

**SHORELINE MANAGEMENT PERMIT  
ACTION SHEET**



**Application #:** CUP-2017-01, SP-2017-01, SCUP-2017-01  
**Administering Agency** Douglas County Transportation and Land Services

**Type of Permit:** ■ Shoreline Substantial Development Permit  
**Action:** ■ Shoreline Conditional Use Permit  
■ Conditional Use Permit  
■ Approved     Denied

**Date of Action:** October 24, 2017

**Date Mailed to DOE/AG**

Pursuant to Chapter 90.58 RCW and the Douglas County Regional Shoreline Master Program, a permit is hereby granted to:

**Pipkin Construction  
PO Box 3181  
Wenatchee WA 98807**

To undertake the following development: An amendment to existing CUP-11-02, SP-11-11, and SCUP-11-01. The amendment is proposing an open ended time extension to mine the 40 acre parcel known as the Farrington Pit. The pit has been used for gravel production since 1977. This application proposes to include blasting. Mining does not take place within 200 feet of Ordinary High Water Mark (OHWM); however a reclamation stockpile and an access road to existing wells currently exist closer than 200 feet.

Upon the following property: north of Turtle Rock Road and US 2/97. It may more particularly be described as within the north half Section 36, Township 24 N, Range 20 E.W.M., Douglas County, Washington. The Douglas County Assessors number is 24203620001.

Within 200 feet of Columbia River and/or its associated wetlands.

The project will be within a shoreline of state-wide significance (RCW 90.58.030). The project will be located within a Rural designation. The Douglas County Regional Shoreline Master Program is applicable to this development.

Development pursuant to this permit shall be undertaken in conformance with the following terms and conditions:

1. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
2. The project shall proceed in substantial conformance with the plans and application materials of file dated January 11, 2017 and April 27, 2017 except as amended by the conditions herein.

3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations.
4. No excavation, or extraction activities shall begin until all necessary permits, including but not limited to DOE Air Quality, DOE Sand and Gravel General Permit, Sand and Gravel Permit Portable Facilities Coverage, DNR Reclamation Permit, shall be obtained prior to commencing operations. Documentation of said permits shall be provided to Douglas County.
5. The project shall continue in compliance with the Mitigation Agreement between Morrill Asphalt Paving Inc. and the Douglas County Transportation and Land Services Department dated June 27, 2001.
6. Blasting shall be limited to a time period between April 1<sup>st</sup> and September 30<sup>th</sup> annually. There shall be no blasting on Saturdays, Sundays or holidays.
7. Pit operations shall be performed in a manner that does not cause damage to the Chelan PUD infrastructure in any way nor hinder the District's ability to access its infrastructure for any reason.
8. Chelan PUD staff shall be present during any blasting operations. The applicant shall provide a 48 hour notice prior to any blasting to the General Foreman of Line Operations or if unavailable the Line Operations Office. Notice of Blasting shall also be provided to the Transmission Systems Engineer in the transmission Department.
9. Seismic monitoring shall be performed with a minimum of one seismometer located at the Regional Wellfield during production blasting. Monitoring data shall be provided weekly via email to the City of Wenatchee during blasting operations.
10. The Engineer of Record shall provide periodic updates with regard to operations associated with the Conditional Use Permit stormwater facilities being maintained as the engineer has directed and that the stormwater facilities are functioning as designed.
11. Private access to conform to DCC Section 12.52.020 (B)(9) and Chapter 5/Appendix D of the International Fire Code. Coordinate design, review and acceptance with the County Fire Marshal.
12. All applications associated with this permit shall conform to DCC 15.36 Grading and Excavation Standards, including conformance with Douglas County Code 20.34 and 20.36. Conformance with these standards is the responsibility of the applicant.
13. Appropriate measures to prevent sediment from leaving the site shall be maintained until such time as all on-site soils are stabilized. Prior to any on-site grading taking place a temporary erosion/sedimentation control plan (SWPPP – Stormwater Pollution Prevention Plan), showing the location and control measures intended to minimize the effects of erosion and siltation due to construction operations shall be submitted and accepted by the County. This plan shall be maintained on-site at all times and modified as necessary to address erosion issues as they arise. Additional erosion controls shall be implemented as necessary to prevent sediment from leaving the site.
14. Individual/common plan of development for this proposal exceeds 1 acre of disturbed ground. This would meet the threshold by the Washington State Department of Ecology in administering their General Permit to Discharge Stormwater Associated with Construction Activity. If required, the applicant is responsible for acquisition of all applicable permits including a stormwater construction permit (DOE)/Industrial Stormwater Permit prior to beginning ground breaking activities.
15. During operations and at final closure, grades will be sloped toward a depression at the center of the site to ensure that all stormwater runoff is retained on site and does not flood or damage other properties. Stormwater collected on the site will be allowed to infiltrate into the ground. The application materials describe measures that will be taken to ensure that stormwater is not

contaminated by chemical or waste materials. Upon the end of the expiration of the Conditional Use Permit or end of operations, an updated grading plan shall be submitted by the professional engineer for Douglas County records. The engineer of record shall certify that the grading plan and completed grading are in conformance with DCC 15.36.

16. Measures taken to control stormwater erosion shall include temporary seeding of the reclamation stockpile. Vegetation shall be maintained on the stockpile until materials is needed for final reclamation of the pit. Tackifier, mulch or geotextiles shall be applied as needed to reduce erosion potential while vegetation is established. Silt fence or other Best Management Practices (refer to the Stormwater Management Manual for Eastern Washington and Sediment Control Field Guide) shall be placed on the riverward side of the stockpile to prevent the discharge of sediment or debris into the river.
17. Tackifier shall be applied to the existing and new gravel product stockpiles. Stockpiles shall be constructed with gentle sideslopes to reduce sloughing of material and potential for erosion by stormwater.
18. This permit is subject to additional review if it is determined by staff that complaints regarding blasting warrant additional review by the Hearing Examiner.

#### **FINDINGS OF FACT**

1. The applicant is Pipkin Construction, PO Box 3181, Wenatchee WA 98807.
2. The property owner is Doreen Letts, 100 Turtle Rock Rd, East Wenatchee WA 98802.
3. The property owner signed the application.
4. Requested Action: An amendment to existing CUP-11-02, SP-11-11, and SCUP-11-01. The amendment is proposing an open ended time extension to mine the 40 acre parcel known as the Farrington Pit. The pit has been used for gravel production since 1977. This application proposes to include blasting. Mining does not take place within 200 feet of Ordinary High Water Mark (OHWM); however a reclamation stockpile and an access road to existing wells currently exist closer than 200 feet.
5. Site Characteristics: Approximately half of the site is being used as a mineral extraction operation. The portion of the property not used for mineral extraction is generally undeveloped and located between the operation and the Columbia River.
6. The subject property is located north of Turtle Rock Road and US 2/97. It may more particularly be described as a within the north half Section 36, Township 24 N, Range 20 E.W.M., Douglas County, Washington. The Douglas County Assessors number is 24203620001.
7. The Comprehensive Plan Designation is Rural Resource 5 Acres.
8. The zoning district is Rural Resource 5 Acres (RR-5).
9. The Columbia River is a shoreline of statewide significance.
10. The shoreline environment designation is rural conservancy.
11. No mining is proposed on the portions of the subject property within 200 feet of the Ordinary High Water Mark. An access road to an existing well and a stockpile of material for reclamation purposes does exist within 200 feet of the Ordinary High Water Mark.
12. The subject property received approval originally via CUP-11-77. A violation of that CUP resulted in the existing mitigation agreement, and CUP-11-77A and SP-01-79 approvals (August 31, 2001).

On December 19, 2011 the Hearing Examiner granted approval of CUP-11-02, SP-11-11 and SCUP-11-01 for a five year extension to the timeframe to mine.

13. Washington State Department of Fish and Wildlife has identified that the reach of the Columbia River adjacent to the pit is identified on the Department's Priority Habitat and Species (PHS) Maps as a fall and winter concentration areas for waterfowl and a bald eagle winter foraging area.
14. The western two thirds of the subject property and the majority of the pit site is located within the wellhead protection area designated by Chapter 19.18E of the Douglas County Code for the well field for the regional water supply. Mineral extraction is a prohibited use in areas designated for protection by DCC 19.18E. However, the mining operation pre-dates the adoption of DCC 19.18E by more than 20 years. Nonconforming status has essentially accrued due to the use of the property for mineral extraction, provided that reasonable standards are followed to protect public health, safety, and general welfare.
15. A stormwater drainage report dated January 10, 2017 from RH2 Engineering was provided for the project. The report and corresponding design plan proposes that the pit design will retain stormwater drainage within the project boundary.
16. A General Blast Plan dated April 19, 2017 from McCallum Rock Drilling was submitted for blasting operations within the pit site.
17. The City of Wenatchee is the manager for the Regional Water Authority who operates the regional wellfield. The City of Wenatchee has reviewed the application materials including the blasting plan and determined that the blasting plan is acceptable with the proposed conditions of seismic monitoring and reporting to the city.
18. Comments from reviewing agencies have been considered and addressed where appropriate.
19. Douglas County issued a DNS and adopted an existing Mitigated Determination of Nonsignificance on October 6, 2017 pursuant to WAC 197-11-355.
20. Surrounding property owners were given the opportunity to comment on the proposals, can request a copy of the decision, and can appeal the decision subject to the requirements outlined in DCC Title 14.
21. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
22. Section 18.80.180 of the Douglas County Code establishes minimum conditions for mineral extraction operations.
23. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
24. An open record public hearing after legal notice was held on October 19, 2017. Appearing and testifying at the hearing on behalf of the applicant was Mike Beem. Mr. Beem testified that he was the agent authorized to appear and speak on behalf of the applicant. He testified that all of the proposed conditions of approval were acceptable.
25. The Douglas County Department of Land Services recommended approval of the requested permit(s), subject to the recommended conditions of approval.
26. No member of the public appeared at the hearing.
27. At the open record public hearing, the entire planning staff file was admitted into the record.

28. Public agencies with potential jurisdiction over this project were given an opportunity to review the proposal. Agencies that responded with comments were admitted into the record and considered by the Hearing Examiner in rendering this Decision.
29. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

### CONCLUSIONS

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interests will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Title 18 "Zoning" and Title 19 "Environment" of the Douglas County Code.
5. The Hearing Examiner has been granted authority to render this Decision.
6. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

**This permit is granted pursuant to the Douglas County Regional Shoreline Master Program and the Douglas County Code, as amended, and nothing in this permit shall excuse the applicant from compliance with any other federal, state, or local statutes, ordinances, or regulations applicable to this project, but not inconsistent with the Shoreline Management Act of 1971 (Chapter 90.58 RCW).**


**This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms and conditions hereof.**

**CONSTRUCTION PURSUANT TO THIS PERMIT SHALL NOT BEGIN NOR IS AUTHORIZED UNTIL TWENTY-ONE (21) DAYS FROM THE DATE OF FILING AS DEFINED IN RCW 90.58.140(6) AND WAC 173-14-090, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a)(b)(c).**

Substantial progress toward construction of the project for which this permit has been granted must be accomplished within two (2) years of the filing date of this permit. Authorization to conduct development activities granted by this permit shall terminate five (5) years from the filing date of this permit.

Approved this 24<sup>th</sup> day of October, 2017.

DOUGLAS COUNTY HEARING EXAMINER

  
\_\_\_\_\_  
Andrew L. Kottkamp

**Anyone aggrieved by this decision has twenty-one (21) days from the "date of receipt" as defined in RCW 43.21B.001 to file a petition for review with the Shorelines Hearings Board as provided for in Washington law.**

**THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A  
CONDITIONAL USE OR VARIANCE PERMIT**

Date received by the Department \_\_\_\_\_

Approved \_\_\_\_\_

Denied \_\_\_\_\_

This conditional use/variance permit is approved/denied by the Department pursuant to Chapter 90.58 RCW.

Development shall be undertaken pursuant to the following additional terms and conditions:

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\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Department Official