

**BEFORE THE HEARING EXAMINER
FOR SKAGIT COUNTY**

In the Matter of the Application of)	No. PL16-0556
)	
Bill Wooding, on behalf of)	Lake Erie Pit Special Use Permit
Lake Erie Pit LLC)	
)	
)	SECOND REFERRAL TO PLANNING
<u>For a Special Use Permit</u>)	AND DEVELOPMENT SERVICES

On the appeal of Evergreen Islands, the Skagit County Commissioners on October 6, 2023, remanded this matter to the Skagit County Hearing Examiner for a second time, with the following instructions:

1. Pursuant to SCC 14. 60. 170(10)(3), this matter is hereby REMANDED to the Skagit County Hearing Examiner for preparation of a [Geologically Hazardous Site Assessment] consistent with the requirements of SCC 14.24.400-.420, including but not limited to SCC 14.24.420(e) and (f), with the Hearing Examiner considering any necessary evidence and imposing any additional conditions warranted by the foregoing analysis.
2. In issuing this remand order, it is the Board’s intention that additional physical investigation and analysis will be performed to assess the north/northwest groundwater flow and potential impacts under different mine development scenarios, rather than mere validation of the inferences and methodologies used in the original Maul Foster report.
3. All other issues raised by the Appellant on this appeal are hereby DENIED, and the Hearing Examiner in all other respects is AFFIRMED.

After considering of the above directions, the Hearing Examiner has determined that the appropriate course now is to refer this matter to Planning and Development Services (PDS), with instructions to direct the Applicant to cause another Geologically Hazardous Site Assessment to be prepared and submitted to PDS, in accordance with the Board of County Commissioners’ October 6 instructions.

On receipt of such assessment, PDS shall review it and provide an Amended Staff Report to the Hearing Examiner containing PDS’s analysis and recommendations in light of the assessment.

Thereafter, the Hearing Examiner will schedule and hold a supplementary public hearing on this matter, limited to comment on the Geologically Hazardous Site Assessment. Following this

*Second Referral to Planning and Development Services
Skagit County Hearing Examiner
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supplementary hearing, based on the record made, the Hearing Examiner will issue a decision imposing such additional conditions, if any, as may be necessary to mitigate risks that have been identified.

SO ORDERED this 6th day of October, 2023.

A handwritten signature in black ink that reads "Alex Sidles". The signature is written in a cursive style with a long horizontal flourish extending to the right.

ALEX SIDLES
Hearing Examiner