
BEFORE THE OKANOGAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF CARPENTER GRAVEL PIT)

CONDITIONAL USE PERMIT)

CUP 2019-2)

FINDINGS OF FACT, CONCLUSIONS, AND DECISION

This matter, an application for a conditional use permit was heard by the Okanogan County Hearings Examiner on May 23, 2019.

FINDINGS OF FACT

1. This application process is authorized and outlined in OCC 17A.310 "Conditional Use Permits."
2. The zoning designation is Rural 1, under OCC, Title 17A Zoning.
3. The legal owner of this property is Andrew Carpenter.
4. The site is located at 147 Cherokee Rd. Omak, WA. on tax parcel number 3427180006.
5. February 20, 2019 an application was submitted by Andrew Carpenter to allow a gravel pit that will also do asphalt batching and concrete batching. The application was deemed incomplete by staff and additional information was requested.
6. On March 5, 2019 upon receipt of additional information, staff deemed the application complete and vested the application as Carpenter Gravel Pit 2019-2.
7. On March 11, 2019 a notice of application and Threshold SEPA Mitigated Determination of NonSignificance (MDNS) for CUP 2019-2 was sent to adjacent landowners within 300 feet of the applicants parcel.
8. On March 11, 2019 the Office of Planning and Development forwarded to commenting agencies the notice of application and Threshold SEPA Mitigated Determination of Non-Significance (MDNS), as well as application materials and the signed Threshold SEPA Determination for CUP 2019-2 for their respective review and comment.
9. On March 13, 2019 an announcement of application and Threshold SEPA Mitigated Determination of Non-Significance (MDNS) for CUP 2019-2 was published in the Methow Valley News.
10. On March 14, 2019 an announcement of application and Threshold SEPA Mitigated Determination of Non-Significance (MDNS) for CUP 2019-2 was published in the GazetteTribune.

11. On April 8, 2019 a notice of Final SEPA Mitigated Determination of Non-Significance and public hearing date of May 23, 2019 was sent to adjacent landowners within 300 feet of the applicants parcel and to additional commenters.
12. On April 8, 2019 the Office of Planning and Development forwarded to commenting agencies the notice of Final SEPA Mitigated Determination of Non-Significance (Final MDNS) and public hearing date of May 23, 2019, as well as the signed Final SEPA Determination for their respective review and comment.
13. On April 10, 2019 a notice of Final SEPA Mitigated Determination of Non-Significance (Final MDNS) and public hearing date of May 23, 2019, was published in the Methow Valley News.
14. On April 11, 2019 a notice of Final SEPA Mitigated Determination of Non-Significance (Final MDNS) and public hearing date of May 23, 2019 was published in the Gazette-Tribune.
15. A public notice was posted for the duration of the public comment period. The applicant was given the affidavit of public notice. An affidavit of public notice was submitted to Okanogan County Planning and Development prior to the hearing date of May 23, 2019.
16. A public hearing before the Okanogan County Hearings Examiner was held May 23, 2019. At that time, staff, the applicant, and members of the public were given the opportunity to enter testimony into the public record.
17. The Okanogan County Hearing Examiner is vested with the authority to hear this matter and render a final and binding decision.
18. At the hearing Andrew Carpenter, the applicant, presented the proposal.
19. Mr. Carpenter testified that he was working with the City of Omak and the Okanogan County Engineer and had agreed to make certain improvements to joint County and City roads. In support of that notion, Josh Thompson, Okanogan County Engineer, and Ken Mears, representing the City of Omak, confirmed that such an agreement was made.
20. Mr. Carpenter testified that he would be applying for a reclamation plan with DNR after approval of the CUP.
21. Pam Wyllson, representing Okanogan County, testified that the State Dept. of Transportation (WSDOT) had requested a traffic study to determine impacts to the Sand Flats Rd. / Hwy. 97 intersection and Mr. Carpenter entered into the record an email from Bill Gould with WSDOT regarding the condition and accident history of that intersection.
22. WSDOT did not present testimony at the hearing.

23. Mr. Carpenter testified that the only circumstances that would require nighttime operations would be if WSDOT awarded a contract for crushed rock and/or asphalt during the summer construction season and that work would be limited to the length of the contract.
24. Mr. Joe Brett, who has property nearby expressed concerns relative to the issue of 24/7/365 operations and the impact that might have on his property.
25. All testimony was taken under oath.
26. The entire planning department file was made a part of the official record.

CONCLUSIONS

1. A complete application was received and vested under the Okanogan County Zone Code 17A.
2. All procedural requirements have been met in accordance OCC 17A.310 "Conditional Use Permits".
3. As conditioned, the proposal is compatible with the Okanogan County Zone Code.
4. All aspects of development must comply with the conditions of approval.
5. A Threshold SEPA Mitigated Determination of Non-Significance (MDNS) was issued by the Okanogan County SEPA responsible official. All comments received during the comment period were evaluated for consideration of the final SEPA determination. A final SEPA Mitigated Determination of Non-Significance (MDNS) was issued by the Okanogan County SEPA responsible official. No appeals were received by May 1, 2019. The SEPA appeal period ended on April 25, 2019.
6. The conditions imposed will protect public health, safety, morals and general welfare.
7. Comments from the public and state, federal, and local agencies were received, reviewed, and considered in analysis of this proposal.
8. The conditions imposed are not unnecessarily onerous.
9. Conditional approval of this application will be consistent with previous proposals of the same nature and scope.
10. Based on the record there is insufficient evidence to demonstrate that a traffic study is necessary as direct result of the project.

DECISION

Based upon the information contained in the application materials, and additional information provided at the hearing, CUP 2019-2 is **APPROVED**, subject to the conditions noted below:

CONDITIONS OF APPROVAL

1. Any expansion in the nature and scope of the operation will require amendment to this Conditional Use Permit through the Okanogan County Office of Planning & Development.
2. All conditions of the mitigated determination of non-significance shall be in full force and effect.
3. The project will be developed and operated in substantial compliance with the application materials presented, provided that hours of operation shall only occur from 6 a.m. to 9 p.m. except if the operator engages in a contract with WSDOT or other public agency to provide paving materials during nighttime hours during the summer construction season. If residents file complaints about nighttime operations, the operator will provide copies of such WSDOT contracts to the planning department as evidence of compliance with this provision.
4. All appropriate State and County permits shall be obtained and maintained current throughout the life of this project. If a permit requirement is discovered at any point in the operation of this project, the Office of Planning and Development shall be notified immediately of the permit requirement.
5. All vehicle traffic for the gravel pit must use the Sandflat \ US 97 intersection for access to and from the site.
6. Road improvements as agreed with the City of Omak and Okanogan County shall be completed consistent with such agreements.
7. After one year, this conditional use permit shall be reviewed by the Hearing Examiner to determine if operations are in substantial compliance with these conditions at which time the Hearing Examiner may continue the permit approval, revoke the permit, or add or delete conditions of approval based on the evidence presented at that time.

Dated this 24th day of May, 2019.

OKANOGAN COUNTY HEARING EXAMINER



DAN BEARDSLEE