

Section 1

Planning & Development Services Fact Sheet

PL#: _____

Community Development Division

PL16-0556
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DEC 22 2016
SKAGIT COUNTY
PDS

- Administrative Decision
- Agricultural Variance
- Binding Site Plan
- Boundary Line Adjustment
- Final Plat
- Long CaRD
- Lot Certification
- Modification
- Open Space
- Pre-application Review

- Preliminary Plat
- Shoreline Exemption
- Shoreline Substantial Use Permit
- Short CaRD
- Short Plat
- Special Use Permit Level I**
- Special Use Permit Level II**
- Variance Level I
- Variance Level II
- Other _____

Brief Project Description: **Expansion of current mining permit #70-012835, to obtain a Skagit County Special Use Permit**

Other Related Permits or Approvals: _____ **WSDNR reclamation permit -Skagit County SUP**

Applicant Name: **Bill Wooding – Lake Erie Pit 1, LLC**

Parcel ID#: **19155, 19158, 90028, 19161, 19164** Assessor Tax #: **See Attachment K**

Parcel ID#: _____ Assessor Tax #: _____

Section 11 Township 34N Range 1E

Site Address: **Intersection of Havekost Road and Rosario Road**

Recorded Lot of Record: Yes No PL# **15-0362 See Attachment I**

Urban Growth Area: Yes No If yes, City: _____

Comprehensive Plan/Zoning Designation: **RRcNRL – MRO designation, see Attachment G**

Comp Plan/Zoning within 200 feet: **See Attachment G, Mineral Resource Overlay** within ¼ mile: Yes No

Critical Area/Shoreline within 200 feet: Yes No

Acreage and/or Lot Dimensions: **Expansion is 35.72 acres**

Flood Zone: **None** FIRM Map Panel #: **N/A** Map Date: **N/A**

Road access: Private County – Permit #: _____ State – Permit #: _____

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Water Source: Drilled well - Permit #: N/A Community Well Public: Public Anacortes

Sewage Disposal: Septic - Permit #: N/A Public Sewer: _____

Legal Description: _____

(Attach additional sheet if necessary.)

Section 2

Applicant

Name BILL WOODING, LAKE ERIE PIT 1, LLC

Address 13540 ROSARIO ROAD, ANACORTES, WA 98221

Phone 360-708-8559 Fax 360-293-8997

Signature William W. Wooding e-mail address Stephen Taylor, Consultant

Owner

Name PIT 1, LLC - WILLIAM WOODING, C/O LAKE ERIE TRUCKING

Address 13540 ROSARIO ROAD, ANACORTES, WA 98221

Phone 360-708-8559 Fax _____ e-mail address _____

Contact

Name STEPHEN TAYLOR - MCLUCAS & ASSOCIATES, INC.

Address P.O. BOX 5352, LACEY, WA 98509

Phone 360-456-8248 Fax 360-438-1881 e-mail address mclucastaylor@qwestoffice.net

Contractor (When applicable. If owner, write owner-builder)

Name DNA

Address _____

Phone _____ Fax _____ e-mail address _____

Section 3

OWNERSHIP CERTIFICATION

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I, William Wooding, hereby certify that I am the major property owner or officer of the corporation owning property described in the attached application, and I have familiarized myself with the rules and regulations of Skagit County with respect to filing this application for a

Pit 1, LLC and that the statements, answers and information submitted present the argument on behalf of this application and are in all respects true and correct to the best of my knowledge and belief.

Street Address 13540 Rosario Road

City, State, Zip: Anacortes, WA 98221

Phone: (360) 293-3636-7332

Signature(s):

William W. Wooding

for: _____

(corporation or company name, if applicable)

ACKNOWLEDGMENT

STATE OF WASHINGTON)
) ss.)
COUNTY OF SKAGIT)



On this day personally appeared before me WILLIAM W. WOODING, known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purpose therein mentioned.

GIVEN under my hand and official seal the TWENTY day of NOVEMBER, 2016.

Kimberly A Connors

NOTARY PUBLIC in and for the State of Washington residing at _____

My Commission Expires: 12, SEPTEMBER 2017

Section 4



Planning & Development Services
Critical Areas Checklist
Pursuant to Skagit County 14.24.080

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Section 11_ Township 34N_ Range __1E_ Parcel Number _____ Related Permits: _____

Site Address: **Intersestion of Havekost Road and Rosario Road**

Proposed uses: **Sand and Gravel mine expansion**

PLEASE ANSWER THE FOLLOWING QUESTIONS CONCERNING CRITICAL AREA INDICATORS LOCATED ON OR WITHIN 200 FEET OF THE PROJECT AREA.

- a. Are you aware of any environmental documentation that has been prepared related to critical areas that includes the subject area? (If yes, *please attach a list of document titles).
__ Yes* No __ Unknown
- b. Are there any surface waters (including year-round and seasonal streams, saltwater, lakes, ponds, bogs, fens, swamps, marshes)?
__ Yes No __ Unknown
- c. Is there vegetation that is associated with wetlands?
__ Yes No __ Unknown
- d. Have any wetlands been identified?
__ Yes No __ Unknown
- e. Are there areas where the ground is consistently inundated or saturated with water?
__ Yes No __ Unknown
- f. Are there any State or Federally listed sensitive, endangered or threatened species and habitats?
__ Yes No __ Unknown
- g. Are there slopes of 15% or greater?
__ Yes No __ Unknown
- h. Is the project located within a Flood Hazard Zone?
__ Yes No __ Unknown
- i. Do you know of any landslide hazard areas?
__ Yes No __ Unknown

I grant permission to the field inspector to enter the building site to determine the presence or absence of critical areas.

I understand that if the information on this form is later determined to be incorrect, the project or activity may be subject to conditions or denial as necessary to meet the requirements of SCC 14.24, the Skagit County Critical Areas Ordinance.

[Handwritten Signature]
Applicant's Signature

[Handwritten Date]
Date

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Section I

Please answer the following questions in complete sentences describing your proposal in detail. Attach a separate page if necessary.

1. Describe your proposal/business? **Currently Bill Wooding % of Lake Erie Trucking including Pit 1, LLC has a permitted mine operation with a Skamania County Special Use Permit and a Washington State Department of Natural Resources (DNR) reclamation permit. The permit includes Parcels 19108, P19162, and P19165 (17.78 acres) is part of the expansion, since we will be expanding the mining depth from 300' msl to 250' msl. In 2015 Bill Wooding (Pit 1, LLC) undertook to expand the MRO designation to include parcels P19158, P90028, P 19164, and a small portion of P19165 (26.2 acres). Bill Wooding, Pit 1, LLC also owns parcels P19155 and P19161 (9.52 acres), which have the original MRO designation. The Special Use Expansion Permit would include all of these parcel as part of the permitted mining area (53.5 acres).**

The expansion permit would wood preserve the heart of the mineral reserve for future processing, as a supply of gravel for infrastructure use for many decades.

2. What days and hours will your operation be open? **8:00 to 5:00 Monday thru Friday and 8 to 12:00 Saturdays. .**

3. How many employees will you have? **2 to 3 employees**

4. State their working hours: **The same as the open hours of the pit.**

5. Will the employees be working on-site? **Yes.**

If not, how many will be working off-site? **0**

6. Will there be signs indicating the operation? **Yes, a sign is already located on Rosario Road.**

If so, where will they be placed and how big will they be? 3' by 4' at the entrance off Rosario Road.

7. Businesses need to be concealed from public view. How do you intend to do this? Will you use plants, shrubs or fences as a buffer?

Yes, there will be an 100 foot setback from the permitted property line. This area will not be mined and will remain natural with trees, brush and native plants (See Mapset Attachment A).

8. Describe the parking area. (You will need to ensure that you don't encroach on neighbors or into

the road right-of-way.) **Parking will be at the Lake Erie Trucking office, which is located at the opposite side of Rosario Road. There will be no impact to surrounding neighbors.**

Please state your schedule for the development of this business/operation. _____ **The current operation of the Lake Erie Pit (Pit 1, LLC) is ongoing and is currently in operation. The addition of the parcels to the existing permit will not require any mobilization. The site will be mined in phases, as per Attachment A, Mapset.**

If development is phased please describe timelines. _____ **As a requirement of WSDNR and Skagit County a mapset is required for the new permit (Attachment A), which contains a phased mining plan. The current operation is mining in Phases 1 and 2.**

9. Describe the traffic impact of your operation on the County or State road system (such as the use of large trucks or constant vehicle traffic)? _____ **The current operation of the Lake Erie Pit is producing and selling approximately 20,000 to 30,000 tons of sand and gravel per year. To ensure the availability of gravel in the future and to meet infrastructure needs, we have increased the annual production of sand and gravel to 60,000 tons per year. This would require 13 trucks or 26 trips per day to handle the peak requirements. Gibson Traffic consultants (GTC) has prepared the Lake Erie Gravel Pit Traffic analysis (Attachment B). The traffic analysis is based on maximum production of 60,000 tons of gravel per year. The analysis shows that the study intersections will operate at acceptable LOS B or better with the development traffic. No WSDOT intersections would be impacted with 10 AM peak trips; additional capacity mitigation should therefore not be required for impacts to any intersections.**

10. Will your operation have an internal road system? Yes. **As the site is mined and developed, an internal road will be developed and maintained as the operation progresses with the mining sequence plan (Mapset A).**

* **If so, please provide a layout plan of that system. We have included an aerial photo of the site (Attachment C). As you can see the entrance road is off of Rosario Road, which leads to the Phase 1 and 2 mining area. As the mine progress, this road will extend east to Phase 3 and then north to Phase 4. The road is easy to maintain since the road is on sand and gravel and needs only grading and compacting.**

11. How is your property accessed? By private, county or state road? **The Lake Erie Pit is accessed by Rosario Road, which is a Skagit County road.**

12. Will the operation generate heat from machinery or equipment? Describe The site will be mined with an excavator and front end loader. The site will also process aggregates by a screening operation. Once or twice a year, the site will process large rock with a crusher (spring or fall). These operations will generate heat, which will be dispersed readily with the open air flow. MSHA policies will be followed.

14. Will the operation generate noise or odors? Describe The mining operation of the Lake Erie Pit will consist of utilizing an excavator and a front end loader for daily operations. On occasions the operation will screen the sand and gravel utilizing a Power Screen Chiefton. Once or twice a year large rock will be crushed and screened at the site by a portable crusher. This will be brought on site in the fall or spring to process this rock. These operations will create noise at the site. To evaluate the noise impact, Acoustics Group, Inc has prepared the Lake Erie Pit Expansion Noise Study (Attachment D). Reviewing the report it shows at a 50' distance from mining and processing area some of the noise is above noise standards. To mitigate this impact, a 100 foot setback will be in-place for all excavation. A 200 foot setback will be in-place for the processing (crushing/screening) of aggregates (See Mapset A). In addition berms will be constructed in certain areas to assist

in noise mediation (See Page 7 of Noise Study – Noise Control Recommendations). In conclusion future noise levels from the operations will be reduced to below 60 dBA.

15. Will steam, smoke or dust be generated by the operation? Describe During the operation of mining the site and the operation of the equipment there will be steam, smoke and dust created through this process. To review these practices Maul, Foster, Along has prepared a Lake Erie Pit Air Quality Best Management Practices Recommendations Memorandum (Attachment E). Through the use of Best Management Practices (BPMs) as described with in the Memorandum, the mining process will minimize the dust, smoke and steam. The Lake Erie Pit operations are currently following these BPMs.

16. Is heavy equipment or machinery being used? Will there be vibrations that may be felt by adjoining properties? Describe Heavy Equipment is being utilized within the operation of the Lake Erie Pit operation. As discussed, the mapset shows that the mining equipment will be a minimum of 100 feet from the property boundary and the processing equipment will be 200 feet from the property boundary (Mapset, Attachment A). This will preclude that any vibrations from the equipment will not impact surrounding properties. Lake Erie pit has had no complaints in the past.

1. Will chemicals, waste oils, solvents, fuel, etc. be stored at the operation? There will be no fueling, maintenance of vehicles or storage of chemicals/oils on site. Owner Bill Wooding also owns the Lake Erie Trucking operation, which is located across Rosario Road, a short distance away. The Lake Erie Trucking operation has the capability to handle these requirements and possess the necessary permit to do so.

If so, please state what kinds, how much and how they will be stored. Oils and lubricants will be stored in a covered shop with concrete floors (Lake Erie Trucking). Gas will be stored in certified gas storage container with a concrete floor base. The quantities are larger than normal since this is the facility for the Lake Erie Trucking operation. BPMs will be utilized in handling all of these items.

How will they be disposed of? As per MSHA & OSHA regulations and Best Management Practices.

2. Will visitors, customers or employees have access to adjoining property? Yes, but only with an authorized employee and all must wear a hard hat. Please describe your plans for preventing trespassing. The entrance to the mine site has a metal gate, which remains closed unless employees are working there. The site is checked daily to ensure there has been no trespassing and all is secure.

3. If your operation will be using a building please describe the size, height and construction type. This building must be shown on the site plan.

There are no buildings on site, just portable toilets for employees

20. Describe the sewage disposal plan for employees and the public—include permit numbers. There are no sewage or water lines on the site.

21. Describe the water supply for employees and the public. _____ **Portable water containers are supplied to site when employees are working there.**

22.. Is water served by PUD, community water or drilled well (include permit numbers)

____ **The processing of aggregates will not utilize washing, dry mining. Portable water containers will be supplied to site for employees.**____

23. Address any fire flow issues. ____ **The property is located within the boundary of Skagit County Fire District #11, which has a fire station located approximately one mile to the north. Fire level of service is established by average response time. Therefore, the subject expansion being located so close to the local fire station means response times would be short, thereby capable of providing a high level of service to the site.**_

Section II

Please address the General Special Use Permit Application Evaluation Criteria. SCC 14.16.900(1)(b)(v) Attach a separate page if necessary.

The burden of proof shall be on the Applicant to provide evidence in support of the application.

(A) Describe how the proposed use is compatible with the neighboring properties. _____ **The proposal would expand the Mineral Resource Overlay (MRO) to the parcel boundaries of four parcels on Fidalgo Island (P19158, P90028, P19165, and P19164) currently designated Rural Resource – NRL and partially included in the MRO. The area currently included in the MRO is the Lake Erie Pit which is an existing sand and gravel mine. The size of the proposed MRO expansions approximately 23 acres. If the MRO expansion is approved, the property owner has indicated he will seek a special use permit from the County to expand the Lake Erie Pit on the added area. The MRO designation polices (found in the 2007 Comprehensive Plan, Chapter 4, beginning on page 4-26) indicate that land may be designated MRO if it meets certain criteria in policy 4D-1.3 for the presence of mineral resources. Based on the submitted application materials, the subject parcels appear to meet those criteria. The polices state that all land meeting 4D-1.3 criteria shall be further evaluated based on additional criteria including the land use designation of and existing residential densities on the subject land and surrounding properties. The property is designated Rural Resource-NRL (RRC-NRL). Which is one of the land use designations that may be designated MRO per policy 4D-1.3 (a)(i). The residential densities on the subject land are less than one residence per 10 acres, which is also a requirement of policy 4D1.3(a)(i). The following MRO designation policies discuss surrounding land use densities: Policy 4D-1.3(b) Appropriate surrounding land use zoning MRO land include: Industrial Forest, Secondary Forest, Rural Resource, Rural Reserve, Natural Resource Industrial and other industrial uses; The land immediately south of the property is designated Rural Reserve, consistent with the police.**

Policy 4D-1.3 (d)

Designated MRO area ¼ mile away from Rural Villages, Rural Intermediate and Urban Growth Areas, except in limited cases where pre-existing MRO areas may be retained to address unique economic circumstances or proximity to market.

The entire area proposed to be added in the MRO is within ¼ mile of land zoned Rural Intermediate (RI) to the east and west, as indicted. This would appear to preclude the subject area form being added to the MRO. However, the policy also states an exception “except in limited cases where pre-existing MRO areas may be retained...”The exception appears to be the reason that the existing MRO is there, in

recognition of pre-existing Lake Erie Pit, despite the fact that in some cases the existing MRO is immediately adjacent to Rural Intermediate (RI) zoning and in all cases is closer than ¼ mile. Given the presence of mineral resources on the property meeting the required thresholds, and the special use permitting process required for the expansion of the mining operation, the Department recommends approval of the MRO expansion (See Attachment G).

(B) How does the proposed use comply with the Skagit County Code? Please cite code section.

 14.16.900 Rezone and Special Use Permit Requirements:

(1) Rezone: The past year the site has underwent a Comprehensive Plan Amendment to expand the Mineral Reserve Overlay (MRO). The site was successful in adding 5 parcels (P90028, P19164, P19158 and a portion of P19165 (See Attachment G). Parcels P19155 and P19161 already had the MRO designation, and these 6 parcels are the Special Use Expansion permit. The parcels are RRc-NRL and with the pre-existing condition are allowed to be zoned MRO with neighboring properties zoned RRI (See attachment G).

(2) Special Uses: (b)

- (i) Administrative Special Use Uses shall be reviewed as a Level I permit pursuant to SCC 14.06.**
- (ii) Hearing Examiner Special uses shall be reviewed as a Level II permit, pursuant to SCC 14.06.**
- (iii) The hearing Examiner shall have authority to order that a Special Use Permit be revoked, suspended or modified based on a finding that the conditions have not been satisfied by the applicant pursuant to SCC 14.06.**
- (iv) The Approving Authority's decision may be to grant or to deny and application.**

(v) The burden of proof shall be on the applicant to provide evidence in support of the application. The criteria for approval or denial shall include the following elements:

- (a) The permit expansion complies with the existing and planned use and comply with the Comprehensive Plan (See Attachment G)**
- (b) The permit expansion complies with Skagit County Code (See Attachment D).**
- (c) The proposed use will not create undue:**

Noise, odor, heat, vibration: To ensure that the mining and processing of aggregates will not create undue noise to the surrounding neighbors, a Noise Study has been performed by Acoustics Group, Inc. (Attachment D). The excavation of gravel is 100-foot setback from the property line, and the processing of gravel is 200 feet from the property line (See Mapset A). In addition, we will create berms which would be built to assist in noise abatement as per the Noise Study. This would bring down the noise levels to acceptable code requirements.

Air: To ensure that the air quality is maintained, Maul Foster has prepared a Memorandum for the Lake Erie Pit air quality best management practices recommendations (Attachment E). The current Lake Erie Pit operation are following the Best Management Practices.

Water: The propose expansion of the Lake Erie Pit would mine the site from a 375' elevation down to a 250' mine base. At this level the water table is at 200 feet. Mining would be 50' above the water table. The final phase of the mining is to bring in "Clean Fill" to raise the 250' mine floor up to 300', compacted 85% (See Mapset Attachment A). Mapset Attachment A also has the calculations for a 100-year, 24-hour storm event. To ensure that the water quality is maintained, Maul Foster has completed a Hydrogeologic Site Assessment Report, (Attachment F). The Hydrogeologic report contains a review of the surface soils (Also Attachment N), geology, hydrogeology, ground water flow, aquifer properties, ground water quantity, groundwater quality and vicinity well logs.

(d) The proposed expansion will not generate intrusions on privacy of surround uses. The adjacent property to the south and east has been purchased by Bill Wooding in his attempt to ensure that his neighbors are not impacted by the mining of the Lake Erie Pit. There have been no complaints from his

neighbors. At the MRO hearing, there was only one person there that spoke for the expansion and he was in favor of the expansion.

(e) The Lake Erie Pit operations are governed by MSHA Mining, Safety, Health Administration and OSHA Occupational Safety Health Administration. The welfare of the working employees is of the utmost importance to the site management. Regular inspections are conducted by these agencies.

(f) The final phase of the mining of the Lake Erie Pit will be to bring in 'Clean Fill' (Attachment L) to bring the site back to a level of 300'. As per the Clean Fill policy, all imported fill will be tested for contaminants prior to arrival to site. The site will then be planted with acceptable grasses and plants to return the site to a natural, forest meadow. Topsoil will be stored on site and used in final reclamation (See Attachment M, Soil survey).

(g) The expansion of the Lake Erie Pit will not conflict with the health and safety of the community. As mentioned previously MSHA and OSHA will monitor the site throughout the operating years. All operating safety, health, noise, water, and nuisance have been addressed in the Attachments Consultant Reports to ensure the neighbors are not impacted.

(h) The site mining operations will not need water, sewer, electric, from city or county operations. A fire station is located approximately 1 mile from the site. We see no impact to public service.

(C) Will the proposed use create noise, odor, heat, vibration, and air or water pollution? Explain If not, why not?

_____The process of mining and processing of the aggregates will create noise, heat, vibration and a potential for water pollution. The following will mitigate these potential adverse conditions:
1) The excavation of aggregates will be outside of a 100' setback. 2) The processing of aggregates will be outside of a 200' setback. 3) Berms will be constructed on the setbacks to assist in noise, odor, and vibration. 4) Mining will stop at a 250' level, 50' above the water table. 5) Best Management Practices will be utilized to ensure that the air quality is maintained. 6) All fueling and equipment repair will be done at the Lake Erie Trucking facility across Rosario Road 6) The following consultant reports have been commissioned to ensure the impacts are mitigated: Attachment A, Mapset, Attachment B, Noise study, Attachment F, Hydrogeologic Impact, Attachment E, Air Quality Memorandum.

(1) Will the operation impact dwellings and property in the immediate area? If so, explain how.

_____No. We have retained consultant experts to analyses the potential impacts of the expansion permit, and in all cases the potential of impact on the neighboring properties have been mitigated (See Attachments of Consultant Reports).

(D) Will the proposed use intrude on the privacy of the surrounding areas? If not, why? _____No, as previously stated, we have taken all precautions to ensure that the neighboring properties will not be impacted by the permit expansion and mining process (See Consultant Reports in Attachments0.

(E) What potential effects could your proposal have to the general public health, safety and general welfare?

_____We do not fore see that there would be any potential impacts to public health, safety and general welfare. We have taken all precautions to preclude any impact (See Consultant Reports in Attachments).

(F) For special uses in Industrial Forest – Natural Resource Lands, Secondary Forest – Natural Resource Lands, Agricultural – Natural Resource Lands, and Rural Resource – Natural Resource Lands, How will the impacts on long-term natural resource management and production be minimized?

_____The expansion of the Lake Erie Pit will be mined to a 250' level. The last phase of the mining, we will bring in "Tested Clean Fill" (Attachment L) and bring the mine floor up to a 300' level. The soil will be compacted at 85%. The site at that time will be planted with native grasses and plants and returned to its natural native state. No future development of this site is planned fir tor the future.

(G) Describe how the proposed use complies with the health and safety of the community? **As previously stated the Lake Erie mining operation is monitored by OSHA and MSHA to ensure that the site and the mining operations is being conducted with safety for the employees and the community.**

(H) Will the proposed use be supported by adequate public facilities and services? **_____Yes, fire.**

(1) Identify the public facilities and services. **Fire: The property is located within the boundary of Skagit County Fire District #11, which has a fire station located approximately one mile away. Fire level of service is established by average response time. Therefore, the subject property being located so close to the local fire station means response times would be short, thereby capable of providing a high level of service to the site.**

(2) Describe any impact to those facilities. **_____We do not anticipate any impact on these facilities.**

(3) Describe the plan to minimize any impacts on these facilities? **_____All our vehicles have fire extinguishers with their vehicles to assist in any potential fire situation. A water truck for dust suppression is available for any small fires.**

(I) Describe how the proposed use will maintain the character, landscape and lifestyle of the rural area?

_____The final reclamation of the site will import clean fill to return the site to a 300' level, which will be replanted with native grasses and plant and returned to its natural state.

(1) Identify any existing business operating via special use permit within close proximity of the proposed use.

_____None_____

Please address Special Uses with Specific Criteria. Attach a separate page if necessary.

Failure to address the required criteria will cause delays in processing your application.

Provide the corresponding form for your application type.

See Forms A - K

Form G. Mineral Resource Overlay Special Uses: SCC 14.16.440(8)

Application Requirements For mining operations special use permit.

- 1) **Maps:** An applicant for a mining operations special use permit shall submit the following information on maps in a 11" x 17" format size: **Attachment A**
 - a) A vicinity map with a north arrow indicating the area on which the extraction operation is proposed including a legal description, showing right-of-way width of access roads to the proposed site from the nearest community and any roads proposed on the site, and showing zoning of adjacent properties and land uses within 5 miles of the area proposed for mineral extraction and related activities; **Attachment A, Figure 1**
 - b) A pre-mining map drawn to scale with an appropriate scale bar showing the permit area and buffers, elevations and contours, natural slopes and other drainage patterns, boundaries of municipalities, boundaries of property ownership, names and addresses of adjacent property owners, locations of nearby mines, locations of all railroads, bridges, utility lines or other rights of way, locations and names of any streams and natural or artificial drain ways on or adjacent to the site, locations of parks and other significant features; **Attachment A, Figure 2**
 - c) A reclamation sequence map drawn to scale with an appropriate scale bar covering the same area as the pre-mining map showing the permit area border and buffers, excavation areas, location of all proposed access roads to be built, location of types of setbacks and beams, numbered segments and the direction of the sequence of mining, soil storage areas and sequence of stripping, storing and replacement of mined segments, overburden storage areas and sequence of stripping, storing and replacement of overburden on mined segments, waste rock piles and how they will be reclaimed and stabilized, operation plant and processing areas, measures to be taken to adjacent surface area to prevent slumping or landslides on adjacent lands, location and description of storm-water and erosion control systems including drainage facilities and settling ponds and estimated runoff served by individual facilities; and **Attachment A, Figure 3**
 - d) A final reclamation map drawn to scale with an appropriate scale bar covering the same area as the pre-mining map permit area and buffers, final elevations and contours, adjacent natural ground slopes, reclaimed drainage patterns, general topography, locations and names of any roads, utility lines, rights-of-way, streams, bridges, lakes, springs, wetlands, location and depth of topsoil to be replaced after seedbed preparation, permanent drainage and water control systems, area to be re-vegetated and proposed species, 2 cross-sections (at right angles) with horizontal and vertical scales the same that show the original and final topography and the water table. **Attachment A, Figures 4,5, and 6**
- 2) **Geology Report:** A report by a qualified geologist, hydrologist or licensed engineer characterizing the area's ground water including, but not limited to, the following information: **Attachment F, Lake Erie Pit Expansion Hydrogeologic Assessment Report.**
 - a) A description of the geology and hydro-geology of the area including the delineation of aquifer, aquitards, or aquicludes (confining layers), hydro-geologic cross-sections, porosity and horizontal and vertical permeability estimates; **Attachment F**

- b) Determination of the direction and velocity of ground water movement, water table contour and potentiometric surface maps (for confined aquifers) if applicable; and **Attachment F**
 - c) A map containing the limits of the mine, buffer zones, location of all ground water wells within 1 mile distance down gradient from the property boundaries, location of all perennial streams and springs, and definition or specification of locations of aquifer recharge and discharge areas. **Attachment F**
- 3) **Narrative:** A narrative discussion that will include at the minimum the following:
- a) The estimated quantities of all materials to be extracted.
 - b) Identification of any possible Scientific Resource Sites that may be located on the proposed site. Scientific Resource Sites include unique or rare occurrences of rocks, minerals, or fossils that are of outstanding scientific significance. These areas must be delineated on the map in Subsection (8)(a)(ii) above and the proposal for preservation of the identified area(s) must be addressed.
 - c) An on-site study to determine appropriate mitigation requirements for noise, vibration and dust levels. The study should specify what levels the Applicant deems satisfactory to mitigate off-site disturbances.
 - d) An operations proposal detailing estimated frequency of blasting, estimated truck loads per day, what provisions for screening and fencing are proposed, and estimated hours of operation.
 - e) Identification and description of those critical areas designated and regulated by SCC 14.24, together with any critical areas studies that may be required by SCC 14.24.
 - f) A completed environmental checklist.

Narrative:

Bill Wooding, Owner of Pit 1, LLC (Lake Erie Pit), currently operates WSDNR-permitted surface mining gravel pit on Fidalgo Island. This existing gravel pit spans across three parcels having a combined area of 17.78 acres, and is located immediately south of the Rosario Road intersection with Marine Drive. The majority of these three parcels are covered by a Mineral Resource Overlay, MRO. The existing MRO also extends to the west on parcel P19155 and to the east on parcel P19161. In 2015 and 2016, a submittal for a Comprehensive Plan Amendment was submitted to expand the MRO designation to parcels P19158, P19164, P90028, and the small portion of P19165 to ensure we have it all within the MRO designation. The MRO expansion was approved in 2016. The Special Use permit submittal includes parcels P19155, P19158, P90028, P19161 and P19164 (35.72 acres). The Expansion Permit also includes the current permitted Parcels P19108, P19162, and P19165 since the expansion includes taking the mining depth of these parcels from 300' msl to 250' msl. The total mine site if the permit is approved will be 53.5 acres including the permitted parcels.

The current operation of the Lake Erie Pit produces and sells approximately 25,000 tons of sand and gravel per year. To ensure that the site can meet future demands for sand and gravel, the permit is setting 60,000 tons per year production as a reasonable amount to meet future infrastructure requirements. The mining and processing will be Monday through Friday 8 a.m. to 5 p.m. and Saturday 8 a.m. to noon. At maximum production (60,000 tons per year) there would be 26 truck trips per day (See Gibson Traffic Report, Attachment B).

The process of addressing the noise, vibration and air quality for this Special Use Application, consultants were brought in to analysis these issues and provide mitigation

measures to comply with Skagit County codes. To address the noise impact of mining and processing of aggregates a 100-foot setback buffer will be utilized for the extraction of aggregates and a 200-foot buffer for the processing (screening, crushing) of aggregates (See Mapset A). A Noise Study was commissioned with Acoustics Group to analyze these impacts and mitigation (Attachment D). To ensure that the vibration and noise is mitigated, we will also install berms on the 100-foot setback to assist in the noise abatement. Note: The gravel on this site runs only 5% of 4" and larger, therefore we will only crush once or twice a year with a portable crusher in the spring or fall to utilize the rain for dust abatement.

To review the impacts to air quality, we have commissioned an Air Quality Memorandum with Maul Foster (Attachment E). Through the use of Best Management Practices (BPM) we will ensure air quality for the mining process.

The process of mining and processing of aggregates at the Lake Erie Pit will not require any blasting. Aggregates will be mined with an excavator. The site will be mined dry, there will be no washing of aggregates.

Berms will be constructed on the 100-foot setback to assist in noise abatement. At this time, we have not considered any fencing or screening of the site.

The site has been mined since the 1960's. There has been no discovery of unique or rare occurrences of rocks, minerals, or fossils that are of outstanding scientific significance.

To ensure that the site is returned to its original natural state, we are proposing to import tested "clean fill" to the site for final reclamation. The mining depth of the floor will be at 250 feet. The water table is at 200 feet or 50 feet below the mine floor base. In final reclamation, we propose to import 2.1 million cubic yards of clean fill, compacted to 85%. This will bring the mine floor up to an elevation of 300 feet. The site then will be planted with native grasses and plants and returned to its natural habitat (See Mapset, Attachment A).

We have included a completed Environmental Checklist (Attachment H)

There are no critical areas on the site.

- 4) **Transportation Analysis:** A review from Skagit County Public Works Department or Washington State Department of Transportation demonstrating that roads or bridges are capable of sustaining the necessary traffic for the proposed mineral extraction operation, and that the proposed operation meets level-of-service, safety, and other standards as outlined in the Skagit County Transportation Systems Plan, the Skagit County Comprehensive Plan, and applicable state and local regulations.

Gibson Traffic Consultants, Inc. have been commissioned to provide a traffic impact analysis for the Lake Erie Pit. The report is intended to provide Skagit County and the Washington State Department of Transportation with the necessary traffic generation, trip distribution and level of service information to facilitate their review and development (Attachment B). **Conclusions:** The expansion of Lake Erie Gravel Pit is to allow the pit to extract 60,000 tons of gravel per year. The development is anticipated to generate 26 new average daily trips with 4 new PM peak-hour trips. The analysis shows that the study intersections will operate at acceptable LOS B or better with the development traffic. No WSDOT intersections would be impacted with 10 PM peak trips; additional capacity mitigation should therefore not be required for impacts to any intersections.

Mining Operating Standards and Requirements.

Site area and width. When the activity includes both extraction and on-site mineral crushing or mineral processing including asphalt or concrete batching and asphalt or concrete recycling, the site area shall be a minimum, of 20 acres. There shall be a minimum lot width of 500 feet for crushing or processing activities. Operations that are limited to extraction and transportation shall comply with dimensional standards of the underlying zone. **The expansion parcels include 35.72 acres. The processing of aggregates (crushing and screening is located 200' from property line. Crushing will take place only once or twice per year during the spring or fall to have the rain which lessen the impact to dust (See Mapset, Attachment A).**

Buffers.

A minimum 200-foot buffer shall be required between on-site crushing, processing, or recycling activities and adjacent properties for the site as a condition for the issuance of a mining operations special use permit.

Adjacent properties are required to maintain a 200-foot buffer from the mineral resource designated land or sign a nuisance waiver to reduce the 200-foot buffer. In the case of a pre-existing structure located in the buffer of adjacent property, the required buffer shall be established on the mineral resource designated land.

A minimum 100-foot buffer shall be required for the site where operations are limited to the extraction and transportation of minerals. Once the extraction and transportation operations have been completed, the material in the buffer may be utilized during reclamation.

Maximum permissible noise levels

Maximum permissible noise levels shall be according to the provisions of the WAC 173-60, Maximum Environmental Noise Levels. **The processing of aggregates location is 200' buffer from property boundary, and the extraction of aggregates will be outside of a 100-foot buffer. (See Mapset, Attachment A).**

Blasting.

Blasting shall be restricted to daylight hours when the mineral extraction operation is within ¼ mile of a residential area with a greater density than 1 dwelling unit per 10 acres. The Hearing Examiner may otherwise set blasting hours and conditions based on site-specific circumstances. Except in the case of emergencies declared by civil authorities, blasts should be scheduled for regular and predictable times. **No blasting with this operation.**

Vertical Limitations/Aquifer Protection

Surface mining shall be vertically limited to only one aquifer unless approved by the Washington State Department of Ecology. Hydrological barriers separating aquifers shall not otherwise be disturbed. **We have had a Hydrogeologic Assessment report prepared for this report (Attachment F).**

Activities related to mineral extraction and processing operations in the vicinity of aquifers must provide safeguards including containment to prevent direct contamination to the open aquifers and indirect contamination through infiltration of mining operation pollutants.

Imported material shall not be used as a backfill for mine sites where an aquifer has been breached. **The mining depth is 250', the water table is at 200' or 50' below mining floor level. We propose to bring in clean soil to bring the mine floor up to 300' level, which does not impact the aquifer (See Mapset, Attachment A and Hydrogeologic Assessment, Attachment F).**

Disturbed aquifers should be reclaimed as ponds or lakes and/or wetlands. **None present.**

Additional buffers and setbacks may be required beyond those listed in Subsection (10)(a-b) above if necessary to prevent over-excavation when mining in an aquifer.
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All relevant provisions of the Critical Areas Ordinance, SCC 14.24, for aquifer protection shall be met. **See Hydrogeologic Assessment Report, Attachment F.**

Surface Water Protection

All mineral and aggregate sites shall meet the minimum requirements of SCC 14.32 as well as all pertinent requirements of the Washington State Department of Ecology, the Department of Natural Resources, Department of Fish & Wildlife and other state and federal regulations regarding surface water protection. **In compliance (See SEPA, Attachment H, and the Stormwater 100-year, 24-hour storm event (Mapset A)). There will be no water leaving the site, contained in a captured bowl of the site. WSDNR Best Management Practices will be utilized to ensure surface and ground water are not contaminated. All fueling and equipment repairs will be conducted at the Lake Erie Trucking facilities located across Rosario Road from site. The Lake Erie Trucking operation provides the permitted facilities for this need. No fuel, lubricants, oils, etc. will be stored at the Lake Erie Pit.**

Storage pond systems for holding processing waters shall be designed to preclude untreated discharge to natural streams or surface waters, unless the discharges are otherwise regulated and allowed by a state or federal government agency. **No surface water on the site, all rain infiltrates readily.**

The flow of natural runoff from extraction sites shall be dispersed or regulated such that soil erosion on receiving lands is prevented.

Bench/Terrace

Benches shall be back-sloped and shall be established at not more than 40-foot intervals to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of 5 percent. **See Mapset, Attachment A, reclamation slopes. We will utilize the DNR Best Management Practices to create final reclamation. All slopes will be cut to a 2:1 slope.**

Reclamation

Reclamation of surface mining sites shall be in accordance with the requirements of the State Department of Natural Resources. Reclamation activities shall not allow land filling unless sites comply with WAC-304, WAC 173-351, SCC 12.16, other relevant state, and federal regulations. If the operation is not subject to the State Department of Natural Resources permitting requirements, the following minimum standards shall apply. All reclaimed slopes shall:
Have a varied steepness; **Subject to DNR Best Management Practices with 2:1 reclamation slopes.**

Have a natural appearance in both profile and plan view; **The mine floor will be filled with tested clean fill and compacted to 85%, and create a rolling meadow which will be planted with native grasses and plants and returned to its natural state.**

Have no large rectilinear topographic elements; **See Mapset, Attachment A.**

Not exceed 2 horizontal to 1 vertical except as necessary to blend with natural adjacent slopes; **See Mapset, Attachment A.**

Be compacted if significant back-filling is required to produce the final reclaimed slope; **Back fill will be imported for final reclamation and will be compacted by 85%. The site will then be planted with native grasses and plants and returned to its former natural state.**

Provide measures to establish a beneficial wetland where a lake pond or swamp is created; and place topsoil and re-vegetate as necessary to stabilize slopes and controls erosion. **There is no surface water on site.**

Hours of operation **Monday through Friday 8:00 A.M. to 5:00 P.M. – Saturday 8:00 A.M. to Noon.**

Hours of operation shall vary according to the location of the site as stated below and may be shortened by the Hearing Examiner based on site-specific circumstances:

Within designated natural resource lands, the hours of operation may be unlimited. The Hearing Examiner may limit hours of operation to daylight hours or to such other reasonable limitation deemed necessary to address potential significant adverse impacts to existing adjacent land uses, on any portion of the mining site where mining activity is proposed to occur less than 1/4 mile from existing Rural Intermediate, Rural Village, or Urban Growth Area designated lands;

Within rural lands, the hours of operation shall be from dawn to dusk;

Within urban growth areas and rural villages, the hours of operation shall be from 8AM to 5PM, Monday-Saturday; and

During emergencies, restrictions on hours of operation can be suspended by the Board of County Commissioners pursuant to the lawful procedures for declaring an emergency.

Chemical Leach Mining

Chemical leach mining shall not be allowed. **No chemicals are stored or used on site.**

Responsibility.

The landowner(s) and operator(s) shall be held jointly responsible for the operation of a mineral extraction site.

Metal Mining.

Metals mining shall be regulated by RCW 78.56, Metals Mining and Milling Act. **DNA**