

Douglas County Hearing Examiner

Andrew L. Kottkamp, Hearing Examiner

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
CUP-08-01A)	DECISION AND
Sprauer Quarry Expansion)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on May 20, 2010, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. The applicant is Douglas County Transportation 140 19th Street, NW Suite A, East Wenatchee, WA 98802.
2. General Description: Douglas County Transportation has submitted a conditional use permit to expand the Sprauer quarry to 11 acres (660 feet X 726 feet). The active disturbance will be kept to around 3 acres. The rock generated will be use for future road maintenance projects.
3. Location: The subject property is located off of Road 8 NW (Lamoine Road). The property is further described as being in the SE ¼ of Section 22, Township 26 N. Range 23 E. W.M Douglas County, Washington. The Douglas County Assessor Number for the subject property is 26232240000.
4. Site Characteristics: The subject property is 156.5 acres, characterized as broad, gently rolling and flat uplands. A portion of the site is currently utilized as a mineral extraction site. The portion of the site not in quarry operations is vacant.
5. The surrounding property consists of vacant, dryland agriculture farmland.
6. Douglas County Transportation and Land Services Department issued Determination of Non-Significance accordance with RCW 43.21C and WAC 197-11-340, on March 1, 2010.

CUP-08-01A
Sprauer Quarry Expansion
Page 1 of 5

7. The nearest residence is approximately 3/4 mile to the southeast.
8. The subject property is located within the Douglas County Countywide Comprehensive Plan.
9. This site is designated as 'mineral lands of long-term commercial significance' according to the Douglas County Countywide Comprehensive Plan.
10. Section 18.80.180 of the Douglas County Code establishes minimum conditions for mineral extraction operations.
11. On September 24, 2008 a Conditional Use Permit was approved (CUP-08-01) to allow for an expansion of the quarry site to 8.3 acres.
12. The Comprehensive Plan designation is Dryland Agriculture.
13. The subject property is located in the Dryland Agriculture zoning district which allows for gravel pit/mineral extraction operations via a conditional use permit if the development standards of DCC 18.60 and evaluation criteria of DCC 18.80 are met.
14. Comments from reviewing agencies have been considered and addressed where appropriate.
15. 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.
16. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
17. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval.
18. The entire Planning Staff file was admitted into the record at the public hearing.
19. The Douglas County Department of Land Services recommended approval of the requested permit, subject to the recommended conditions of approval.
20. Public hearing after due legal notice was held on May 20, 2010. Appearing and testifying on behalf of the applicant was Justin Roozen. Mr. Roozen testified that he was an agent authorized to appear and speak on behalf of the applicant. He testified that the applicant did not have any objection to any of the proposed conditions of

approval. He testified that this expansion was being required by the Department of Natural Resources in order to incorporate prior disturbed area into the permit area for reclamation purposes.

21. No members of the public testified at the hearing.
22. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
23. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
24. The cumulative impact of additional requests for like actions (the total of the conditional uses over time or space) will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval.
25. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
26. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the proposed use will not unreasonably interfere with allowable development or use of neighboring properties.
27. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood.
28. Land uses, activities, and structures that are allowed by this conditional use permit will comply with the required performance standards specified.
29. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this decision.
2. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
3. As conditioned, the development meets the goals, polices and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan.

4. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
5. Public use and interests will be served by approval of this proposal.
6. As conditioned, the proposal is consistent with Title 18 “Zoning” and Title 19 “Environment” of Douglas County Code.
7. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Douglas County Code and Comprehensive Plan.
8. As conditioned, the proposal does conform to the standards specified in Douglas County Code.
9. As conditioned, the use will comply with all required performance standards as specified in Douglas County Code.
10. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Douglas County Code or the Comprehensive Plan.
11. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
12. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, Application CUP-08-01A, Sprauer Quarry Expansion, is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the applicant, and the applicant’s heirs, successors in interest and assigns.

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 March 12, 2010 except as amended by the conditions herein.

3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
4. All grading and excavation shall conform to the recently adopted "Grading and Excavation Code, Ordinance No. TLS 09-01-04B." These standards are currently available for reference on the Douglas County website, www.douglascountywa.net.
5. The applicant shall be responsible for preventing mud, dirt and debris from leaving the site, including stormwater runoff from being tracked or otherwise discharging onto the public right-of-way or adjacent properties.
6. An approved Department of Natural Resources Surface Mine Reclamation permit covering the entire extent that will be mined is required for this project prior to the start of mining (78.44 RCW). Contact Mac McKay at 360-902-1453.
7. All conditions of the original Notice of Action for the conditional use permit expansion (permit # CUP-08-01) remain in effect.

Dated this 24th day of May, 2010.

DOUGLAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

Any aggrieved party or agency of record may request a reconsideration of this Hearing Examiner's decision. Motions for reconsideration must be filed with the Department within ten (10) days from the date of issuance as defined by RCW 36.70C.040(4)(a). Unless otherwise provided, the filing of a motion for reconsideration shall not stop or alter the running of the period provided to appeal the Hearing Examiners decision to Superior Court. Motions for reconsideration are governed by Douglas County Code 2.13.150.

Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Douglas County Superior Court, as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3). The date of issuance is defined by RCW 36.70C.040 (4)(a) as "(t)hree days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available" or if this section does not apply, then pursuant to RCW 36.70C.040(3) (c) "...the date the decision is entered into the public record." Anyone considering an appeal of this decision should seek legal advice.