

# Exhibit B-100: Applicant's Voluntary Special Use Permit Conditions

## **APPLICANT'S PROPOSED CONDITIONS:**

### **STAFF REPORT CONDITIONS OF APPROVAL (with suggested edits):**

1. The applicant shall obtain all necessary permits and approvals from federal, state, and local governments. Copies of permits obtained shall be provided to Skagit County's Planning & Development Services Department.
2. Prior to operation of the proposed mine, the applicant shall record a title notification with the Skagit County Auditor as per SCC 14.16.870.
3. The applicant shall develop and implement a Spill Prevention and Control Plan and a Storm Water Pollution Prevention Plan.
4. The applicant shall implement the Fugitive Dust Control Plan submitted with this application and utilize "Reasonably Available Control Technology" specified by the Northwest Clean Air Agency. During operations, the plan may be modified as necessary to control dust emissions. At no time shall dust emissions exceed standards established by the Northwest Clean Air Agency (NWCAA).
5. The maximum allowable noise level per Chapter 173-60 WAC allowed to be emitted from this property is defined by those regulations and SCC 14.16.840 (5). Noise levels exceeding maximum allowable noise levels allowed under Chapter 173-60 WAC and SCC 14.16.840 (5) may be considered a violation of permit conditions and result in revocation, suspension, or modification of this special use permit by the Hearing Examiner.

EXPLANATION: The condition as written is contrary to the County's code requirements regarding noise, which are expressly incorporated by mitigating measure # 6 from the MDNS. Among other things the cited County Code assigns EDNA classifications based on specific zoning classifications and those differ from this condition as presented by the staff. The SUP conditions may not conflict with the County Code or the MDNS. The fact that the mine is expected to operate at a lower noise level does not allow the County to alter its adopted standard.

6. Appropriate permits will be obtained from Skagit County Public Works prior to construction activity occurring within the County right-of-way.
7. In the event that cut slopes from the mining operation exceed 50%, the top of the slope shall be fenced or otherwise marked to prevent access.
8. According to Skagit County Code 14.16.440(10)(b)(iii) a 100-foot buffer is required around the perimeter of the mining site during mining operations. Once the extraction and transportation operations have been completed, the 100-foot buffer may be utilized for reclamation of the parcel. The applicant has volunteered a 50-foot setback from the mining area around the north, south, and west perimeter of the mining area. As required in the issued SEPA MDNS, a 200-foot shoreline and critical area buffer is required on the east perimeter of the subject site. The 200-

foot buffer shall be designated as a "Protected Critical Area (PCA), through a PCA agreement with the applicant. If required by SCC 14.24.230 (2) based on slopes, additional buffer shall be provided consistent with the code.

Accordingly, the applicant's land surveyor shall provide Skagit County's Planning & Development Services Department with a revised site plan that shows the 100-foot buffer, 50-foot setback, and 200-foot PCA as stated above.

9. Development shall comply with Skagit County's Public Health Department including but not limited to:
  - A. The applicant will need to have spill plans and any necessary equipment and supplies in place to cleanup and report spills from equipment leaks and on-site fueling. For more information, contact Environmental Public Health at 360-416-1500.
10. All required internal and external improvements from both Skagit County's Planning & Development Services Department and Public Works Department shall be permitted, approved, and inspected prior to the subject gravel mine/quarry being open for business.
11. If any portable toilets are proposed for use onsite, the applicant shall comply Skagit County Public Health standards and obtain any required permits before use.
12. No development is permitted within the shoreline environment without first obtaining a shoreline permit from Skagit County's Planning & Development Services Department.
13. Development shall comply with all requirements of Skagit County's Fire Marshall's Office and Building Department.
14. The applicant shall comply with all Mitigation Measures of the February 22, 2022, issued SEPA Mitigated Determination of Non-Significance [MDNS] (**See Exhibit 27**).

### **NEW PROPOSED CONDITIONS**

1. Prior to operating the mine, the applicant shall design and construct lane width improvements to the two (2) sharp turns on Grip Road just west of the mine entrance ("road improvements") to mitigate for trucks with trailers crossing over the center line while turning at said locations. The road improvements shall be consistent with the auto-turn analysis submitted as Exhibit C-53. Said road improvements shall be constructed at the applicant's sole cost, expense, and liability, shall be constructed in accordance with plans and specifications reviewed and approved by the

Skagit County Engineer, and shall be constructed in accordance with all applicable laws, rules, regulations, and standards.

2. The applicant shall notify its drivers and provide signage on the haul road that air compression or engine brakes are not to be used along Grip Road.
3. The applicant shall submit a Road Maintenance Plan under Section 3.07 F of the Road Standards for the Haul Road. The Plan shall address how the applicant will meet Mitigation Measure # 16 from the MDNS that specifically addresses the Haul Road.
4. Truck traffic to and from the east of the mine entrance is limited to local deliveries and emergencies.