Plan.

11. Vegetated perimeter buffers to the north, south and west will limit views into the central mining and processing area. These buffers will also control light and glare from trucks and equipment that may be visible from Havekost Road in the winter months.

12. The expanded mining operations are expected to be in compliance with the County noise regulations. A Fugitive Dust Suppression Plan has been provided and will be followed.

13. A Wetland Delineation disclosed two regulated wetlands (Category III) on the site. Both will be provided with a 100-foot buffer and preserved. The wetlands and buffers will be included within Protected Critical Areas.

14. The proposed mining expansion, including reclamation, is compatible with existing and planned land use and the Comprehensive Plan. Reclamation will ultimately restore the aesthetics of the site and preserve its environmental integrity.

15. The proposed activity can be performed consistent with the prevention of undue noise, heat, vibration, air or water pollution. With mandated buffers, the operations are not likely to intrude on the privacy of surrounding uses.

16. The proposed use will be consistent with preserving public health, safety and welfare. It will have no adverse effects on public services and will be supported by adequate public facilities.

17. The mining expansion will be serve the purposes of the Mineral Resource Overlay, while generally imposing minimum impacts on surrounding lands and uses. The conditions imposed will adequately mitigate environmental impacts.

18. The Staff Report analyzes the proposal and its potential impacts in light of both the Special Use Permit approval criteria, and the specific provisions for Mineral Resource Overlays. It finds that, as conditioned, this project will meet the relevant criteria. The Hearing Examiner concurs with this analysis and adopts the same. The Staff Report is, by this reference, incorporated herein as though fully set forth.

19. The application was deemed completed on August 6, 2013. Notice of Development was properly published, posted, and mailed. No comments were received during the comment period.

20. Review was conducted pursuant to the State Environmental Policy Act (SEPA). A Mitigated Determination of Non-Significance (MDNS) was issued on October 1, 2013. No comments or appeals were received. The MDNS imposes a condition that no gravel mining operation shall occur within 10 feet of the groundwater table established by the Hydro-geologic Report. Otherwise the conditions imposed by the MDNS are standard requirements requiring compliance with existing regulations.

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

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the subject matter of this proceeding. SCC 14.06.050(1)(b)(ii).

2. The requirements of SEPA have been met.

3. The proposal, as conditioned, meets the criteria for Special Use Permit approval. SCC 14.16.900(1)(b)(v).

4. The proposal, as conditioned, meets the Mineral Resource Overlay review criteria. SCC 14.16.440(9).

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

CONDITIONS

1. The operations shall be carried out as described in the application materials, except as the same may be modified by these conditions.

2. The applicant shall obtain all other required approvals and shall abide by the conditions of same.

3. The applicant shall comply with the conditions of the Mitigated Determination of Non-Significance (MDNS), dated October 1, 2013.

4. Prior to operation of the proposed mine expansion, the applicant shall record a title notification with the Skagit County Auditor per SCC 14.16.870.

5. A Department of Natural Resources (DNR) Surface Mine Reclamation Permit shall be applied for and obtained prior to mining, per Chapter 78.44 RCW. No mining shall take place prior to obtaining a Reclamation Permit from DNR.

6. The applicant shall develop and implement a Spill Prevention Control Plan and a Storm Water Pollution Prevention Plan.

7. The applicant shall implement the Fugitive Dust Control Plan submitted with this application and use "Reasonably Available Control Technology" specified by the Northwest Clean Air Agency (NWCAA). During operations, the plan may be modified as necessary to control dust emissions. At no time shall dust emissions exceed standards established by NCCAA.

8. Prior to operation of the proposed mine expansion, a Protected Critical Areas (PCA) agreement shall be approved and recorded for the wetlands onsite plus a 100-foot vegetated buffer.

9. Per Chapter 173-60 WAC, the maximum allowable noise level emitted from the subject site onto residential property shall be 60 decibels, except that between the hours of 10 p.m. and 7 a.m., noise levels may not exceed 50 decibels.

10. Appropriate permits shall be obtained from Skagit County Public Works prior to any construction activity occurring within the County right-of-way.

11. A fence shall be constructed on the subject property along the boundary of the Anacortes Community Forest Lands. The fence is for the purpose of discouraging access by the general public and providing protection from potentially dangerous conditions.

12. If there is a need for additional hours of operation beyond the 8 a.m. to 5 p.m. time frame on an occasional basis, PDS shall be advised. No rock crushing shall occur after 5 p.m.

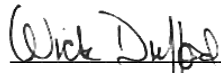
13. The Special Use Permit shall be void if work is not started within two (2) years of the date of this order, or if the use is abandoned for a period of one (1) year.

14. Failure to comply with any condition may result in revocation, suspension or modification of the Special Use Permit by the Hearing Examiner.

DECISION

The Special Use Permit is approved, subject to the conditions set forth above.

SO ORDERED, this 24th day of April, 2014.



Wick Dufford, Hearing Examiner

Transmitted to Applicant on April 24, 2014.

See Notice of Decision, Page 1, for Reconsideration and Appeal information.