

RESOLUTION # _____

A Resolution Pertaining to the Closed Record Appeal Before the Skagit County Board of Commissioners Of Special Use Permit PL16-0556

WHEREAS, Appellant Wooding (“**Appellant**”) timely filed this closed record appeal to the Board of Skagit County Commissioners (“**Board**”) pursuant to Skagit County Code (“**SCC**”) 14.06, challenging the Skagit County Hearing Examiner’s Decision denying Special Use Permit PL16-0556 (the “**Decision**”); and

WHEREAS, the Decision denies Appellant’s application for a Special Use Permit that would authorize expansion of Appellant’s existing 17.78 acre gravel mine located on the west side of Fidalgo Island to an ultimate size of 53.5 acres (hereinafter, the “**Mine**”); and

WHEREAS, Appellant’s property is within a designated Mineral Resource Overlay, which was “designated to protect long-term, commercially viable mineral Natural Resource Lands and recognizes that mineral resources must be in close and economic proximity to the market to be served.” SCC 14.16.440(1); and

WHEREAS, nevertheless, if a Special Use Permit application involves a Geologically Hazardous Area, SCC 14.24.400-.430 requires the applicant to provide the Hearing Examiner with an in-depth analysis demonstrating that the proposal will avoid or minimize “risk to life and property, or other critical areas on and off the project area.” SCC 14.24.420(1); and

WHEREAS, the Hearing Examiner determined that Appellant failed to provide sufficient evidence demonstrating that the proposed mine expansion will not increase landslide risk to adjacent coastal bluffs, and, on that basis, the Hearing Examiner denied the application; and

WHEREAS, SCC 14.06.410(6) provides that “[t]he appellant bears the burden of demonstrating that the decision on the application was clearly erroneous”; and

WHEREAS, “[a] decision is clearly erroneous when the [Board] is ‘left with the definite and firm conviction that a mistake has been committed,’” *Association of Rural Residents v. Kitsap County*, 141 Wn.2d 185, 196 (2000); and

WHEREAS, on the record before us, the Board is unable to conclude that the Hearing Examiner’s Decision was clearly erroneous.

NOW, THEREFORE, BE IT RESOLVED:

1. The appeal is hereby DENIED, and the decision of the Hearing Examiner is AFFIRMED.

2. This decision is without prejudice to Appellant's right to reapply for a Special Use Permit authorizing mine expansion at the Property.

**WITNESS OUR HANDS AND THE OFFICIAL SEAL OF OUR OFFICE this
24th day of February 2025.**

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**





Lisa Janicki, Chair




Ron Wesen, Commissioner



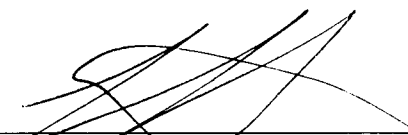
Peter Browning, Commissioner

ATTEST:



Linda Hammons, Clerk of the Board

APPROVED AS TO FORM:



Will Honea, Senior Deputy
Skagit County Prosecuting Attorney