

GLACIER NORTHWEST APPLICATION FOR CONDITIONAL USE PERMIT

COMPLIANCE STATEMENT

November 15, 2007

The following statement summarizes how the proposed expansion of Glacier Northwest's sand and gravel mine is consistent with the decisional criteria of DMC 25.135.030.

1. The use is listed as a "conditional use" in the DuPont Zoning Code.

Glacier is proposing to expand its existing sand and gravel mine within the City of DuPont (hereafter, the "Project"). The expansion area is approximately 177 acres (hereafter, the "Subject Property") and is adjacent to the existing mine. All of the Subject Property is located within the City's Mineral Resource Overlay District.

Approximately 132 acres of the Subject Property have an underlying zoning designation of Manufacturing/Research Park (MRP).¹ One section of the DuPont Zoning Code states that mineral extraction is an outright "permitted use" in this Overlay District, regardless of the underlying zoning designation. DMC 25.60.020. Another section, however, indicates that mineral extraction is a conditional use, if the underlying designation is Manufacturing/Research Park District. DMC 25.45.020(3)(a).

Although as a technical matter only the mineral extraction within the MRP-zoned portion of the Subject Property is a conditional use (elsewhere it's simply a permitted use), the discussion below discusses the entire Project's overall consistency with the conditional use permit criteria.

2. Project will not be detrimental to the general public, the surrounding neighborhood, or property/improvements in the vicinity.

a. *The Project will not be detrimental to public health, safety, comfort, convenience and general welfare.*

The Project provides a substantial public benefit by providing needed mineral resources to the region. Both the state Growth Management Act and the DuPont Comprehensive Plan recognize the public benefits of mineral resources, such as sand and gravel, and the GMA specifically require cities and counties to adopt development regulations that protect the commercial viability of designated mineral lands. RCW 36.70A.020(8) and .060; DUPONT COMPREHENSIVE PLAN (2001) at P-56.

¹ Of the remaining acreage, 20.0 acres are zoned Residential Reserve (R-R); 16.1 acres are zoned Residential 4 (R-4); and 8.3 acres are zoned Open Space/Sensitive Areas (OS). See ATTACHMENT ___ hereto.

The Project will not be detrimental to public health, safety, comfort, convenience or general welfare. It involves the continuation of mining activities adjacent to an existing mining pit. The Subject Property is a significant distance from any residential property owners. The Applicant has agreed to all mitigation measures identified in the Final SEIS, which together ensure that there will be no significant impacts to the environment (including the built environment).

Finally, as the Final SEIS notes, “the use of the land would be interim in nature and consistent with the underlying zoning, the Mineral Resource Overlay designation, and the future land use planned for the site.” Final SEIS at 1-18.

b. *The Project will not adversely affect the established character of the surrounding neighborhood.*

The proposal is to continue mineral extraction levels, with no change in intensity or method of transporting extracted materials. The Subject Property is surrounded by the existing mining site to the west and to the north, and the area to the south and east of the site is essentially undeveloped. See Final SEIS, Figure 3.8-1. Thus, there will be no adverse effect on the “established character of the surrounding neighborhood.”

c. *The Project will not be injurious to the property or improvements in such vicinity and/or district in which the property is located.*

The Project’s potential impacts on existing and anticipated future uses in the vicinity were thoroughly evaluated during SEPA review. The Final SEIS identifies no potential injury to property or existing land improvements in the vicinity of the project, or the zoning districts in which the Subject Property is located.

Nor will the project preclude, harm, or interfere with projected *future* uses or improvements in the vicinity of the project. See Final SEIS at 3-128 (“Potential impacts to surrounding land uses resulting from the [Project] would not interfere with, preclude, or significantly conflict with existing or planned land use of the surrounding areas”). In all cases, the distance from the project means no interruption or injury from mining activities. Transportation impacts will be essentially the same as current traffic conditions.

The Final SEIS includes the following key points to support its conclusion that the Project will not adversely impact surrounding property or uses:

- The area to the west and north is the existing mine. Although this area, along with portions of the expansion area, will ultimately become “Sequalitchew Village” under the current DuPont Comprehensive Plan, that development is not expected in the near term.
- South is Sequalitchew Creek, which is being enhanced by the project. The natural buffer of Sequalitchew Creek Canyon will limit any impacts from the Project to the Business & Technology District south of the creek.

- The area immediately to the east (formerly part of the Intel site) is zoned MRP and is currently undeveloped. Future uses will not be limited or harmed by the activities in the expansion area. Further to the east is the Intel's manufacturing/assembly facility. The Project will not interfere with ongoing activities at that facility.

3. The proposed use:

- a. *Is properly located in relation to other land uses and to transportation and service facilities.*

The Subject Property is within the City's Mineral Overlay District, adjacent to the existing sand and gravel mine, and next to the barge-loading facility that will be used to export the sand and gravel to regional locations. Other than the barge-loading facility, no other special service facilities are needed for the project.

The Subject Property is properly located to other land uses. Most importantly, it is immediately adjacent to the existing sand and gravel mine, which has been in operation since the mid 1990s. The rest of the immediately surrounding area is either undeveloped, or being used for relatively high-intensity uses. Residential uses are a considerable distance from the expansion area, and would be buffered by the higher intensity uses north of Sequelitchew Creek.

- b. *Can be adequately served by such public facilities and street capacities without placing an undue burden on such facilities and streets.*

Mining within the Subject Property is expected to continue at the same rate as current mining activities, and therefore traffic volumes associated with the proposed mining activities would remain the same as existing. Final SEIS at 3-179. Approximately 80% of all material would be moved from the site by barge, and 20% by truck. The Final SEIS concluded that the proposal would add no new trips to the roadway system beyond current traffic from the existing mine site, and that the project will cause no change in levels of service at intersections in the vicinity of the project. The intersections will operate at an acceptable level (LOS D or better) based on City and WSDOT (Washington State Department of Transportation) levels. Final SEIS at 3-182.

The Final SEIS also concluded that the project will cause no significant impacts to rail or air transportation, transit service, or other public facilities. Final SEIS at 3-187 to 3-188.

4. Site is of sufficient size to accommodate proposed use.

The existing permitted mining site is approximately 335 acres. Final SEIS at 2-2. The Subject Property is 177 acres—more than sufficient size to accommodate the proposed continued mineral extraction. Final SEIS at 2-2. It is estimated that the expansion would increase the operating life of the existing mining operating by six to eight years, depending on market conditions.

5. Use is consistent with the goals and policies of the DuPont Comprehensive Plan.

The City amended its Comprehensive Plan in 2006 to include the Subject Property within its designated Mineral Resource Overlay. The Final SEIS contains a detailed discussion of how the proposed mineral extraction on the Subject Property is consistent with the goals and policies in the Comprehensive Plan relating to Mineral Lands, as well as goals and policies pertaining to Land Use, Natural Environment and Sensitive Areas, and Cultural Resources. *See* Final SEIS at 3-135 to 3-138. That discussion is hereby incorporated by reference.