



# Comprehensive Plan Policy or Development Regulation Amendment Suggestion

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273

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Per RCW 36.70A.470(2), this form is intended for use by any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest amendments to Skagit County's Comprehensive Plan policies or its development regulations, which are contained in Skagit County Code Title 14. Please do not combine multiple unrelated Comprehensive Plan policy or development regulation amendments on a single form. This form is for policy or development regulation amendments; use the Comprehensive Plan Map Amendment Request form for changes to the land use/zoning map.

## Submitted By

Name Wende Dolstad & Patrick Donnelly, and other Residents

Organization Delvan Hill Rd Residents

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## Proposal Description

Please answer all of the questions below that are applicable to your suggestion.

1. Describe your proposed amendment.

**Reconsider the MRO granted under 2017 docket of proposed policy, code, and map amendments item Weide Quarry C-20 and place in at least a 3 year moratorium relating to mining and restrict truck traffic to historical standards.**

2. Describe the reasons your proposed amendment is needed or important.

**Under DNR Forestry oversight, the Weide Property operation had run a small number of commercial trucks hauling product down Delvan Hill Rd for the past 30 years. The establishment of a full-time commercial quarry will turn a small, quiet road into a commercial corridor. Many of the small family homes are close to the road. Children and pets roam the road. Property values are based on the quiet rural nature of the surroundings. There may also be an environmental impact to the Thomas Creek salmon stream and other environmental impacts.**

**To meet the requirements of the GMA 36.70A and WAC 365-196.**

**Also meet clear compliance with the Goals and Policies.**

**4D-1.4 Mineral Resource Overlay Density Policies:** Residential gross densities on or within ¼ mile of a Mineral Resource Overlay shall be no greater than 1 residential dwelling unit per 10 acres. New subdivisions with densities greater than 1 unit per 10 acres may be permitted only if the additional development rights can be transferred to and clustered on that portion of the same property lying outside of ¼ mile from the MRO, consistent with the Conservation and Reserve Development (CaRD) land division regulations.

**Residents using Delvan Hill Rd are primarily 1 residential dwelling unit per 5 acres with several on 2.5 acre.**

**4D-3.1 Exclusive Mineral Resource Overlay:** The Mineral Resource Overlay adds additional uses and related requirements to the Industrial Forest, Secondary Forest, Rural Resource, and Natural Resource Industrial districts of the Comprehensive Plan/Zoning Map. New mining is limited to the MRO, subject to applicable permits. However, pre-existing, permitted mining operations outside the Mineral Resource Overlay may operate subject to the terms of the existing approval(s). Such operations may expand beyond the scope of the original permit but within the existing parcel provided that they receive a mining special-use permit.

**Weide Failed to meet the pre-existing nonconforming surface mine requirement.**

**4D-4.1 Coordinate State and Local Regulations:** Development regulations for mineral resource lands in the county shall be consistent with applicable Washington State mining regulations and Department of Natural Resources rules. Overlap in the regulatory authority between Skagit County and the DNR may occur to ensure public health and safety in matters not under the DNR's jurisdiction.

An Ownership change through Quit Claim in 2016 deed was not reported. Consequently, a compliance inspection of the nonconforming surface mine was not performed. Had the inspection been performed the mine would have been found to be out of compliance.

Under the RCW 79 in 2016 Weide claims to have had a pre-existing non-conforming surface mine under 3 acres. In 2016 the Quit Claim transferring ownership wasn't reported to DNR, so no inspection was required. Had DNR inspection occurred in 2016 the Weide quarry would have been found out of compliance due to the height and area that was in use. If inspection occurred by Skagit County in 2016, they also would have found that the pre-existing mine was out of compliance (prior to MRO designation granted under the 2017 Comprehensive Plan Amendments C-20). The non-conforming pre-existing surface mine was only one of the determining factors allowing the Weide Quarry to MRO status.

3. *If you are suggesting revision to a particular section of the Comprehensive Plan, please identify which section(s):*

**We are suggesting adherence to the Goals and Policies established with the 2016 GMA Comprehensive Plan.**

**The fact that this was represented as a pre-existing mine that was in compliance appears to be in error. DNR shut the Weide mine operation down in 2018, as it was determined to be out of compliance.**

**Of the 20+ homes using Delvan Hill Road, most are 1 residence per 5 acres with several at 1 residence per 2.5 acres. Recommended density within a ¼ mile of MRO zone is 1 residence per 10 acres.**

4. *If you are suggesting revision to the Comprehensive Plan, would the revision create inconsistencies with existing sections of the Comprehensive Plan? If so, please list those sections:*

**No**

5. *If you are suggesting revision to the Comprehensive Plan, would the revision require corresponding amendments to the County's development regulations?*

**Don't know.**

6. *If you are suggesting revision to a particular section of Skagit County Code Title 14, please identify which section(s).*

**No revisions suggested.**

7. *If you are suggesting this development regulation amendment as a result of a particular project or permit application, please identify which project or application:*

**This entire matter came to the attention of Delvan Hill Rd residents late 2017, upon Weide's completion of a DNR timber permit allowing a small surface mine. High volumes of rock truck traffic prompted an inquiry to DNR timber, County, and DNR surface mining. We were then informed that Weide Quarry had an MRO designation from 2017 Comp amendment C-20 and they were allowed to surface mine. The size of the mine was to comply with DNR surface mine regs. It did not. DNR surface mining division gave Weide Quarry a stop work order because they were out of compliance.**

**Why weren't we notified regarding the 2017 application for an MRO?**

**Residents of Delvan Hill Rd did not receive notice of the Weide Quarry 2017 docket of proposed policy, code, and map amendments item C-20.**

**The Goals and Policies established with the 2016 GMA relating to surface mining were not met relating to the recommendation of 1 resident per 10 acres**

8. *If you are suggesting specific language as part of your amendment, please attach that specific language. Specific language is not required.*

**A 3 year moratorium on mining activity. Or**

**Truck traffic being limited, as agreed between James Carpenter and Skagit County, at 5 trucks per week.**

9. Describe why existing Comprehensive Plan policies should not continue to be in effect or why they no longer apply.

The MRO granted under the 2017 docket of proposed policy, code, and map amendments item C-20 did not follow the Goals and Policies established within the 2016 GMA. Those Goals and Policies should have been applied and considered per GMA standards.

Additionally, the non-conforming pre-existing surface mine was out of compliance before the granting an MRO designation.

No notice was given to the Delvan Hill residents that a change was under consideration. This may have occurred as a result of granting Quit Claim PL 16-0343 in 2016. This moved the reporting notification boundary to exclude Delvan Hill residents and others residents east of the railroad track.

10. Describe how the amendment complies with the Comprehensive Plan's community vision statements, goals, objectives, and policy directives.

I absolutely cannot comprehend the decision to include Weide Quarry as an MRO in 2017. My understanding of the stated vision statements, goals, objectives, and policy directives of the 2016 County Comprehensive plan would have led to a different process and hopefully a different conclusion. The decision that was reached seems very arbitrary.

11. Describe the anticipated impacts to be caused by the change, including geographic area affected and issues presented.

Impacts by NOT making the change include impacts on the well-being of residents on Delvan Hill, impacts on property values, impacts on the Thomas Creek salmon stream and impacts on both the natural environment and the personal environment for families living along the road. 75 truck loads of rock a day, 5 days a week for 25 years would dramatically change the nature of this quiet family area.

12. Describe how adopted functional plans and Capital Facilities Plans support the change.

uncertain

13. Describe any public review of the request that has already occurred.

The addition of the MRO to the Weide Property in 2017 did not include public notification or public review or comments.

I have been unable to find any reference that the Weide property came under consideration for an MRO designation from 2007 through 2016 in the Skagit County Comprehensive Planning Process.

## Notices

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**Fees.** No fees are required for a policy or code change suggestion, per Skagit County Fee Schedule, SCC 14.08.030(3).

**Docketing.** SCC Chapter 14.08 governs the process for docketing of Comprehensive Plan amendments; suggestions for changes to the development regulations are docketed following the same process. Docketing of a suggestion is procedural only and does not constitute a decision by the Board of County Commissioners as to whether the amendment will ultimately be approved. Amendments are usually concluded by the end of the year following the request. State law generally prohibits the County from amending its Comprehensive Plan more than once per year.

**Submission deadline.** Suggestions must be received by the last business day of July for docketing. Suggestions received after that date will not be considered until the following year's docket.

**How to Submit.** Submit your suggestion via email (preferred) to [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us) or to Planning & Development Services at the address above.