



Appeal or Request for Reconsideration

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273
voice 360-416-1320 · inspections 360-416-1330 · www.skagitcounty.net/planning

File #:
PL21-0421
RECEIVED
AUG 03 2021
SKAGIT COUNTY
PDS
Received by: **alex C**

Appeal

What are you appealing?

- Appeal of an Administrative Interpretation/Decision/Action to the Hearing Examiner
- Appeal of an Administrative Order to Abate (code enforcement order) to the Hearing Examiner
- Appeal of Impact Fees to the Hearing Examiner (impact fees must be paid) (SCC 14.30.070)
- Appeal of Hearing Examiner Decision/Action to the Board of County Commissioners
- Request for Reconsideration of a Hearing Examiner Decision (SCC 14.06.180)

File # of Appealed Decision or Permit	PL16-0556	Appeal Fee	\$1,360.00	PDS will calculate
Date of Appealed Decision or Permit	July 21, 2021	Publication Fee	\$ 203.50	PDS will calculate

PDS staff: do not accept appeal form without full payment of fees

Appellant

Standing to appeal Permit applicant Party of Record Party subject to code enforcement order Other

Name Willam Wooding *Willam Wooding*

Address 13540 Rosario Road

City, State Anacortes **Zip** 98221 **Phone** 360-708-8559

Email bwooding31@comcast.net **Signature** *Willam Wooding*

Attorney or Representative

None

Name Stephen Taylor - Mining Consultant

Address P.O. Box 5352

City, State Lacey **Zip** 98509 **Phone** 360-456-8248

Email s.l.taylor7117@gmail.com *Stephen Taylor 8/2/2021*

Attachments

For any of the appeals listed above, please attach a concise statement with numbered responses to the following questions.

1. What is your interest in this decision?
2. How are you aggrieved by the decision you are appealing?
3. What are the specific reasons you believe the decision is wrong?
e.g. erroneous procedures, error in law, error in judgment, discovery of new evidence
4. Describe any new evidence.
5. List relevant sections of Skagit County Code.
6. Describe your desired outcome or changes to the decision.

For a request for reconsideration of a Hearing Examiner decision, attach a statement identifying the specific errors alleged.

McLUCAS & ASSOCIATES, INC.
CONSULTING GEOLOGIST
INDUSTRIAL MINERALS AND AGGREGATE SPECIALISTS

“IT’S ALL ABOUT THE ROCK QUALITY – PERMITS – MARKETAREA”

P.O. Box 5352, LACEY, WA 98509 * (360) 456-8248 * FAX (360) 456-8248 *

mclucastaylor@qwestoffice.net

LAKE ERIE PIT 1, LLC – PL 16-0556
APPEAL & REQUEST FOR RECONSIDERATION

ATTACHMENTS:

8/3/2021

#1. What is your interest in this decision?

McLucas & Associates, Inc. is a registered corporation since the 1980’s. The company concentrates on Permitting Mines and providing mining clients Mineral Valuations (see attached brochure). McLucas has been working with Bill Wooding, owner of Lake Erie Pit 1, LLC, in preparing the expansion documents for the Lake Erie Pit for the past 7 years. Due to the three hospitalizations this year of Stephen Taylor, (mining consultant on this project), the difficulty of finding a qualified Hydrologist in Skagit County to provide the necessary required drilling and evaluation for the site and the necessary time to schedule the required drilling of the site, so that we had the necessary data for review by the Hearings Examiner and Skagit County Planning Commission. Due to these complications, we were not able to meet the Skagit County timeline for submittal. We therefore request additional time for reconsideration, so we can complete the required document submittal.

#2. How are you aggrieved by the decision you are appealing?

Both Bill Wooding, owner of Lake Erie Pit and Stephen Taylor, mining consultant are aggrieved by the decision of cancelling our 6-year plight to expand the Lake Erie Mine to accommodate the growing need for construction aggregates in Skagit County. We both feel that the time limit imposed to complete this goal was not adequate.

#3. What are the specific reasons you believe the decision is wrong?

- (a) Not adequate time to find a qualified hydrologist to provide the drilling and then schedule a driller. (90-days minimum for scheduling).
- (b) A set time for completion of task, dictated by Skagit County Code, without any means for extending the completion time. Drilling should happen between the months of November through March (wet months). We received notice and time limitation in March 2021. There wasn't any way we could have met the allowed schedule and preformed a quality drilling program and submittal.
- (c) It appears, Skagit County Planning Codes do not have the means for exceptional times or events that have happened with this project with the injury of the Mining Consultant, Covid Pandemic and the difficulty of finding a Qualified Hydrologist for the very difficult task.
- (d) We feel that the Hearing Examiner should not have given Evergreen Island an extension by declaring that the Property Owners had not been given notice of the hearing, under oath! Skagit County confirmed that all property owners had been given notice of the Hearing.

#4. Describe any new evidence?

- (a) We have attached the summary of the Hydrologist McLucas had contacted in finding one that would do the Required Drilling and Critical Area Report. Each one had to be contacted 8 previous Special Use reports sent to them for review and consideration, which was very time consuming.
- (b) The same Summary also has the Hospitalization (3 hospitals) of Stephen Taylor, Mining Consultant, the first half of this year.
- (c) Both Mr. Wooding and Mr. Taylor also feel that Skagit County erred when they gave Evergreen Islands an extension. Evergreen Islands stated at the Hearing, that adjoining Property Owners had not been Notified of the Hearing date and issues. The Hearing Examiner gave "Evergreen Islands an Extension to Prepare New Testimony". John Cooper, Skagit County, went and checked this immediately. John Cooper returned within 30 minutes, to inform the Hearing Participants and Hearing Examiner that all Residents had been Notified of the hearing date and issues. Evergreen Islands, "Under Oath" stated the Property Owners had not been notified! We feel that the Hearing Examiner should have Retracted the Extension to Evergreen Islands to prepare new testimony.

#5. List relevant sections of the code.


(a) For review of the codes, we would require an attorney but, we do not wish to do so. Both Bill Wooding and Stephen Taylor are "Working Stiffs". Mr. Wooding has run the Lake Erie Mine and a Construction Company for 40-years and Stephen Taylor has spent 25 years providing permits and mineral valuation for miners in Washington, Oregon and other Northwest States.

(b) We do feel that Evergreen Islands should not have been given an extension to prepare new testimony! Lying under oath should be immediate dismissal of their case!

#6. Describe your desired outcome.

Bill Wooding and Stephen Taylor are hoping that Skagit County will provide the necessary time for McLucas to finish this project as directed by Skagit County and the Hearing Examiner. We estimate this will take approximately 6-months depending on the drilling. We have a Hydrologist aboard, Canyon Environmental Group and hope to get started immediately.

Sincerely,

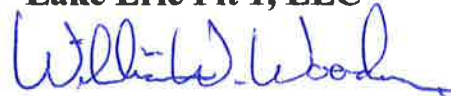


**Stephen Taylor
McLucas & Associates, Inc.**

Sincerely,



**Bill Wooding
Lake Erie Pit 1, LLC**



Attachments:

- (1) McLucas Brochure
- (2) Summary of Hydrologists contacted & Mr. Taylor's Hospitalizations



Stephen Taylor <s.l.taylor7117@gmail.com>

Hydrologists I contacted

1 message

Stephen Taylor <s.l.taylor7117@gmail.com>
To: William Wooding <bwooding31@comcast.net>

Thu, Jul 22, 2021 at 11:49 AM

Bill, I contacted the Geologic Companies looking for Hydrologist in Skagit County:

- (1) Canyon Environmental Group
- (2) Saturnah 2o Group
- (3) Sound Geology
- (4) Coastal Geologic Services
- (5) Cooper & Associates

Hospitals & Doctors I spent time with this year in repairing my knee and complications:

- (1) CHI Franciscan Rehabilitation Hospital, Tacoma
- (2) Providence Centralia Hospital
- (3) Providence St. Peter Hospital, Olympia
- (4) Sea Mar Community Health Center

Stephen Taylor

McLUCAS AND ASSOCIATES, INC.



**CONSULTING GEOLOGISTS, INDUSTRIAL
MINERALS, AGGREGATE, AND
MINERAL VALUATION SPECIALISTS**



Glenda McLucas-Taylor

**Cradle to Grave Industrial Minerals Mining
25 YEARS OF EXPERIENCE**

**ASSOCIATES: U.S.G.S. Trained Field Mappers, Mineral
Economist, Hydrogeologist, Geophysicist, Air Quality,
Noise, Traffic Specialists, and Real Estate Appraisers**

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E-mail mclucastaylor@qwestoffice.net

Mineral Resource & Mine Development



LOOKING SOUTH AT PROCESSING PLANT AND DOT PARCEL

Geologic field evaluation of all Burlington Northern Railroad subsidiary company lands in the northwest States of Idaho, Oregon, and Washington for the purpose of determining the occurrence, quantity and quality of sand & gravel and bedrock aggregate sources on BNRR land. The project spanned 18 months from June, 1987 through December, 1988, and involved 2,040 hours of geologic services. June and July of 2003, geologic reconnaissance of Plum Creek Timber Company ownership in Kalispell and Missoula region of Montana to evaluate the bedrock formations in terms of their value in the decorative rock and dimension stone industry.

1) Geologic and geophysical exploration; 2) reserve calculation through AutoCADD analysis; 3) laboratory aggregate-quality determination; 4) phased mine and reclamation plan development, involving computerized design; 5) coordination of all subcontract work necessary for preparation of complex environmental impact statements; 6) environmental controls, including: equipment petroleum product containment and disposal; storm water control; reclamation stockpile stabilization; visual, dust and noise impact control; and wash-water fines settling and disposal; 7) gravel washing production, well development, and associated hydro geologic investigation; 8) aggregate product market investigations.

Detailed information on all projects available on request

Clients:

Ashgrove Cement
Pope Resources
Cadman Gravel Co.
Comico American
Concrete Nor'West
J.R. Hayes & Sons
Kiewit Pacific Corp.
Lafarge Concrete
Lakeside Sand & Gravel
Longview Fibre Co.
Holnam Corp.
Menasha Corp.
Plum Creek Timber Co.

US Oil & Refining
Trillium Corp.
Scarsella Brothers
Mine Management
Industrial Mineral Prod.
Mine Permit Procurement.
Manke Lumber Company
City Transfer of Kent
CSR/Associated/Linker
Port Blakely Timber Co.
Central Reddi-Mix
Stoneway Concrete
Shamrock Lands

Kennedy Creek Quarry
Mineral Waste Disposal Utilizst.
Phoenix Resources Recovery
Coal Mine Hazard Studies
Great Northern Resources
Cascade Security Bank
Palmer Coking Coal Co.
Mineral Inventories
Meridian Aggregates
Plum Creek Timber Co.
Weyerhaeuser Company

McLucas has permitted 9 mines that are currently in operation

Mineral Valuation Clientele

Government Agencies

U.S. Bankruptcy Court
U.S. Department of Justice
U.S. Fish & Wildlife Department
Washington State Attorney General
WA State Dept. of Parks & Recreation
Clallam County Public Works Dept.
Snohomish County Public Works Dept.
Skagit County Public Works Dept.
City of Everett, Public Works Dept.
City of Lacey, Public Works Dept.
Port of Shelton, WA
Port of Bremerton, WA
Seattle City Light
Nature Conservancy
Aggregate Production Companies
General Electric
Ashgrove Cement, Seattle, WA
City Transfer of Kent, Dieringer, WA
Cominco American, Spokane, WA
Friend and Bikalo, Aberdeen, WA

Kennedy Creek Quarry, Shelton, WA
Lafarge Concrete, Vancouver, B.C.
Lake Industries, Marysville, WA
Mahaffey Enterprises, Kennewick, WA
Mark Haugebak, Boise, ID
Mark Litchman, Honolulu, HI
Menasha Corporation, Centralia, WA
Pope Resources, Poulsbo, WA
Romineco, L.L.C., Lake Stevens WA
***Tilbury Cement Products, Delta B.C.**
Toledo Sand and Gravel, Toledo, WA
W.H. Gregory, Dallesport mine, Gresham, OR
Wilder Construction Co., Everett, WA (11 mines)
US Oil & Refining
Real Estate Appraisers & Lending Institutions
Seafirst Bank (Butler Mine, estate valuation)
Security Pacific Bank, Bellevue, WA
U.S. Bank of Washington, Seattle, WA
Strickland, Heischman, Hoss, Inc., Tacoma, WA
W.R. Coffin & Assoc., Appraiser, Redmond, WA
Ith, Boydston & Associates



Mineral Resources Assessment and Valuation

In association with several government agencies, private, and lending institution Real Estate Appraisers (MAI's), McLucas has completed many mineral land valuations (including estate valuations) of industrial mineral deposits (including sand & gravel and quarry rock) for government agencies, lending institutions, the U.S. Bankruptcy Court, and private mining companies and resource land owners. In the process, the full range of geologic, geophysical, and hydrogeologic exploration, market and royalty surveys, aerial photography, and computer-aided drafting services have been used. As a result, McLucas has become a unique specialist in this work in the northwest states. The most comprehensive project to date was commissioned in 1999 by Wilder Construction Company, which retained McLucas and W.R. Coffin, MAI, to determine the mineral value and reversionary land value for all 11 of the company's surface mines in Alaska and Washington. Granite Corporation, the largest road construction company in the U.S., invested in Wilder, partially on the basis of these valuations.

In the arena of highway condemnation cases, McLucas was fully involved as an expert witness for two sand & gravel mines in the Boise, Idaho area. This work resulted in awards to the miners of \$2,700,000 and \$1,000,000, respectively.

McLucas and Associates Qualifications

Clientele listed represent only a portion of the total project output of McLucas and Associates over the past 25 years. Most work was devoted to geologic, geophysical, and hydrogeologic exploration for determination of mineral reserves and quality; mine management; environmental assessment and remediation; mine and reclamation design; mine permit procurement; geologic reconnaissance of rock formations, containing decorative rock and dimension stone; and mineral economic valuations for clay, silica sand, quartz, limestone, sand and gravel, quarry rock, and other industrial mineral deposits in the states of Washington, Oregon, Idaho, Montana, Arizona, California, New Jersey, and Canada.

Clients for which McLucas has served as expert witness

Washington State Attorney General:

Department of Natural Resources

Washington Department of Transportation

Clallam County Public Works Department, highway condemnation, Port Angeles WA

Mark Haugebak, Prime Earth Mine highway condemnation case, Boise, Idaho

Idaho Sand and Gravel highway condemnation case, Boise, Idaho

City Transfer of Kent, Dieringer, Washington

Glennnda McLucas-Taylor's professional experience

McLucas and Associates

4/81 to 6/86: Industrial Mineral Products, Ravensdale, WA

9/77 to 4/80: Washington State Geologic Survey

Education

B.S. Geology, 1971, Missouri School of Mines, Rolla & K.C., MO

M.S. Geology, 1977, University of Washington, Seattle, WA

Past Professional Society Affiliations

American Concrete Institute, Seattle Chapter

Washington Aggregate and Concrete Association

American Institute of Mining and Metallurgical Engineers

Professional Registration

Washington State Geologist License No. 678

Oregon Board of Geologist Registration No. G-834

Washington State Women's Business Enterprise, Registration No. W2S4817046