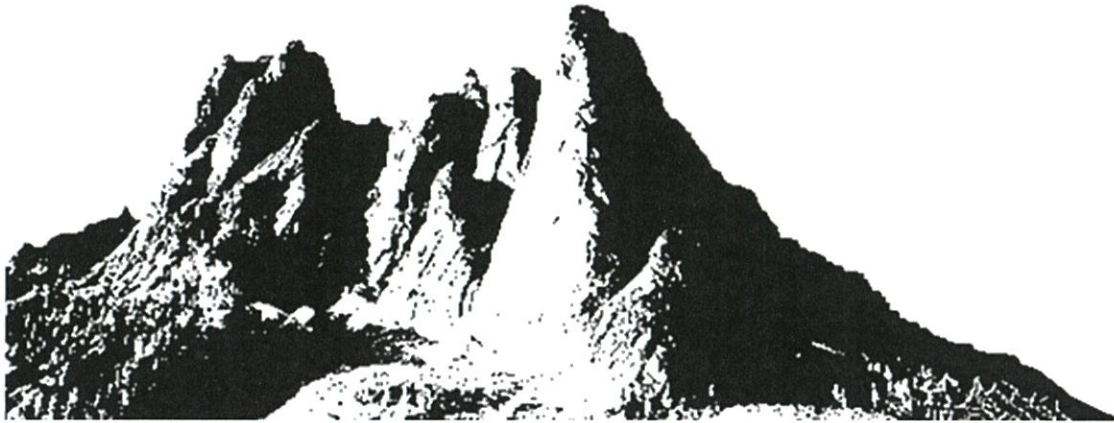


Staff Report For:

Freels Sand & Gravel Expansion CUP 2023-3



Submitted To:

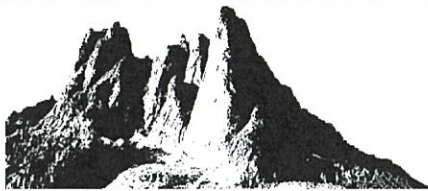
*Okanogan County
Hearing Examiner*

From:

*Okanogan County
Planning Department*

Meeting Date:

*April 18, 2024
10:00 AM*

DATE:	April 4, 2024	
TO:	Okanogan County Hearing Examiner	
FROM:	Okanogan County Planning Department	
BY:	Pam Wyllson Planner 1I	
SUBJECT:	Freels Sand & Gravel Expansion, CUP 2023-3	

“Conditional use” means a use permitted in one or more zones by this code, but which because of characteristics peculiar to each such use, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible with other existing or permissible uses in the same zone or zones. Conditional uses require a conditional use permit (OCC 17A.020.260)

The purpose of the this Chapter is to authorize the use of conditional use permits in accordance with RCW 36.70, and implement a review process by which Okanogan County may determine whether a proposed use may be integrated into a community, which may be suitable only upon adoption of certain conditions. (OCC 17A.310.010)

Project Summary

An application has been submitted by NCW Land Surveying LLC on behalf of Freels Sand & Gravel to permit the expansion of an existing gravel pit. The existing pit is 27 acres, the applicant is proposing to expand the pit with an additional 108 acres. The total acreage will be 135. The pit is for long term crushing, sorting, batching of concrete and asphalt, along with stockpiling of sand, gravel and rock. The hours of operation will be 6 a.m. to 6 p.m. The site is located on Omak Airport Rd and Sand Dust Rd near Omak WA on tax parcel number 3426124001, 3426124004, 3426124002 and 8807010100.

Parcel History and Characteristics

There is an existing gravel pit on parcel 8807010100 address is 4 Sand Dust Rd Omak, WA 98841. The existing 27 acre gravel pit is approved under CUP 2003-8 with an amendment to expand under CUP 2011-1. Parcels 3426124001, 3426124004 and 3426124002 are vacant land.

Property Information

- Landowner: Freels Sand & gravel LLC
- Tax Parcel: 3426124001, 3426124004, 3426124002 and 8807010100
- Acreage: 135.61
- Proposed Use: Gravel Pit
- Zoning: Rural 1
- Irrigation District: Okanogan
- Power Company: Okanogan County PUD
- Phone District: N/A
- Fire District: District 3
- Shoreline Designation: None
- Floodplain Designation: None

Surrounding Land Uses

Surrounding land uses consist of the Omak airport, residential, agricultural and mini storage.

Okanogan County Code

REGULATION	APPLICABILITY
Zone Code	Rural 1
Frequently Flooded Area	No
Shoreline	None
Fish and Wildlife Habitat Conservation Area	No
Wetlands	None

Okanogan County Code Chapter 17A, Zone Code:

The purpose of the Okanogan County Zoning Code is to, “implement the Okanogan County Comprehensive Plan (as amended) and promote the general public health, safety and welfare of present and future inhabitants of Okanogan County” (OCC 17A.010.030).

- **Rural 1**
- Tax parcel numbers 3426124001, 3426124004, 3426124002 and 8807010100 are within the Rural 1 zone designation of the Okanogan County Zone Code. In this zone district any “gravel pit and quarries three acres or larger” requires a conditional use permit as indicated in the district use chart OCC 17A.220. The applicant is applying for an expansion of an existing gravel pit to expand from 27 acres to 108 acres.

Okanogan County Code Chapter 14.12, Critical Areas:

The Okanogan County Critical Areas ordinance does not prohibit development of property. There are no critical areas present on this property, nor within 300 feet.

Habitat Standards:

These habitats are designated by non-regulatory maps on file in the Office of Planning and Development, as important to Fish and Wildlife. There was no data for this parcel on file.

Okanogan County Code Chapter 15.08, Floodplain Management:

This property is not located within the mapped boundaries of the 100-year floodplain. Therefore, floodplain regulations do not apply.

Shoreline Master Program

This property is not within a designated shoreline environment; therefore, Okanogan County Shoreline Master Program rules and regulations do not apply.

State Environmental Policy Act

The environmental review and determination process is authorized and outlined in RCW 43.21C “SEPA”, WAC 197-11 “SEPA Rules”, and Okanogan County Code 14.04 “Environmental Policy”. This process is intended to ensure that environmental values are considered by state and local government officials when making decisions. An environmental “*Mitigated Determination of Non-Significance*” was issued for this proposal. The SEPA responsible official reviewed all comments received and placed additional conditions and issued a final MDNS. No appeals were received. The determination stands and is final. The Final MDNS can be found in attachment J.

Standards and Criteria

The purpose of a conditional use permit is to allow certain activities within a zone designation while at the same time being able to place specific conditions on those activities to mitigate potential effects to surrounding areas and uses. (OCC 17A.310.010)

The hearing examiner or board of adjustment shall consider the following standards and criteria in evaluating the conditional use permit: (*17A.310.070 Okanogan County Zoning Code - Title 17A*).

Standards and Criteria for Review

- A. That the conditions imposed are reasonably calculated to insure the proposed conditional use is and will remain compatible with the comprehensive plan, zoning for the subject area, other land use actions including but not limited to plats, planned developments, and other conditional use permits; and
- B. That the proposed activity is and will remain compatible with current and future uses on the subject property; and
- C. That such conditions are not unnecessarily onerous; and
- D. That the proposed conditions will protect the public health, morals and general welfare;

Project Background

Applications submitted

April 25, 2023: An application was submitted by NCW Land Surveying LLC on behalf of Freels Sand & Gravel to permit the expansion of an existing gravel pit. The application was deemed incomplete by staff and additional information was requested.

Project Vested

January 19, 2024: Upon receipt of additional information, staff deemed the application complete and vested the application as Freels Sand & Gravel Expansion CUP 2023-3.

Adjacent Landowner Noticing

January 22, 2024: A notice of application and Threshold SEPA Mitigated Determination of Non-Significance for CUP 2023-3 was sent to adjacent landowners within 300 feet of the applicant's parcel.

February 26, 2024: A notice of Final SEPA Mitigated Determination of Non-Significance and public hearing date of March 28, 2024 was sent to adjacent landowners within 300 feet of the applicant's parcel and additional commenters.

March 15, 2024: A notice of canceled hearing date was sent to adjacent land adjacent landowners within 300 feet of the applicant's parcel and additional commenters.

April 1, 2024: A notice of hearing date of April 18, 2024 for CUP 2023-3 was sent to adjacent land adjacent landowners within 300 feet of the applicant's parcel and additional commenters.

Commenting Agencies

January 22, 2024: The Office of Planning and Development forwarded to commenting agencies the notice of application and Threshold SEPA Mitigated Determination of Non-Significance, as well as application material and the signed Threshold SEPA Determination for their respective review and comment on CUP 2023-3.

February 26, 2024: The Office of Planning and Development forwarded to commenting agencies the notice of Final SEPA Mitigated Determination of Non-Significance and public hearing date of March 28, 2024, as well as the signed Final SEPA Determination for their respective review and comment.

March 15, 2024: A notice of canceled hearing date was sent to commenting agencies.

April 1, 2024: A notice of hearing date of April 18, 2024 for CUP 2023-3 was sent to commenting agencies.

Legal Publishing

January 24, 2024: An announcement of application and Threshold SEPA Mitigated Determination of Non-Significance for CUP 2023-3 was published in the Methow Valley News.

January 25, 2024: An announcement of application and Threshold SEPA Mitigated Determination of Non-Significance for CUP 2023-3 was published in the Gazette-Tribune.

February 28, 2024: A notice of Final SEPA Mitigated Determination of Non-Significance and public hearing date of March 28, 2024 was published in the Methow Valley News.

February 29, 2024: A notice of Final SEPA Mitigated Determination of Non-Significance and public hearing date of March 28, 2024 was published in the Gazette-Tribune.

March 20, 2024: A notice of canceled hearing date was published in the Methow Valley News.

March 21, 2024: A notice of canceled hearing date was published in the Gazette-Tribune.

April 3, 2024: A notice of public hearing date of April 18, 2024 CUP 2023-3 was published in the Methow Valley News.

April 4, 2024: A notice of public hearing date of April 18, 2024 for CUP 2023-3 was published in the Gazette-Tribune.

Public Notice

Public notice must be posted for the duration of the public comment period. An affidavit of public notice must be submitted to Planning and Development prior to that hearing. The applicant has been given the affidavit of public notice and submitted it to the planning department.

Attachments:

Attachment A	Application
Attachment B	Site Plan
Attachment C	Vicinity Map
Attachment D	Prior Approvals
Attachment E	Miscellaneous
Attachment F	Notices
Attachment G	Agency List and Comments
Attachment H	Adjacent Landowner List and Comments
Attachment I	SEPA Checklist
Attachment J	SEPA Determination
Attachment K	Findings of Fact
Attachment L	Conclusion of Law
Attachment M	Conditions of Approval

Attachment A

Application



LAND USE APPLICATION FOR CITIES, COUNTIES AND THE COLVILLE CONFEDERATED TRIBES

(The City/County/Tribes may require that additional application forms be completed)



PROJECT TITLE: FREELS SAND & GRAVEL

Total Fees Paid \$ _____

Receipt # _____

Initials _____

Received

OCT 12 2023

Okanogan County

Planning and Development

THIS APPLICATION IS FOR (check one):

<input type="checkbox"/> Building Permit	<input type="checkbox"/> Short Form Development Permit	<input type="checkbox"/> Variance	<input checked="" type="checkbox"/> Conditional Use Permit (CUP)	<input type="checkbox"/> Short Subdivision (4 or fewer lots)	<input type="checkbox"/> Subdivision (5 or more lots)
<input type="checkbox"/> Binding Site Plan	<input type="checkbox"/> Petition for Rezone or Code Amendment	<input type="checkbox"/> Planned Development	<input type="checkbox"/> Flood Plain Development Permit	<input type="checkbox"/> Shoreline Development Permit or Exemption	<input type="checkbox"/> Other (specify) _____

APPLICANT INFORMATION:

Name: Freels Sand & Gravel, LLC

Mailing Address: PO Box 579

City/State/Zip: Brewster, WA 98812

Email: _____

Phone: 509-449-1001

SURVEYOR OR AGENT INFORMATION:

Name: NCW Land Surveying, LLC

Mailing Address: PO Box 871

City/State/Zip: Okanogan, WA 98840

Email: bryanb@ncwlandsurveying.com

Phone: 509-826-1763

NAME AND ADDRESS OF PROPERTY OWNER, IF DIFFERENT FROM APPLICANT ABOVE:

Name: _____

Phone: _____

Address: _____

City/State/Zip: _____

CHECK ONE: ☐ Colville Tribal Member (Enrollment number _____) OR ☒ Non Tribal Member

CHECK ONE: ☐ Within the boundaries of the Reservation OR ☒ Outside the boundaries of the Reservation

TOWNSHIP 34 RANGE 26 SECTION 12

CHECK ONE: ☐ Trust land [allotment number(s)] 101-- _____ 101-- _____
☒ Fee Land [10 digit parcel number(s)] 3426124001 / 3426124004
3426124002 / 8807010100

This property is located within the _____ ZONING DISTRICT

↓FOR OFFICIAL USE ONLY↓

After reviewing all relevant information about this land use application, the reviewing agencies hereby agree that

☐ The Colville Tribes ☐ Okanogan County ☐ Municipality of _____ will be the permitting agency.

Signature _____
Authorized Colville Tribal Representative

Date _____

Signature _____
Authorized County Representative

Date _____

Signature _____
Authorized City Representative

Date _____

PROJECT INFORMATION:

Brief Description of Proposal (kind of use, size, # of units, method of water supply and sewage disposal, etc.):

WE ARE EXPANDING THE CURRENT DNR PERMIT # 70-013157 to
INCLUDE AN ADDITIONAL 108 acres LYING WEST OF EXISTING PIT.
THE FINAL PIT WILL BE 135 total acres. It will produce sand and
GRAVEL.

General Description of location (miles from nearest town, water, highway, etc. Vicinity map to be attached):

APPROX. 3 MILES NORTH OF OMAK, OFF OF OMAK AIRPORT ROAD.

Name of Irrigation District: DUCK LAKE

Electrical Service Provider: OKANOGAN PUB

Name of Water System: DUCK LAKE

Name of Local Telephone Company: _____

Point of Legal Access (existing or proposed): _____

OFF OF OMAK AIRPORT ROAD

Official Use

Comprehensive Plan Designation: RURAL

Zone District: RURAL 1

Critical Areas Designations (Wetlands, Floodplain, etc.): HORIZONTAL TRANSZONE

OMAK AIRPORT

Please attach any other plans, specifications, or information as required by ordinance or guidelines.

Please see specific site plan requirements for Okanogan County applications.

SIGNATURE BLOCK

I am the applicant named on the reverse and hereby state that the foregoing information, and all information attached hereto, is true to the best of my knowledge.

Signature

David Jacobs

Date

7/10/23

Project Information Continued:

Landowner Name: FREELS SAND & Gravel, LLC (DAVID) Phone #: _____

Mailing Address: PO Box 579 Cell #: 509-449-1001

City/State/Zip: Brewster, WA 98812 E-Mail: _____

If different

Applicant Name: _____ Phone #: _____

Mailing Address: SAME Cell #: _____

City/State/Zip: _____ E-Mail: _____

If different

Agent Name: NCW Land Surveying, LLC (Bryan) Phone #: 509-826-1763

Mailing Address: PO Box 871 Cell #: 509-322-1935

City/State/Zip: OKanogan, WA 98840 E-Mail: bryanb@ncwlandsurveying.com

Project Description, in detail:

WE ARE ADDING 108 acres to EXISTING DNR PERMIT

NO. 70-013157.

THE 108 acres IS BARE LAND, grasses & Sage BRUSH

FOR MORE DETAIL, LOOK AT SEPA DOCUMENT & NARRATIVE

**FREELS SAND AND GRAVEL
OMAK, WA**

NARRATIVE

Freels Sand and Gravel is located in Okanogan County, approximately 3 miles north of Omak, off of Omak Airport Road along Sand Dust Road, Section 12, T 34 N, R 26 EWM.

We are in the process of expanding current DNR Permit No. 70-013157, which is an active 27-acre mining pit. We are adding 108 acres of bare land consisting of sage brush and grasses. The existing pit has many stockpiles of sand and crushed rock, but is running out of material to mine. We are looking at moving operation to the new ground and explore for good material.

Mining extraction with front end loader and bulldozer will continue though out entire pit, ending final reclamation depth near 1240 feet.

Duck Lake Aquifer will not conflict with the static levels of the pit. It has been stated in previous documents that the highwater elevation is 1200 feet.

However, if unforeseen ground water appears, we would change the elevation of the mine floor.

Extraction on existing 27 acres is near the end of material and will be moving soon to a set up within the 108-acre area. While extraction is being done on new area, there are still stockpiles to go through before reclaiming the 27-acre area.

Reclamation slopes will be a combination of 2:1 & 3:1.

There is currently top soil stockpile along the existing pits boundaries. Any top soil from the new area will be stockpiled along boundaries. Once an area of the pit is going to be reclaimed, the top soil in that area will be used during the reclamation process.

Site Drainage is to be controlled within the site, with no evidence of surface drainage effects off the site. The lowest point for the self-contained drainage is in the northeast area of Cell 1 of the existing pit. Once the new acre is opened up, all drainage will be self-contained. All slopes drain inward toward the bottom of the pit and they are self-draining. Surface drainage collection areas area monitored, sampled, and maintained, through cleaning any accumulations of silt, or expanding ponds as necessary. Finished ground surface is graded such that storm water is directed to the storm water ponds. Subsequent use will be of an industrial nature.

Backfilling is only necessary to find space to use the excess sand generated in production at this location. Soil in this area is heavily fine sandy loam added with the glacial til, sand and gravel. When processing products, excess sand will have to be removed to meet Washington State Department of Transportation specifications for a variety of products. This sand generation may quite possibly exceed the sand demand of the area and will need to be planned for. Backfill depth

1151 2nd Ave. N., Suite A
Okanogan, WA 98840
509.826.1763 / Fax: 509.826.1827

is up to 30 feet. Compaction will be provided with a 980 Loader and D9 Bulldozer. The excess sand will be mixed with sub soil, top soil, native sagebrush and minimal structural fill to reclaim slopes. Slopes will be shaped and compacted with a bulldozer.

The existing surface mine is compliant with local zoning and land use regulations. The subsequent use of land after reclamation is flat industrial and is consistent with local land use plan.

Water comes from on site well and has a Duck Lake permit for the existing pit. If the pit expansion goes through, then we will ask Duck Lake to expand the water permit.

All structures that are used on the existing permit and expanded pit are all movable and will be removed before reclamation is complete.

Hours of operation will be 6 a.m. to 6 p.m.

The pit operation is for long term crushing, sorting, batching of concrete and asphalt, along with stock piling of sand, gravel and rocks.

Structures and uses existing on parcel:

Describe current use of parcel: 8807010100 - existing pit has portable structure
3426124001, 3426124002, 3426124004 - bare land, no structures

Existing Structure Dimensions: 8'x16 Structure Height to Peak: 10'

Existing Structure Dimensions: 8'x16 Structure Height to Peak: 10'

Structures and uses to be added to parcel for project:

Describe structures to be added on the parcel for the project and their uses: _____
existing structures are scale house, portable office, and
storage shed, will be moved to new pit area

Structure Dimensions: _____ Structure Height to Peak: _____

Structure Dimensions: _____ Structure Height to Peak: _____

Map:

Provide a comprehensive map of the project demonstrating existing structures, proposed structures, setbacks from property lines and any critical areas on the parcel or on adjacent parcels, locations of uses (such as stockpiling, vehicle maintenance or storage, loading and unloading, commercial structures, residence, garage, etc.), fencing, ingress and egress for the project, etc.

Photos:

Photos relevant to the project may be helpful. Provide at your discretion.

Additional documentation:

Please provide any additional documents relevant to the application. These could include plat maps, statements from adjacent landowners, elevation surveys, wetland delineations, etc.

SCALE HOUSE



PORTABLE OFFICE



STORAGE SHED

Brad Armstrong
Manager
Scott DeTro
Attorney

OKANOGAN IRRIGATION DISTRICT

37 A Douglas Road
Okanogan, Washington 98840
(509) 826-1250


Board of Directors
Otto Yusi
Division 1
Mark H. Christoph
Division 2
Gary Robbins
Division 3
Kenneth Crofoot
Division 4
Wayne Wells
Division 5

Date: January 10, 2024

To whom it may concern,

Freel's Sand and Gravel currently has a license (#151) with Okanogan Irrigation District for water on parcel # 8807010100. After a discussion with Bryan at NCW Land Surveying the current owner would like to run water on parcel's-3426124001,3426124002, and 3426124004. The water will be run from the currently licensed parcel and fed via pipeline to the 3 other parcels listed above. Okanogan Irrigation is fine with this action. The current well head is metered and monitored.

Thank you,



Brad Armstrong
District Manager



License # 131

NOTICE OF WATER LICENSE WITH REAL PROPERTY LIEN

Be on Notice that the Okanogan Irrigation District, ("District") did issue a Water License Agreement in favor of Dianne and Dan, ("Licensee") on the
Investments LLC

The terms of the License Agreement are on file at the Okanogan Irrigation District office located at 37A Douglas Road, Okanogan, Washington.

As one of the conditions for issuance of the License Agreement, the Licensee did authorize a lien in favor of the District against the real property described below as security for payment of the District's billing to the Licensee. The District's billing does, pursuant to the License Agreement, constitute a lien against the property described below and the District has been given the right, among other remedies, to seek foreclosure of the lien the same as a real property mortgage in the event of non-payment of the District's billing. The lien runs with land and shall constitute an encumbrance regardless of ownership of the real property.

A copy of the non-voting Water License Agreement is on file at the office of the Okanogan Irrigation District for review.

LEGAL DESCRIPTION:

Parcel # 8807010100
SW 1/4 NE 1/4 of Section 12, Township 34N, Range 26EWM.
" Lot 1, Bone yard Shor + Plat # 2605-21, OK. Co., WA."

DATED this 14th day of April 2011.

[Signature]
Licensee

[Signature]
Okanogan Irrigation District



Duck Lake License Real Property Lien -- Page 2

License # 151

State of Washington

County of Okanogan

I certify that I know or have satisfactory evidence that Don Coleman (Licensee) signed this instrument and acknowledged it to be free and voluntary act for the uses and purposes mentioned in this instrument.

Given under my hand and official seal this 14th day of April 2011.



Tammey J. Watkins

Tammey J. Watkins
Printed name

Notary Public in and for the State of
Washington, residing at Omak, Washington.

My commission expires 7/29/15

APPLICATION FOR LICENSE
TO RECOVER OKANOGAN IRRIGATION DISTRICT GROUNDWATER

#151/1128

Application number. County Priority Date Time Accepted

Dianne and Don Investments, LLC 509-682-2569
Applicant's Name - Please Print Phone Number

509-470-2339
Cell Phone

mailing 270 Elmer Garton Road Cheilan, WA 98816
Address City ST Zip

well Location: 4 Sand Dust Lane Omak, WA 98841
Date and place of incorporation if applicant is corporation

Source of Supply

Groundwater: ID# A6m037

Source: Well; Tunnel; Infiltration Trench; Etc. (circle one)

Size and Depth: 6 in / 279 ft

Use

Use to which water is to be applied - single domestic, multiple domestic supply, manufacturing, commercial, light industrial, etc. (circle one)

Enter quantity of water cubic feet per second (CFS) or gallons per minute (GPM) acre feet per year requested using units of: Ball test: 20 gal/min w/ 5 ft

Times during year water will be required. Occasional drawdown after 4 hrs.
Spring thru fall

If domestic use, number of single family units (Separate license required for each single family unit). _____

Date project was or will be started Purchased property June 2009 Date project will be completed unknown

If municipal use, estimated population 20 years from today. _____

Location of Point of Diversion/Withdrawal

8807010100 Sec 12 T 34 R 29 Wm
Parcel Number Section Township Range

If in platted property

Lot Block of (give name of plat or addition)

Also please enclose a copy of the plat and mark the point(s) of withdrawal or diversion.

If not in platted property

On accompanying section maps, accurately mark and identify each point of diversion, show north-south and east-west distances from nearest section corner or property corner.

Also, enter below the distances from the nearest section or property corner to the diversion or withdrawal.

Located within (smallest legal subdivision) Section Township Range County

Do you own the land on which this source is located, if not insert name and address or owner? yes

Attach a copy of the legal description of the property on which the water will be used.

Attach a copy of the legal description of the property on which the water will be taken from.

(A real estate contract, property deed or title insurance policy, or copy carefully in the space below.)

Legal:
Lot 1 Boneyard SP 2005-21

What is your interest in the property on which the water is to be used? (property owner, lessee, contract purchaser, etc.) property owner

Are there any existing water rights related to the land on which the water is to be used (including water provided by irrigation districts or ditch companies?) _____

If yes, from what source and under what authority. _____

Description of System Proposed or Installed

Depth of well 279 ft

Size diameter of well 0-89 ft

Depth of well casing intake screens or opening (must be below 1,215 feet MSLD) 1026

Distance from Johnson Creek 1 mile.

What is sustainable 4 hour pumping rate 20 gal/min at 5ft draw down

Distance from Duck Lake sub area exterior boundary (can't be closer than 200') 400'

Distance from Duck Lake, Proctor and Fry lakes (can't be closer than 660') 1 mile.

Distance to nearest existing well either domestic or irrigation (can't be within 200' of existing well) Maentlandowner Hubbard 1200 ft

Name of licensed well driller (license required) Stan Hubbard

Does well have an access port (required) Yes

District may require a survey if any of these distances are in question

Comments:

Signatures



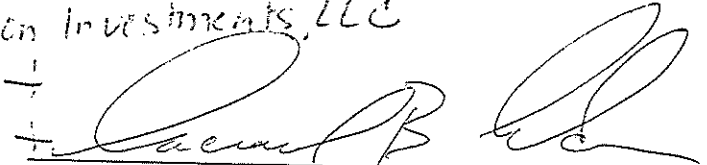
Applicant's Signature

Don Coleman

Dianne and Don Investments, LLC

Dianne Boscher

Legal Landowners Name
(Please Print)



Legal Landowner's Signature

270 Elmer Garton Road Chehalis, WA 98814
Legal Landowner's Address

I acknowledge that I am familiar with the terms and conditions of the license for which I am applying including current water rate charges and if a license is issued, I agree to be bound by all the terms of the license, including water rate charges which will be adjusted from time to time at the discretion of the District.

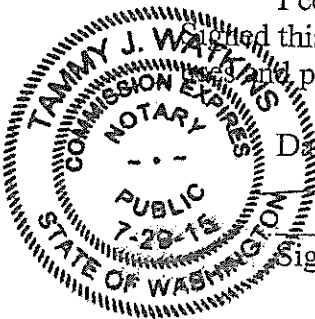
Signature

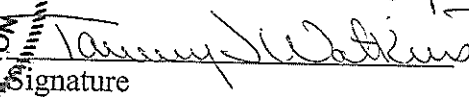
STATE OF WASHINGTON)

County of Okanogan : ss

I certify that I know or have satisfactory evidence that Don Coleman signed this instrument and acknowledged it to be (his/her) free and voluntary act for the purposes mentioned in this instrument.

Dated this 14th day of April, 2011.




Signature

Tammy J. Watkins
Print

FOR OFFICE USE ONLY

OKANOGAN IRRIGATION DISTRICT

This is to certify that I have examined this application together with the accompanying maps and data, and am returning it for correction or completion as follow:

COMMERCIAL WATER LICENSE AGREEMENT

This License Agreement for use of water is entered into as of the 14th day of April, 2011, between the OKANOGAN IRRIGATION DISTRICT, 37A Douglas road, Okanogan, WA 98840, herein referred to as the "Licensor" and Dianne and Don Investments herein referred to as the "Licensee,"

WITNESSETH,

~~Whereas, Licensee operates a trailer/mobile home/R.V. Park facility consisting of _____ units land or sites and desires domestic water to be extracted from Licensor's water stored in the Duck Lake Aquifer domestic water service for use an R.V. Park N/A two facility, and~~

✓ **Whereas,** Licensee has completed an Application for License attached as Attachment "A".

Whereas, The Licensor owns water stored in the "Closed" duck Lake Aquifer which is available for withdrawal in accordance with Licensor's "Duck Lake Water License Program," and

Whereas, the board of Directors on the 9th day of May, 2011 approved the licensing of stored water for use by Licensees, in accordance with the provisions of the said Duck Lake Groundwater License Program,

Now, therefore, for good, valuable, and sufficient consideration, Licensor does issue, in accordance with the terms and conditions hereinafter set forth, a License to Licensee for the withdrawal of Licensor's water stored in the Duck Lake Aquifer as follows:

A. License of Water Withdrawal

Licensor agrees that Licensee may at its own expense withdraw water, as limited and specified herein, from the well location hereinafter specified in Attachment "B" during the term of this License solely for domestic water service only to not more than 18 single family R.V., trailer, or mobile home type living units.

B. Term

The Term of this License is 10 years from the date first above written, with option for renewal.

C. Amount Allowed to be Withdrawn

Water in such quantity as may be required by the Licensee for the uses identified above not to exceed 325,000 gallons per year. PROVIDED, HOWEVER, in no event shall total instantaneous withdrawal exceed _____ cfs.

D. Means of Withdrawal

Withdrawal is limited to a single pump and motor with metering device or devices set forth below. In no event shall instantaneous withdrawal exceed _____ cfs or _____ gpm, whichever is the lesser. FURTHERMORE, Licensee shall adhere to well construction and Licensor's specification as set forth in Attachment "C".

E. Rate Schedule

Licensee shall pay to Licensor for water usage in accordance with the Schedule of Rates (see Attachment "D").

F. Payment Dates for Water Usage

Cumulative water usage shall be recorded by Licensee on March 30th and September 30th of each and every calendar year and the recording mailed or delivered to Licensor on or before April 30th and September 30th, respectively. Licensor shall have the right to enter upon Licensee's property at reasonable times of Licensor's accordance with the Schedule of Rates shall be paid to the Licensor on or before April 30th and September 30th of each and every year.

G. Default

Should Licensee not abide by the terms and conditions herein or be in violation of any terms and conditions herein, Licensee will be in default regardless of notice from Licensor. In the event of default, Licensor may have 30 days following mailing to Licensee by certified mail of notice, to cease and desist from violating the terms of this License or to cure the default and Licensee fails to cease and desist or cure the default Licensor may terminate this License and enter upon Licensee's property and disable the pump or water withdrawal device. In addition, Licensee may seek any other remedy at law or in equity to enforce the terms of this license. All remedies provided for in this License Agreement shall survive termination of the License.

H. Costs and Attorney Fees

Should any action be instituted in court, the prevailing party, as declared by the court, shall be entitled to recover all reasonable costs associated with the court action including, but not limited to "court costs" and reasonable attorney fees.

I. Charges for Delinquent Payments

1. The Licensor shall be subject to interest, administrative, and penalty charges on delinquent installments or payments. When a payment is not received within thirty (30) days of the due date, the Licensor shall pay an interest charge for each day the payment is delinquent beyond the due date. When a payment becomes sixty (60) days delinquent, the Licensor shall pay an administrative charge of five (5%) percent. When a payment is delinquent thirty (30) days or more, the unpaid installment shall accrue interest at the rate of twelve (12%) percent per annum or the highest legal

rate provided by statute, whichever is higher. Further, the Licensor shall pay any fees incurred for debt collection services associated with the collection activity for the delinquent payment.

2. When a partial payment on a delinquent account is received, the amount received shall be applied first to the penalty and administrative charges, second to the accrued interest, third to the past due charges, and fourth to the current water year charges. Partial payments do not cure a default and Licensor may pursue any other remedies at law or in equity to facilitate payment and/or discontinue Licensee's use of Licensor's water.

J. Metering Equipment

1. Licensee to furnish, install, operate, and maintain at its own expense at the designated well location the necessary metering equipment approved by Licensor, including a meter house or pit, and required devices of standard type for properly measuring the quantity, instantaneous and cumulative, of water withdrawn by Licensee and to calibrate such metering equipment whenever requested by the Licensor, but not more frequently than once every twelve (12) months. A meter registering not more than two (2%) percent above or below the test results shall be deemed to be accurate. Any local, state, or federal regulations or laws requiring changes, upgrades, or different water withdrawal shall be the sole expense of Licensee and Licensee shall hold the Licensor harmless therefrom.
2. The previous readings of any meter disclosed by test to be inaccurate shall be corrected for the six (6) months previous to such test in accordance with the percentage of inaccuracy found by such test. If any meter fails to register for any period, the amount of water furnished during such period shall be deemed to be the amount of water delivered in the corresponding period immediately prior to the failure, unless Licensor and Licensee shall agree upon a different amount. The metering equipment shall be read annually. An authorized official of the Licensor, at all responsible times, shall have access to the meter for the purpose of verifying its readings and/or disable any water withdrawal device in the well in accordance with other terms and provisions herein.

K. Licensor Reserves the Right to Discontinue

In the event Licensee is in default or in violation of the terms of this Agreement, the Licensor reserves the right to disable and render inoperable the pumps or water withdrawal device within 30 days of mailing notice to Licensee by certified mail.

L. Initiation of Withdrawal

Licensee shall notify the Licensor, in writing, of the date water is initially withdrawn. If water is not utilized within one year of issuance, the License shall expire unless Licensee applies for a one-year extension. Only one extension will be considered.

M. Responsibility for Water Withdrawal

Licensee is solely responsible for the development of the water source and withdrawal and delivery of the water at Licensee's expense. Further, the Licensee does not warrant any quantity of water or the quality thereof. In addition, Licensee agrees to hold the Licensor harmless from and indemnify the Licensor against any claims arising from or connected with this Water License Agreement, including governmental regulations, charges, or otherwise.

N. Modification of License

The provisions of this contract pertaining to the schedule of rates to be charged to Licensee for water withdrawal are subject to Licensor's modification at the end of every one-year anniversary during the term of this lease. Other provisions of this contract may be modified or altered by mutual agreement.

O. Regulatory Agencies

This License is subject to such rules, regulations, or laws as may be applicable, whether local, state, or federal and Licensee waives and agrees to hold Licensor harmless from any losses or damages whatsoever arising by virtue of government regulation, local, state, or federal, which requires discontinuance of Licensee's water withdrawal.

P. Successor to the Licensee

In the event of any change in ownership, continuation of this License must be approved by Licensor. Such approval will not be unreasonable withheld.

Q. Rights Pursuant to Agreement Appurtenant to Real Property

Rights afforded pursuant to this agreement are not personal to the Licensee, but shall be considered an appurtenance of the land described in Exhibit "B" to this Agreement and used solely for the uses described in the preamble above.

R. No Changes

No change in the withdrawal or use of the water authorized herein will be allowed without prior written approval of the Board of Directors of the district.

S. Renewal Option

To the extent that Licensee is in full compliance with the terms of this License, Licensee shall have the right to renew for an additional 10 years on terms, including rate changes, then in existence for commercial licenses or as established by Licensor. Licensee shall exercise the option by notifying Licensor of its intention to renew in writing and mailed to Licensor by

certified mail at least 90 days before the expiration of the current License term.

T. Subdivision

Any sale of the planned subdivisions being serviced by this License Agreement shall provide, in the sale agreement or the conveyance document, that the property is subject to this license agreement and subject to the lien contained within this License Agreement. In the event any subdivision being serviced through this License, the Licensee must first comply with all county and Okanogan Irrigation District platting requirements and in addition, the Licensee must obtain, in advance, Board approval for the segregation of the License into multiple accounts. In the event the Board such segregation, the subdivisions receiving water shall be treated as separate accounts subject to all the terms, conditions, and liabilities, including the lien of the original agreement. Any conveyance of property so subdivided shall reflect that the property being conveyed is subject to the terms and conditions of this license, including the lien contained therein.

U. Non-Clean Water Act Compliant

Licensors disclaims any compliance with the clean Water Act, Federal, State, or local, and Licensee agrees to hold Licensors harmless from and indemnify Licensors against any claim or liability of whatsoever nature in connection therewith or arising therefrom.

V. Protected Well Area

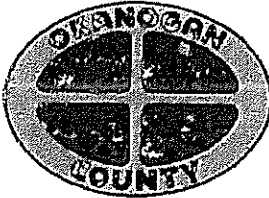
Licensee agrees not to construct, maintain, or suffer to be constructed or maintained upon the said land of the Licensee within one hundred (100) feet of the well herein described, so long as the same is operated to furnish water for public consumption, any potential source of contamination, such as septic tanks and drain fields, sewer lines, underground storage tanks, roads, railroad tracts, vehicles, structures, barns, feed stations, grazing animals, enclosure for maintain fowl or animal manure, liquid or dry chemical storage, herbicides, insecticides, hazardous waste, or garbage of any kind or description.



WASHINGTON STATE DEPT OF
**NATURAL
RESOURCES**

**COUNTY OR MUNICIPALITY
APPROVAL FOR
SURFACE MINING
(Form SM-6)**

NAME OF COMPANY OR INDIVIDUAL APPLICANT(S) Same as name of the exploration permit holder. (Type or print in ink.) FREELS SAND & GRAVEL, LLC		TOTAL ACREAGE AND DEPTH OF PERMIT AREA (Include all acreage to be disturbed by mining, setbacks, and buffers, and associated activities during the life of the mine.) (See SM-8A.) Total area permitted will be <u>135</u> acres Maximum vertical depth below pre-mining topographic grade is <u>1240</u> feet Maximum depth of excavated mine floor is <u>1240</u> feet relative to mean sea level								
MAILING ADDRESS PO Box 579 Brewster, WA 98812 Telephone 509-449-1001		COUNTY <u>OKANOGAN</u> No attachments will be accepted. Legal description of permit area:								
		1/4	1/4	Section	Township	Range				
		SE	NW	12	34	26				
		NE	NW	12	34	26				
		NW	NW	12	34	26				
		SW	NE	12	34	26				
Proposed subsequent use of site upon completion of reclamation RURAL 1 GRADE SLOPES, RE-SEED BACK TO NATURAL STATE										
Signature of company representative or individual applicant(s) 		Name and title of company representative (please print) DAVID FREELS, MANAGER			Date signed 7/10/23					
TO BE COMPLETED BY THE APPROPRIATE COUNTY OR MUNICIPALITY:										
Please answer the following questions 'yes' or 'no'. 1. Has the proposed surface mine been approved under local zoning and land-use regulations? 2. Is the proposed subsequent use of the land after reclamation consistent with the local land-use plan/designation?						<table border="1"><tr><td>Yes</td><td>No</td></tr><tr><td></td><td></td></tr></table>	Yes	No		
Yes	No									
When complete, return this form to the Department of Natural Resources.										
Name of planning director or administrative official (please print)			Address							
Signature										
Title (please print)										
Telephone		Date		FOR DEPARTMENT USE ONLY:		DNR Reclamation Permit No.				



Office of
Planning and Development
123 - 5th Ave. N. Suite 130 - Okanogan, WA 98840
(509) 422-7160 • FAX: (509) 422-7349 • TTY/Voice Use 800-833-6388
e-mail: planning@co.okanogan.wa.us

LANDOWNER/AGENT CONSENT FORM

I(we) the undersigned owner(s) of record of parcel no. 3426124002 / 8807010100
located at (physical address): _____
consent to and authorize (agent name), NCW Land Surveying, LLC (BRYAN)
to act on my/our behalf for the purposes of obtaining approval for (development type):
Conditional Use Permit

submitted to the Okanogan County Office of Planning and Development.

I(we), as landowners of the above described property understand and agree to the following:

- I(we) are legal owners of the subject property and may act on behalf of any and all interested parties, financial and otherwise;
- I(we) are responsible for all activities occurring on the subject property;
- Okanogan County, its officers, and staff shall not be held liable for any activities arising from the actions of the above named agent;

Landowner

Name: Freels Sand & Gravel, LLC
Address: PO Box 579
City, State, Zip: Brewster, WA 98812
Phone: 509-449-1001
Email: _____

(Signature)

(Date)

Authorized Agent

Name: NCW Land Surveying, LLC
Address: PO Box 871
City, State, Zip: Okanogan, WA 98840
Phone: 509-826-1763
Email: bryanb@ncwlandsurveying.com

(Signature)

(Date)

Landowner

Name: David Freels
Address: 120 Box 579
City, State, Zip: Brewster WA 98812
Phone: 509-449-2415
Email: _____

(Signature)

(Date)

Authorized Agent

Name: _____
Address: _____
City, State, Zip: _____
Phone: _____
Email: _____

(Signature)

(Date)

Attachment B

Site Plan

VICINITY MAP

OMAK, WASHINGTON

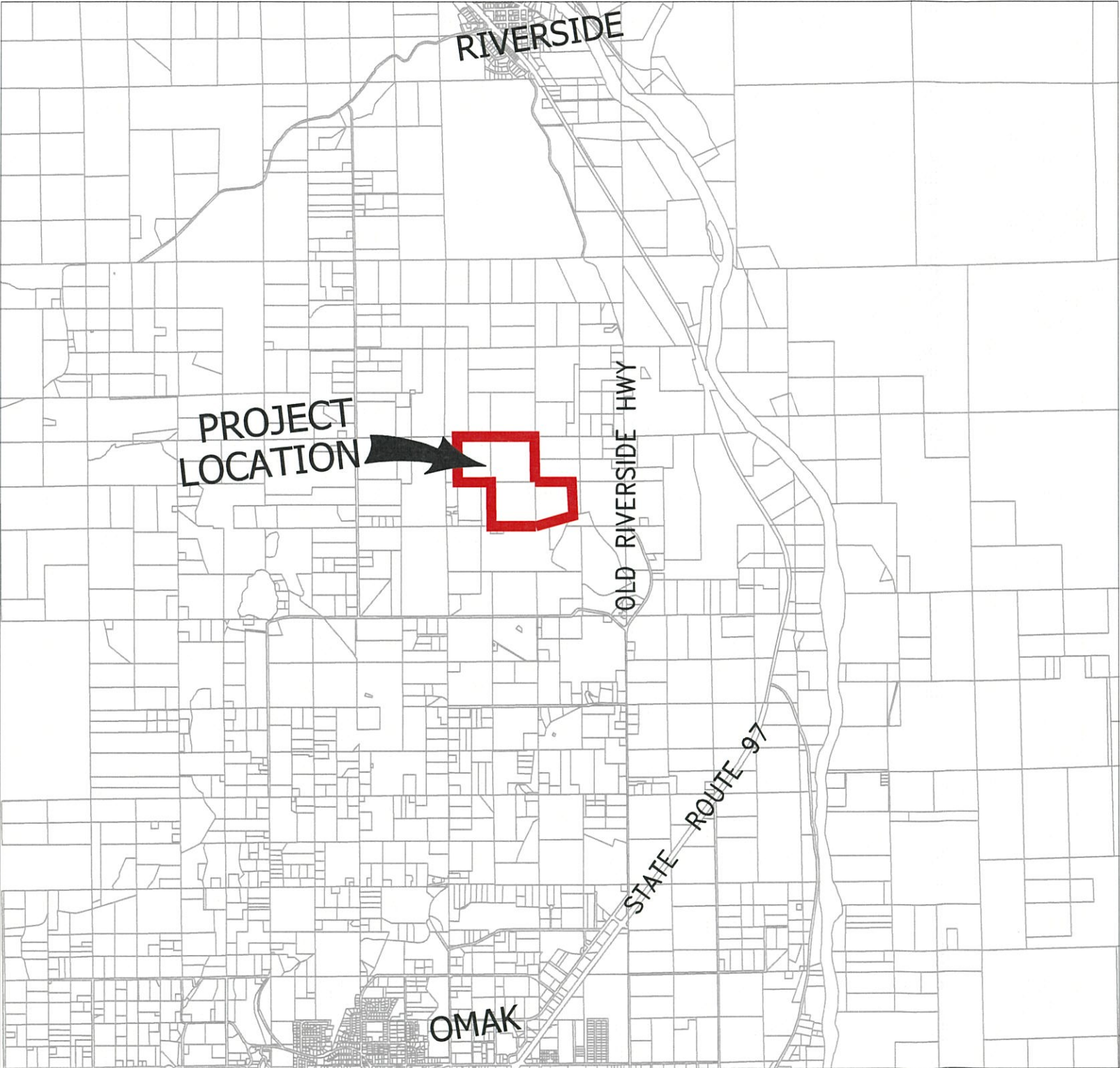



EXHIBIT
FOR

FREELS SAND AND GRAVEL, LLC

SECTION 12 T 34 N R 26 E.W.M
OKANOGAN COUNTY, WASHINGTON

LEGEND

 SUBJECT PROPERTY BOUNDARY
AND PERMIT BOUNDARY

NOTES

1) PARCEL INFORMATION OBTAINED FROM OKANOGAN
COUNTY ASSESSOR OFFICE.



NW Land Surveying, LLC
SURVEYING * PLANNING * ENGINEERING

SHEET
1 OF 3

1151 2ND AVE N
OKANOGAN, WA
(509) 826-1763

DRAWN BY: BEB

SCALE: N.T.S.

DATE: 10-23-23

JOB NO: 21206

DWG NAME: FREELS SITE PLAN.DWG

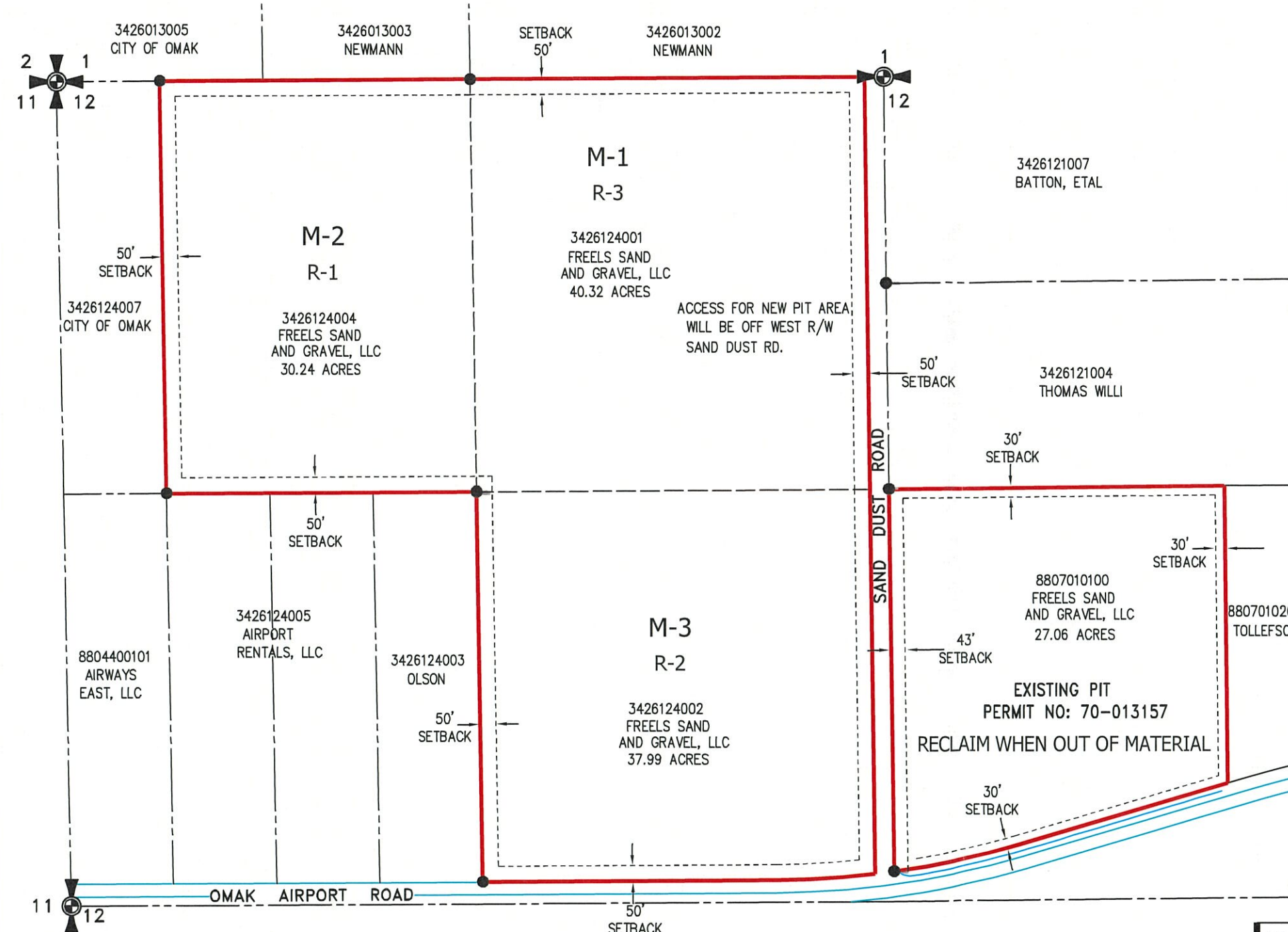


EXHIBIT
FOR
FREELS SAND AND GRAVEL, LLC

SECTION 12 T 34 N R 26 E.W.M
OKANOGAN COUNTY, WASHINGTON

LEGEND

- SUBJECT PROPERTY BOUNDARY AND PERMIT BOUNDARY
- - - ADJACENT PROPERTY PARCEL LINES
- 3426241002 ASSESSOR PARCEL NUMBER
- FOUND REBAR AND CAP
- M-1 MINING SEQUENCE
- R-1 RECLAMATION SEQUENCE

NOTES

- 1) PARCEL INFORMATION OBTAINED FROM OKANOGAN COUNTY ASSESSOR OFFICE.
- 2) 2015 AERIAL PHOTO OBTAINED FROM NAIP.

NW Land Surveying, LLC SURVEYING * PLANNING * ENGINEERING		SHEET 2 OF 3		
1151 2ND AVE N OKANOGAN, WA (509) 826-1763	DRAWN BY:	BEB	SCALE:	N.T.S.
	DATE:	10-23-23	JOB NO:	21206
	DWG NAME: FREELS SITE PLAN.DWG			

EXHIBIT
FOR
FREELS SAND AND GRAVEL, LLC

SECTION 12 T 34 N R 26 E.W.M
OKANOGAN COUNTY, WASHINGTON

LEGEND

- SUBJECT PROPERTY BOUNDARY AND PERMIT BOUNDARY
- ADJACENT PROPERTY PARCEL LINES
- PRE-MINING TOPOGRAPHY (2' INTERVALS)
- FOUND REBAR AND CAP
- PROPOSED TOPSOIL STOCKPILE AREAS

NOTES

- 1) PRE-MINING CONTOURS WERE DERIVED FROM FIELD TOPOGRAPHIC SURVEY IN MARCH, 2022 AND EXISTING PIT HAD TOPOGRAPHIC SURVEY IN SEPTEMBER, 2023.

NW Land Surveying, LLC

SURVEYING * PLANNING * ENGINEERING

SHEET
3 OF 3

1151 2ND AVE N
OKANOGAN, WA
(509) 826-1763

DRAWN BY: BEB
DATE: 10-23-23

SCALE: N.T.S.
JOB NO: 21206

DWG NAME: FREELS SITE PLAN.DWG

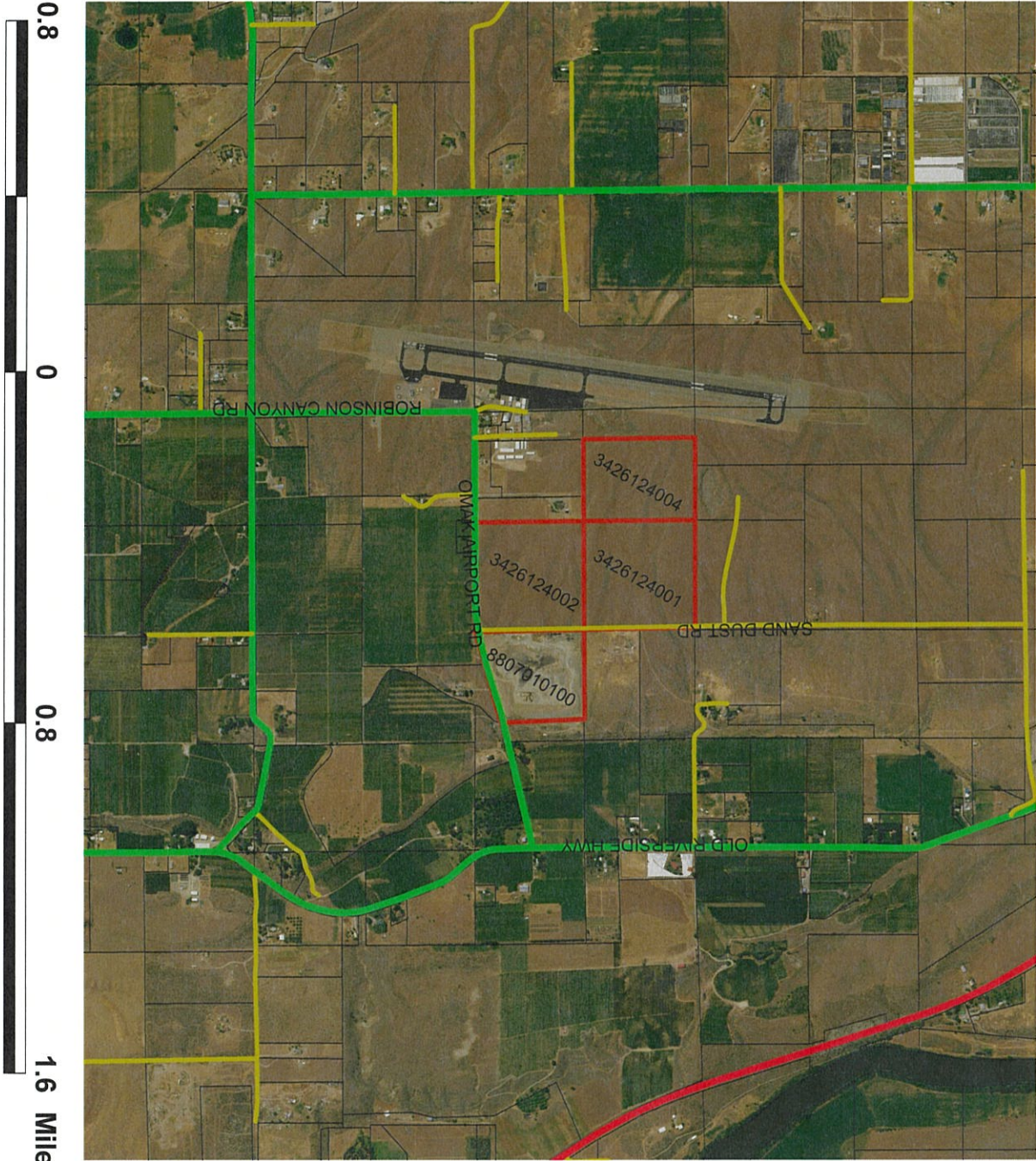
SCALE 1"=400'
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Attachment C

Vicinity Map

CUP 2023-3

Free! Sand & Gravel Expansion



NARR.shp

B

C

D

F

P

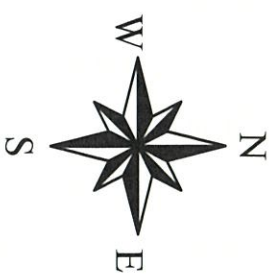
R

S

T

Theme6.shp

Landuse.shp

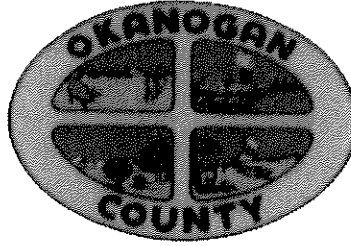


NOTICE:
The information displayed on this map is for evaluation purposes only and does not represent actual surveyed boundaries or locations. Okanogan County does not grant permission for the reproduction of the information. Map features from all sources have been adjusted to achieve the "best fit". While great care was taken in this process, maps from different sources rarely agree as to the precise location of geographic features.

Attachment D

Prior Approvals

COPY



NOTICE OF PERMIT DECISION with
FINDINGS OF FACT, CONCLUSIONS and
CONDITIONS OF APPROVAL

**Tollefson Airport Pit Crusher
Conditional Use Permit 2003-8**

The Board of Adjustment held a public hearing on Tuesday, November 18th, 2003, at 7:30 p.m. in the Commissioners' Hearing Room in the Okanogan County Administration Building located at 123 5th Avenue North, Okanogan, Washington.

During the meeting, consideration was given to an application submitted by Chris Johnson of C.I. Johnson Associates, an agent for Tollefson Construction, Inc. to use a rock crusher and asphalt batch plant within an existing gravel pit. The crusher will be used to prepare top course and ballast material for road maintenance/construction projects. The site has historically been operated as a gravel extraction site. There are currently no structures on the site. However, the BPA transmission lines cross the site. The total area proposed to be used for sand and gravel extraction will be less than three (3) acres. The project will include one portable asphalt batch plant, portable office trailers, and a portable rock crusher.

The project site is located on tax parcel 3426121003 which is accessed from Sand Dust Road via the Omak Airport Road, which is north of the City of Omak. This property is within the SW ¼ of the NE ¼ of Sec. 12, Township 34 North, Range 26 East, Willamette Meridian.

Board of Adjustment members present included: Vice Chairman Steve Kunkel, Board Member Jerry Latshaw, Board Member Gary Erickson, and Board Member Dale Clarkson.


Okanogan County Staff in attendance included: Director, Don Motes; Planning Technician Nick Christoph; Address Technician Codie Bonnin; and Administrative Secretary Ann Featherly.

Names of applicants or their representatives in attendance: Chris Johnson, and William Crites

Names of others in attendance: Maurice Wilken, Alex Tiger, and Linda Wilson

FROM THE INFORMATION SUPPLIED BY THE APPLICANT, a staff report listing factual matters, recommendation and comments from consulted agencies, testimony from those in favor of and opposed to, and written comments submitted by interested parties, the Okanogan County Board of Adjustment makes the following Findings of Fact which support the approval of this Conditional Use Permit.

1. The Conditional Use Permit process is authorized and outlined in Chapter 17.33 Conditional Use Permits, of the Okanogan County Zoning Code, as adopted on November 9, 1992, and thereafter amended.
2. On September 25th, 2003, Chris Johnson of C.I. Johnson Associates, an agent for Tollefson Construction, Inc., filed an application for a Conditional Use Permit with the Office of Planning and Development. The application was vested on October 8th, 2003, as the Tollefson Airport Pit Crusher Conditional Use Permit, CUP 2003-8.
3. The Comprehensive Plan designation of the property is "Intensive Agriculture", and "Unclassified".
4. The zoning designation of the property is Minimum Requirement District.
5. Okanogan County Code (OCC), Chapter 17.21, District Use Chart indicates that within the Minimum Requirement District, this proposal is an allowed use with an approved Conditional Use Permit.
6. The provisions set forth in O.C.C., Chapters 17.33.030 Filing of Applications and 17.33.060 Notice of Hearing have been met.
7. Notice of Application and Public Hearing was published in the Omak Chronicle October 8th, 2003, as required by OCC, Chapter 17.33.060, Notice of Hearing.
8. Notice of Application and Public Hearing was mailed to adjacent landowners and interested parties on October 8th, 2003, as required by OCC, Chapter 17.33.060, Notice of Hearing.
9. A State Environmental Policy Act (SEPA) Determination of Non-significance was issued by the Office of Planning and Development October 8th, 2003, as authorized under WAC 197-11-340. This determination has not been appealed as of the date of this report.
10. Notice of the Determination of Non-significance was published in the Omak-Okanogan Chronicle on October 8th, 2003, as required by WAC 197-11-340.

- 
11. Comments from state and local agencies were received, reviewed by staff, and considered in analysis of this proposal. Copies of comment letters are attached to this report (See Attachment H).
 12. The Office of Planning and Development received no comments from adjacent landowners or interested parties for consideration and analysis of this proposal.
 13. All applicable goals, policies, and provisions of the Okanogan County Comprehensive Plan and Okanogan County Code, Chapter 17 were considered in analysis of this proposal.
 14. OCC, Chapter 17.33.080, requires consideration of four specific standards and criteria in evaluating applications for a Conditional Use Permit. OCC, Chapter 17.33.090 outlines fifteen example potential conditions for Okanogan County to formulate what actual conditions will be necessary in the event of approval.

FROM THE FOREGOING FINDINGS OF FACT the Okanogan County Board of Adjustment makes the following conclusions:

1. The proposal is compatible with the Comprehensive Plan for the area.
2. That the proposed project is made compatible with the surrounding area by the Okanogan County Board of Adjustment placing conditions on the project.
3. The proposal is compatible with zoning regulations within Okanogan County's Minimum Requirement District.
4. That as proposed, the Conditional Use Permit application will conform to applicable land use regulations with the suggested conditions.
5. That the conditions imposed are reasonably calculated to insure the proposed Conditional Use is and will remain compatible with the Comprehensive Plan and Zoning for the subject area.
6. That the conditions imposed are not unnecessarily onerous.
7. No significant adverse environmental impacts have been identified.
8. That the conditions imposed will protect public health, safety, morals and general welfare.

CONDITIONS OF APPROVAL: The Conditional Use Permit is approved subject to the applicant complying with the following conditions:

1. All representations made by the applicant verbally, written, and during public testimony shall be deemed conditions of approval.
2. Any expansion in the nature and scope of the operation will require review by the Okanogan County Planning Director to determine whether the expansion is consistent with that allowed by this permit. Any expansion beyond the intent and scope of this permit will require approval by the Board of Adjustment through a revision to this permit.
3. All appropriate Federal, 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.
4. Any new road approach must be in full compliance with Okanogan County Code 12.22, "Road Approach Permits", and permitted as such in accordance with Okanogan County regulations.
5. An approved General Sand and Gravel Permit shall be obtained, if required, from the Washington State Department of Ecology prior to the start of operations. A copy of the approved permit must be submitted to the Office of Planning and Development.
6. A Water Right Permit shall be obtained prior to any surface water withdrawal and any water from a well that will exceed 5,000 gallons per day.
7. The office of Planning and Development will conduct an annual inspection of the premises to evaluate compliance with all the conditions of approval stated herein of Tollefson Airport Pit Crusher Conditional Use Permit 2003-8.
8. The hours of operation for the asphalt batch plant and rock crushing shall only be between the hours of 6:00 a.m. and 6:00 p.m.
9. Prior to storage of fuel onsite, a spill prevention plan must be submitted and approved by the Okanogan County Health District.

BASED ON THE FOREGOING FINDINGS OF FACT, CONCLUSIONS AND CONDITIONS OF APPROVAL, the Okanogan County Board of Adjustment approves the Tollefson Airport Pit Crusher Conditional Use Permit; CUP 2003-8.

Stephen T. Kunkel
Steve Kunkel, Vice Chairman

Dec. 15, 2003
Date

I hereby acknowledge that the granting of this permit is dependent upon the Conditions of Approval stated herein. Further, I understand that this project will be subject to required monitoring by the Okanogan County Office of Planning and Development to verify compliance, and that failure to fully comply with said Conditions of Approval may result in revocation of this Conditional Use Permit.

Tollefson Construction / Mike Boesel
Applicant

12-3-03
Date

State of Washington)

ss.

County of Okanogan)

On this day appeared before me Mike Boesel and _____
Signed the above and foregoing in my presence and indicated that he/she/they signed as his/her/their free act and deed.

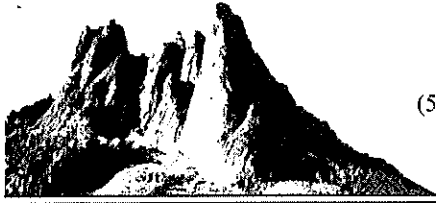
Dated this 3rd. day of December 2003

NOTARY PUBLIC in and for the State of Washington,

residing at Malott, WA.

My commission expires 6/19/07

Myrna A. Heatherly
Signature of Notary



Omak Aggregate Inc.

Conditional Use Permit 2011-1

Project Summary

A Conditional Use Permit application was submitted by Omak Aggregate Inc. to amend CUP #2003-8, to expand operations from 3 acres to 27 acres to allow long term extraction of materials for rock crushing, asphalt batching and material stockpiles.

Conditional Use Permit 2011-1 was heard at a public hearing by the Okanogan County Board of Adjustment. The hearing was conducted on the evening of May 17, 2011.

Property Description

The project site is located at 4 – Sand Dust Lane, Omak WA. Via the Omak Airport Road, on tax parcel #8807010100, 27 acres that is 5 miles north of the City of Omak. This property is within the SW1/4 of the NE1/4 of Sec. 12, Township 34 North, Range 26 East, of the Willamette Meridian.

Conditions of Approval:

Based on the foregoing findings of Fact, Conclusions of Law, and Conditions of Approval, the Okanogan County Board of Adjustment approves Conditional Use Permit 2011-1

The following are proposed conditions of approval:

1. All representations made by the applicant verbally, written, and during public testimony shall be deemed conditions of approval.
2. Any expansion in the nature and scope of the operation will require review by the Okanogan County Planning Director to determine whether the expansion is consistent with that allowed by this permit. Any expansion beyond the intent and scope of this permit will require approval by the Board of Adjustment through a revision to this permit.
3. 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.

4. The adoption of the stockpile elevation plan that was introduced by the proponent at the public hearing will make stockpiles have an elevation height limit. Stockpiles will have a maximum 30' ft. height limit per MSHA regulations.

Based on the foregoing findings of Fact, Conclusions of Law, and Conditions of Approval, the Okanogan County Board of Adjustment approves Conditional Use Permit 2011-1

Stephen T. Kunkel

Steve Kunkel
Chair, Board of Adjustment

Date June 6, 2011

I hereby acknowledge that the granting of this permit is dependent upon the Conditions of Approval stated herein. Further, I understand that this project will be subject to required monitoring by the Okanogan County Office of Planning and Development to verify compliance, and that failure to fully comply with said Conditions of Approval may result in revocation of this Permit.

Donald B. Coleman

Landowner

Date June 8 2011

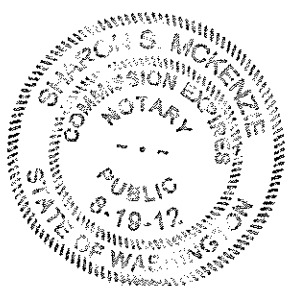
State of)
Washington

ss.

County of)
Okanogan

On this day appeared before me Donald B. Coleman and
Signed the above and foregoing in my presence and indicated that he/she/they
signed as his/her/their free act and deed.

Dated this 8 day of June, 2011



NOTARY PUBLIC in and for the State of Washington,

residing at Tonasket, WA

My commission expires 8-19-12

Sharon S. McKenzie
Signature of Notary

Findings of Fact

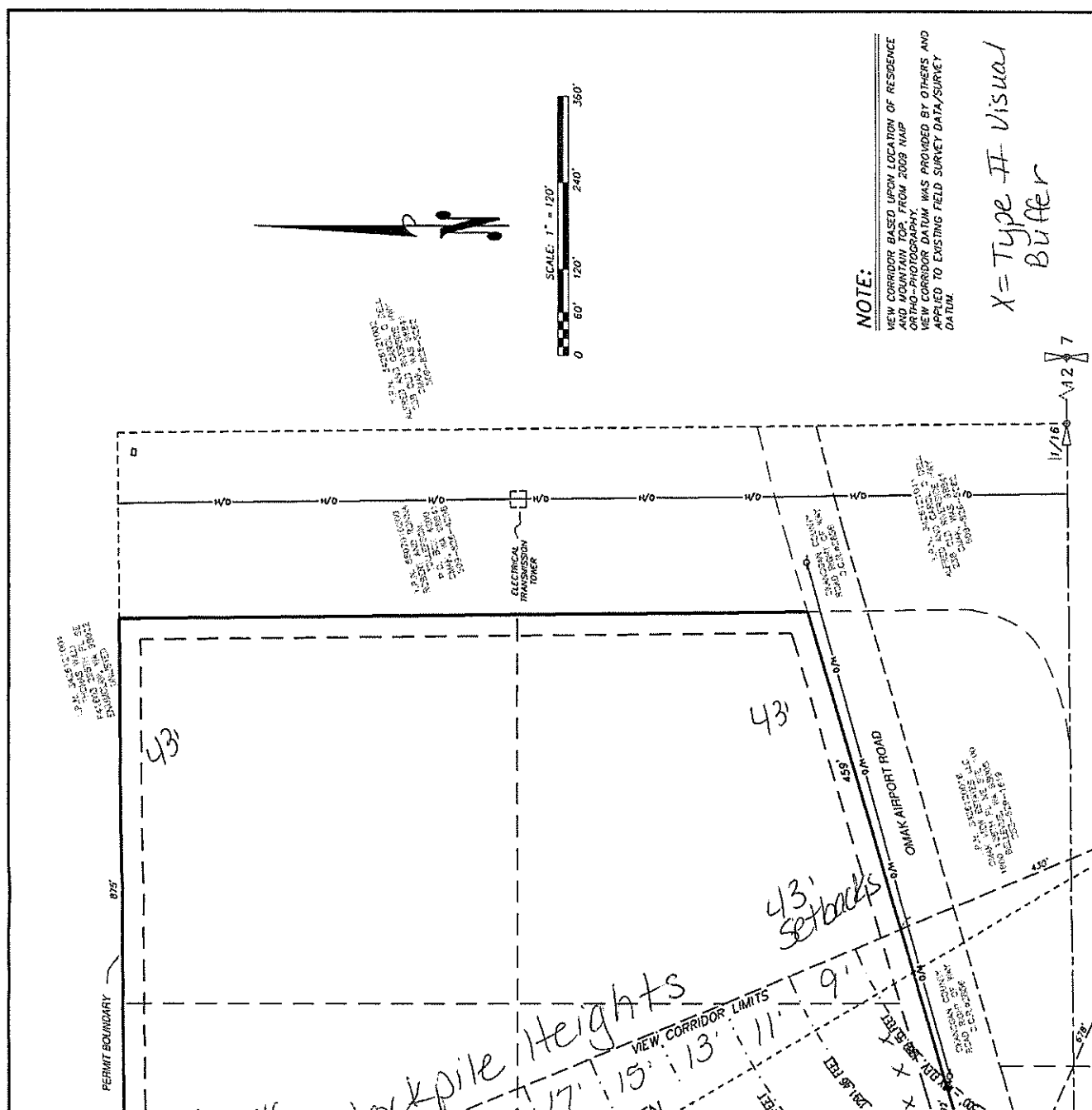
The Okanogan County Board of Adjustment makes the following Findings of Fact which support approval of this Conditional Use Permit.

1. Omak Aggregate Inc. submitted a Conditional Use Permit application.
2. The application is vested as Omak Aggregate Inc. Conditional Use Permit 2011-1.
3. The legal landowner is Don & Dianne Holdings, LLC.
4. The subject property is identified by tax parcel number 8807010100 and is located at 4 Sand Dust Lane, Omak, WA.
5. The comprehensive plan designation is Intensive Agriculture & Unclassified.
6. The zone designation is Minimum Requirement District.
7. The Conditional Use Permit process is authorized by the Okanogan County Zoning Ordinance, Chapter 17.33 "Conditional Use Permits".
8. On February 2, 2011, an application for a conditional use permit was vested.
9. On February 10, 2011, notice of application and threshold SEPA Mitigated determination of non-significance (MDNS) was mailed to adjacent landowners and commenting agencies for their respective review and comment.
10. On February 10, 2011, notice of application and threshold SEPA Mitigated determination of non-significance (MDNS) was published in the Oroville Gazette Tribune (Okanogan County's periodical of record).
11. On February 24, 2011, the comment period ended for the threshold SEPA determination.
12. On March 15, 2011, notice of final SEPA Mitigated determination of non-significance (MDNS) mailed to adjacent landowners, interested public, and commenting agencies.
13. On March 17, 2011, notice of final SEPA Mitigated determination of non-significance (MDNS) published in Oroville Gazette Tribune (Okanogan County's periodical of record).
14. On April 1, 2011, the appeal period ended for final SEPA determination. No appeals were received.
15. On April 2, 2011, notice of public hearing was published in the Oroville Gazette Tribune (Okanogan County's periodical of record) and mailed to adjacent landowners with standing.
16. On or before April 9, 2011, notice of the public hearing must be physically posted. An affidavit of public notice must be submitted to Planning and Development prior to the hearing.
17. On April 19, 2011, the Okanogan County Board of Adjustment conducted a public hearing for this project. At this hearing, public was given opportunity to enter testimony into the record.

Conclusions of Law

The Okanogan County Board of Adjustment makes the following Conclusions of Law which support approval of this Conditional Use Permit:

1. A Conditional Use Permit application was submitted by Don & Dianne Holdings, LLC for Omak Aggregate Inc. to amend CUP #2003-8, to expand operations from 3 acres to 27 acres to allow long term extraction of materials for rock crushing, asphalt batching.
2. All procedural requirements have been met in accordance OCC 17.33 "Conditional Use Permits".
3. All aspects of development must comply with the conditions of approval.
4. The conditional use permit is consistent with the Okanogan County Comprehensive Plan.
5. The conditional use permit is consistent with the Okanogan County Zone Code.
6. 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. The determination stands.
7. The conditions imposed are not unnecessarily onerous.
8. The conditions imposed will protect public health, safety, morals, and general welfare.
9. Comments from the public and state, federal, and local agencies were received, reviewed, and Okanogan County Code Chapter 16 "Subdivision" does not apply to this project.
10. Okanogan County Code Chapter 15 "Floodplain Management" does not apply to this project.
11. Okanogan County Master Program for Shoreline Management does not apply to this project.



Attachment E

Miscellaneous

Pam Wyllson

From: Pam Wyllson
Sent: Monday, May 15, 2023 11:28 AM
To: bryanb@ncwlandsurveying.com
Subject: Freels Sand & Gravel
Attachments: DOC552.PDF

Bryan,

Corrections are needed on the CUP and SEPA checklist for the Freels Sand & Gravel CUP. When answering questions you should not use does not apply. If the question does not apply state why it does not apply. I will be out of the office until May 24th.

Pam Wyllson

Planner II
Okanogan County Office of Planning & Development
123 5th Ave N. Ste 130
Okanogan WA 98840
509-422-7122
pwylson@co.okanogan.wa.us

Pam Wyllson

From: Pam Wyllson
Sent: Tuesday, June 13, 2023 8:23 AM
To: bryanb@ncwlandsurveying.com
Subject: RE: Freels sand and gravel CUP
Attachments: DOC581.PDF

Are you referring to the one turned in with the 2023 CUP? See attached

Pam Wyllson

Planner II
Okanogan County Office of Planning & Development
123 5th Ave N. Ste 130
Okanogan WA 98840
509-422-7122
pwylson@co.okanogan.wa.us

From: bryanb@ncwlandsurveying.com <bryanb@ncwlandsurveying.com>
Sent: Monday, June 12, 2023 5:00 PM
To: Pam Wyllson <pwylson@co.okanogan.wa.us>
Subject: RE: Freels sand and gravel CUP

I did.

Do you have a copy of the existing SEPA?

Bryan E. Boesel, Owner

NCW Land Surveying, LLC
PO Box 871
1151 2nd Ave N.
Okanogan, WA 98840
509-826-1763

From: Pam Wyllson <pwylson@co.okanogan.wa.us>
Sent: Monday, June 12, 2023 4:58 PM
To: bryanb@ncwlandsurveying.com
Subject: Freels sand and gravel CUP

Bryan,

Did you receive my email regarding corrections needed on the SEPA and application for the Freels sand and gravel CUP

Pam Wyllson

Planner II
Okanogan County Office of Planning & Development
123 5th Ave N. Ste 130
Okanogan WA 98840
509-422-7122

Pam Wyllson

From: Pam Wyllson
Sent: Tuesday, June 13, 2023 8:32 AM
To: bryanb@ncwlandsurveying.com
Subject: RE: Freels sand and gravel CUP
Attachments: Threshold SEPA Determination .PDF

The county will be issuing a new SEPA not adopting the old one. I did find the SEPA threshold determination that also has the SEPA checklist with it. See attached

Pam Wyllson

Planner II
Okanogan County Office of Planning & Development
123 5th Ave N. Ste 130
Okanogan WA 98840
509-422-7122
pwyllson@co.okanogan.wa.us

From: bryanb@ncwlandsurveying.com <bryanb@ncwlandsurveying.com>
Sent: Tuesday, June 13, 2023 8:26 AM
To: Pam Wyllson <pwyllson@co.okanogan.wa.us>
Subject: RE: Freels sand and gravel CUP

No, the original SEPA for the existing PIT.

Because we are just expanding the existing PIT.

Bryan E. Boesel, Owner

NCW Land Surveying, LLC
PO Box 871
1151 2nd Ave N.
Okanogan, WA 98840
509-826-1763

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Pam Wyllson

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Okanogan WA 98840

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pwylson@co.okanogan.wa.us

Pam Wyllson

From: bryanb@ncwlandsurveying.com
Sent: Tuesday, June 13, 2023 8:35 AM
To: Pam Wyllson
Subject: RE: Freels sand and gravel CUP

Perfect.
I will revise the new one.
Thanks,

Bryan E. Boesel, Owner
NCW Land Surveying, LLC
PO Box 871
1151 2nd Ave N.
Okanogan, WA 98840
509-826-1763

From: Pam Wyllson <pwyllson@co.okanogan.wa.us>
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Subject: RE: Freels sand and gravel CUP

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Do you have a copy of the existing SEPA?

Bryan E. Boesel, Owner

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PO Box 871
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Okanogan, WA 98840
509-826-1763

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Pam Wyllson

Planner II
Okanogan County Office of Planning & Development
123 5th Ave N. Ste 130
Okanogan WA 98840
509-422-7122
pwylson@co.okanogan.wa.us

Pam Wyllson

From: Pam Wyllson
Sent: Tuesday, September 26, 2023 2:48 PM
To: bryanb@ncwlandsurveying.com
Subject: Freels sand and Gravel CUP

Bryan,

I am checking in on the corrections requested for the Freels Sand and Gravel CUP turned in on April 25, 2023. I have not received the corrections.

Pam Wyllson

Planner II

Okanogan County Office of Planning & Development

123 5th Ave N. Ste 130

Okanogan WA 98840

509-422-7122

pwylson@co.okanogan.wa.us

Pam Wyllson

From: Pam Wyllson
Sent: Friday, October 20, 2023 3:02 PM
To: 'bryanb@ncwlandsurveying.com'
Subject: CUP 2023-3 Freels Sand and Gravel
Attachments: 10202023145250-0001.pdf

Bryan,

See attached corrections needed on CUP and SEPA. The CUP application needs to be filled out completely.

The agent consent form does not have parcel 8807010100 but the CUP and SEPA mention this parcel.

Where is the well located? If it is in the Duck Lake sub area you will need to provide documentation for Duck Lake water that you have available water for the proposal.

The new application site plan turned in only had pages 1, 2, and 3 of five pages. Should I use the existing pages 4 and 5?

Pam Wyllson

Planner II

Okanogan County Office of Planning & Development

123 5th Ave N. Ste 130

Okanogan WA 98840

509-422-7122

pwylson@co.okanogan.wa.us

Pam Wyllson

From: Pam Wyllson
Sent: Tuesday, January 2, 2024 11:42 AM
To: 'bryanb@ncwlandsurveying.com'
Subject: CUP 2023-3 Freels Sand & Gravel
Attachments: 01022024113924-0001.pdf; 01022024113948-0001.pdf; 01022024113954-0001.pdf

Bryan,

The Freels Sand and Gravel CUP 2023-3 is considered incomplete. Below is a list of what is required to make the application complete:

1. Provide proof that Duck Lake water system will allow the expansion. This can be a letter from Duck Lake stating they will allow the expansion of the water or there is available water for expansion. The letter must include all parcel number.
2. Your CUP application has a missing page. I have attached the page that is missing. This page needs filled out.
3. A picture of the existing structure that your application calls portable
4. On the detailed description list the structures. This should include any you consider portable, scales, and concrete containment basins for fuel storage. With the picture requested in item number three I will determine if the structure is portable.
5. On the SEPA check list page 6 of 17 Ground Water question 1. Proof that Duck Lake will allow the expansion is required. See item #1 above. There is gibberish at the end of the paragraph. I am not sure what you mean by “
:/p “
6. On the SEPA checklist page 9 of 17 question 5. You stated in another area of the SEPA checklist that there is concrete containment basins for fuel storage. Would this be a measure to reduce or control an environmental health hazard?
7. On the SEPA checklist page 12 of 17 there is an inconsistency. You have hours of operation will be limited to daylight hours to prevent excessive lighting impacts. Everywhere else in the CUP application and SEPA checklist you have hours of operation 6am to 6pm. If you mean hours of lighting use will be daylight hours only then reword the sentence.

Pam Wyllson

Planner II

Okanogan County Office of Planning & Development

123 5th Ave N. Ste 130

Okanogan WA 98840

509-422-7122

pwyllson@co.okanogan.wa.us

Pam Wyllson

From: Pam Wyllson
Sent: Wednesday, January 17, 2024 2:48 PM
To: bryanb@ncwlandsurveying.com
Subject: Freels sand and gravel CUP

Bryan,

I have a question about the maps provided with the application. I have two packets
one has page

1 of 5

2 of 5 and

3 of 5.

The second has

1 of 5

2 of 5

3 of 5

4 of 5 and

5 of 5

The 3 of 5 pages are significantly different

The 2 of 5 pages are slightly different in colorization

Should I replace the three pages of the bigger packet with the ones from the smaller packet?

The other option is for you to email me the copies you want to use and I will print them out.

Pam Wyllson

Planner II

Okanogan County Office of Planning & Development

123 5th Ave N. Ste 130

Okanogan WA 98840

509-422-7122

pwyllson@co.okanogan.wa.us

Pam Wyllson

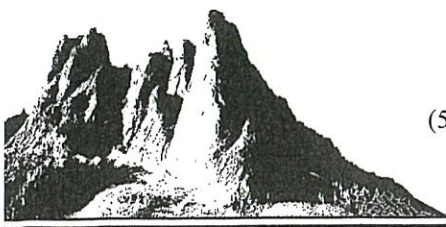
From: bryanb@ncwlandsurveying.com
Sent: Friday, January 19, 2024 9:39 AM
To: Pam Wyllson
Subject: Freels Sand and Gravel
Attachments: Freels Sand and Gravel sheet 3.pdf; Freels Sand and Gravel sheet 2.pdf; Freels Sand and Gravel sheet 1.pdf

Hey Pam,

Attached is the revised maps that need to go with the application for Freels Sand and Gravel.

Please take the old drawings and throw them away, thanks.

Bryan E. Boesel, Owner
NCW Land Surveying, LLC
PO Box 871
1151 2nd Ave N.
Okanogan, WA 98840
509-826-1763



OKANOGAN COUNTY
OFFICE OF PLANNING AND DEVELOPMENT

123 - 5th Ave. N. Suite 130 - Okanogan, WA 98840
(509) 422-7160 • FAX: (509) 422-7349 • TTY/Voice Use 800-833-6388
email: planning@co.okanogan.wa.us

January 19, 2024

NCW Land Surveying
P.O. Box 871
Okanogan, WA 98840

Dear Bryan,

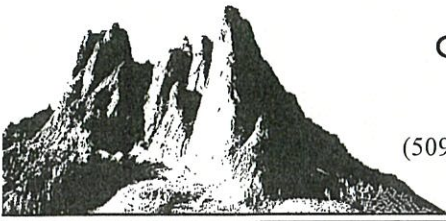
This letter is to inform you that your conditional use permit application has been deemed complete. Therefore your application has been vested as CUP 2023-3 Freels Sand & Gravel Expansion.

If you have any questions, please contact our office at 509-422-7160 or via email at planning@co.okanogan.wa.us

Sincerely yours,

A handwritten signature in blue ink that reads "Pam Wyllson". The signature is fluid and cursive, with the first name "Pam" being more prominent than the last name "Wyllson".

Pam Wyllson
Planner II
Okanogan County Department of Planning and Development



OKANOGAN COUNTY
OFFICE OF PLANNING AND DEVELOPMENT

PLANNING · GIS · NATURAL RESOURCES

123 - 5th Ave. N. Suite 130 - Okanogan, WA 98840

(509) 422-7160 • FAX: (509) 422-7349 • TTY/Voice Use 800-833-6388

email: planning@co.okanogan.wa.us

January 19, 2024

NCW Land Surveying
P.O. Box 871
Okanogan, WA 98840

Re: CUP 2023-3 Freels sand & Gravel Expansion

Dear Bryan,

As per Okanogan County Code Title 20.08.050(B)(2) "Posting the notice of application on the subject property by the applicant for site-specific proposals for the duration of the public comment period. The applicant shall sign an affidavit of posting with the department verifying that the above requirements have been met."

I have enclosed 5 copies of the notice of the project printed on cardstock. As per the Okanogan County Code, you are responsible for placing at least one of these notices on each road frontage of the subject property in a conspicuous place. The postings must remain until after the public meeting and the comment period is closed.

Enclosed is also an affidavit of public notice. On this form you must fill out the location of the posting and have your signature notarized. This must be returned to this office prior to the hearing.

Please feel free to contact me at (509) 422-7122 or pwyllson@co.okanogan.wa.us if you have any questions.

Thank you,

Pam Wyllson
Planner II
Okanogan County Planning Department

Enclosed
Affidavit of Public Notice
5 cardstock notices

Pam Wyllson

From: Pam Wyllson
Sent: Thursday, February 1, 2024 9:22 AM
To: bryanb@ncwlandsurveying.com
Subject: CUP 2023-3 Freels sand and gravel
Attachments: 2024-02-00750_020124_Survey Requested.pdf

I received a comment from the Department of Archaeology and Historic Preservation. I have attached the comment. They are requesting a professional archaeological survey of the project area be conducted and a report be produced prior to ground disturbing activities.

Pam Wyllson

Planner II
Okanogan County Office of Planning & Development
123 5th Ave N. Ste 130
Okanogan WA 98840
509-422-7122
pwylson@co.okanogan.wa.us

Pam Wyllson

From: Pam Wyllson
Sent: Friday, February 23, 2024 10:26 AM
To: Josh Thomson
Subject: CUP 2023-3 Freels Sand and Gravel expansion

Josh,

Okanogan County Planning is running a CUP for the expansion of Freels Sand and Gravel expansion on parcels 3426124001, 3426124004, 3426124002 and 8807010100. Public Works comment was "Concept of the project appears acceptable" We had an adjacent land owner comment about spilled loose gravel on Omak Airport Road. Is there a regulation regarding gravel pits or vehicles spilling rock or gravel on public roads?

Pam Wyllson

Planner II

Okanogan County Office of Planning & Development

123 5th Ave N. Ste 130

Okanogan WA 98840

509-422-7122

pwylson@co.okanogan.wa.us

Pam Wyllson

From: Josh Thomson
Sent: Friday, February 23, 2024 10:49 AM
To: Pam Wyllson
Subject: RE: CUP 2023-3 Freels Sand and Gravel expansion

It is illegal to have gravel spilling off of a truck onto a road. It is considered an unsecured load. RCW 46.61.655 is a good place to start. Tracking gravel onto the road with tires is harder to deal with, but is also covered in the RCW. It can be considered a water pollution issue also, and they should employ BMPs as a condition of their water quality permit.

I hope this helps.

Thanks,

Josh Thomson, PE
Director / County Engineer
Okanogan County Dept. of Public Works
1234-A 2nd Avenue South
Okanogan, Washington 98840
509-422-7317
e-mail: jthomson@co.okanogan.wa.us

From: Pam Wyllson <pwylson@co.okanogan.wa.us>
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Dropping load, other materials—Covering.

(1) No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction.

(2) No person may operate on any public highway any vehicle with any load unless the load and such covering as required thereon by subsection (3) of this section is securely fastened to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(3) Any vehicle operating on a paved public highway with a load of dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping therefrom shall be covered so as to prevent spillage. Covering of such loads is not required if six inches of freeboard is maintained within the bed.

(4)(a) Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects and shall pay any costs therefor.

(b) Any vehicle with deposits of mud, rocks, or other debris on the vehicle's body, fenders, frame, undercarriage, wheels, or tires shall be cleaned of such material before the operation of the vehicle on a paved public highway.

(5) The state patrol may make necessary rules to carry into effect the provisions of this section, applying such provisions to specific conditions and loads and prescribing means, methods, and practices to effectuate such provisions.

(6) Nothing in this section may be construed to prohibit a public maintenance vehicle from dropping sand on a highway to enhance traction, or sprinkling water or other substances to clean or maintain a highway.

(7)(a)(i) A person is guilty of failure to secure a load in the first degree if he or she, with criminal negligence, fails to secure a load or part of a load to his or her vehicle in compliance with subsection (1), (2), or (3) of this section and causes substantial bodily harm to another.

(ii) Failure to secure a load in the first degree is a gross misdemeanor.

(b)(i) A person is guilty of failure to secure a load in the second degree if he or she, with criminal negligence, fails to secure a load or part of a load to his or her vehicle in compliance with subsection (1) or (2) of this section and causes damage to property of another.

(ii) Failure to secure a load in the second degree is a misdemeanor.

(c) A person who fails to secure a load or part of a load to his or her vehicle in compliance with subsection (1), (2), or (3) of this section is guilty of an infraction if such failure does not amount to a violation of (a) or (b) of this subsection.

[2005 c 431 § 1; 1990 c 250 § 56; 1986 c 89 § 1; 1971 ex.s. c 307 § 22; 1965 ex.s. c 52 § 1; 1961 c 12 § 46.56.135. Prior: 1947 c 200 § 3, part; 1937 c 189 § 44, part; Rem. Supp. 1947 § 6360-44, part. Formerly RCW 46.56.135.]

NOTES:

Rules of court: Monetary penalty schedule—IRLJ 6.2.

Littering: Chapter 70A.200 RCW.

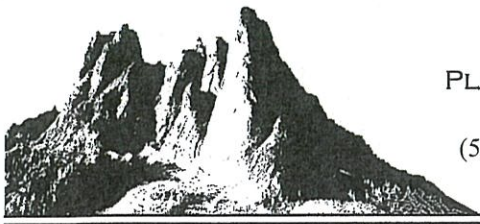
Pam Wyllson

From: Pam Wyllson
Sent: Friday, February 23, 2024 3:39 PM
To: Stephanie Palmer
Subject: CUP public hearings

As directed I have scheduled the Freels Sand and Gravel Expansion CUP 2023-3 and second hearing for My three sons gravel pit CUP 2022-2 public hearing for the same date. The date of the hearing has been set for March 28, 2024.

Pam Wyllson

Planner II
Okanogan County Office of Planning & Development
123 5th Ave N. Ste 130
Okanogan WA 98840
509-422-7122
pwylson@co.okanogan.wa.us



OKANOGAN COUNTY
OFFICE OF PLANNING AND DEVELOPMENT
PLANNING · GIS · NATURAL RESOURCES · OUTDOOR RECREATION
123 - 5th Ave. N. Suite 130 - Okanogan, WA 98840
(509) 422-7160 • FAX: (509) 422-7349 • TTY/Voice Use 800-833-6388
email: planning@co.okanogan.wa.us

February 23, 2024

NCW Land Surveying
P.O. Box 871
Okanogan, WA 98840

Re: Freels Sand & Gravel Expansion, CUP 2023-3

Dear Bryan,

The Okanogan County Hearings Examiner will review your proposal for the My Three Sons Gravel Pit Conditional Use Permit Application during a public hearing on March 28, 2024 at 10:00 a.m. Your attendance is necessary for the hearing.

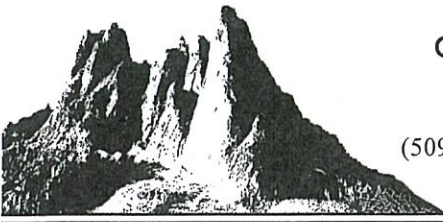
According to Okanogan County Code Title 17A.310 "Conditional Use Permits", you are "responsible for posting conspicuous notice of the hearing readily visible from nearby roads at least 3 locations on and in the vicinity of the proposal as well as the post office at least 10 days prior to the public hearing. The applicant shall submit an affidavit of the posting to Okanogan County Office of Planning & Development prior to the public hearing." I have provided you with 4 orange cardstock postings that you should use to post notice of this project as stated above. I have also provided you with an affidavit of public notice that must be notarized and returned prior to the public hearing. The cardstock notices must be posted no later than March 18, 2024 (10 days prior to the hearing).

I will forward to you a copy of my staff report prior to the hearing. If you have any questions, contact me at (509) 422-7122 or by e-mail at pwyllson@co.okanogan.wa.us.

Thank you,

Pam Wyllson
Planner II

Encl: Public Notice with Affidavit



OKANOGAN COUNTY
OFFICE OF PLANNING AND DEVELOPMENT

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(509) 422-7160 • FAX: (509) 422-7349 • TTY/Voice Use 800-833-6388

email: planning@co.okanogan.wa.us

February 23, 2024

NCW Land Surveying
P.O. Box 871
Okanogan, WA 98840

Re: Freels Sand & Gravel Expansion, CUP 2023-3

Dear Bryan,

The SEPA responsible official has issued a final SEPA mitigated determination of non-significance MDNS. I have enclosed a copy of the final SEPA, and the comments received during the SEPA threshold comment period. The record is still open and additional comments may be received.

The public hearing for the conditional use permit you applied for has been set for March 28, 2024 at 10:00 a.m. in the Commissioners Hearing Room, of the Virginia Grainger Administrative Building, in Okanogan Washington. At this hearing you will be required to give a narrative of your proposal and answer any questions posed by the hearing examiner. I, staff, will present a staff report and give brief synopsis of that report. You will receive a copy of the report approximately a week before the hearing.

No portion of your proposal should be started until after the hearing and you have received a decision from the Hearings Examiner.

Please feel free to contact me at (509) 422-7122 or pwyllson@co.okanogan.wa.us if you have any questions.

Thank you,

Pam Wyllson
Planner II
Okanogan County Planning Department

Enclosed
Final SEPA
SEPA Threshold Comments

Pam Wyllson

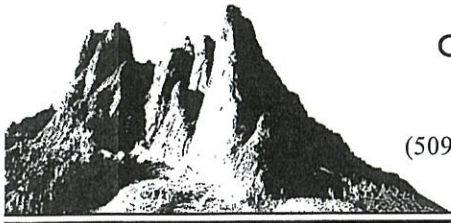
From: Pam Wyllson
Sent: Friday, February 23, 2024 4:28 PM
To: 'bryanb@ncwlandsurveying.com'
Subject: CUP 2023-3 Freels Sand and Gravel Expansion
Attachments: hearing date letter.pdf; all comments.pdf; Final SEPA.pdf;
Not.Final.Hearing.Adjac.landowners.CUP 2023-3.pdf

Bryan,

Attached is the hearing date letter, all comments received, final SEPA and the notice to adjacent land owners. I am mailing a hard copy to you. I am also mailing new posting notices that have the hearing date on them. These will need to be posted on site with the other notices.

Pam Wyllson

Planner II
Okanogan County Office of Planning & Development
123 5th Ave N. Ste 130
Okanogan WA 98840
509-422-7122
pwylson@co.okanogan.wa.us



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email: planning@co.okanogan.wa.us

March 15, 2024

NCW Land Surveying
P.O. Box 871
Okanogan, WA 98840

Re: Hearing Date for Freels Sand & Gravel Expansion, CUP 2023-3

Dear Bryan,

The public hearing for the conditional use permit 2023-3 Freels Sand & Gravel Expansion that was set for March 28, 2024 at 10:00 a.m. in the Commissioners Hearing Room has been canceled. A new hearing date will be set. Once the new hearing date is set I will inform you of the date and time.

No portion of your proposal should be started until after the hearing and you have received a decision from the Hearings Examiner.

Please feel free to contact me at (509) 422-7122 or pwyllson@co.okanogan.wa.us if you have any questions.

Thank you,

A handwritten signature in blue ink that reads "Pam Wyllson". The signature is fluid and cursive, with the first name "Pam" being more prominent than the last name "Wyllson".

Pam Wyllson
Planner II
Okanogan County Planning Department

Pam Wyllson

From: Pam Wyllson
Sent: Friday, March 15, 2024 9:39 AM
To: bryanb@ncwlandsurveying.com
Subject: CUP 2023-3 Freels sand and Gravel
Attachments: Hearing date canceled letter.pdf

Bryan,

Attached is the letter canceling the March 28th hearing date. The new hearing date should be in April.

Pam Wyllson

Planner II

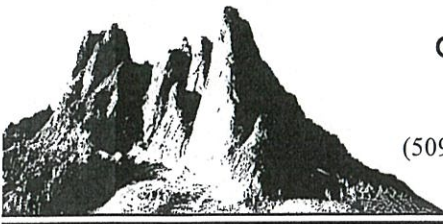
Okanogan County Office of Planning & Development

123 5th Ave N. Ste 130

Okanogan WA 98840

509-422-7122

pwylson@co.okanogan.wa.us



OKANOGAN COUNTY
OFFICE OF PLANNING AND DEVELOPMENT

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(509) 422-7160 • FAX: (509) 422-7349 • TTY/Voice Use 800-833-6388

email: planning@co.okanogan.wa.us

April 2, 2024

NCW Land Surveying
P.O. Box 871
Okanogan, WA 98840

Re: Freels Sand & Gravel Expansion, CUP 2023-3

Dear Bryan,

The rescheduling of the public hearing for the conditional use permit you applied for has been set for April 18, 2024 at 10:00 a.m. in the Commissioners Hearing Room, of the Virginia Grainger Administrative Building, in Okanogan Washington. At this hearing you will be required to give a narrative of your proposal and answer any questions posed by the hearing examiner. I, staff, will present a staff report and give brief synopsis of that report. You will receive a copy of the report approximately a week before the hearing.

No portion of your proposal should be started until after the hearing and you have received a decision from the Hearings Examiner and all SEPA conditions have been met.

Please feel free to contact me at (509) 422-7122 or pwyllson@co.okanogan.wa.us if you have any questions.

Thank you,

A handwritten signature in blue ink that reads "Pam Wyllson".

Pam Wyllson
Planner II
Okanogan County Planning Department

Attachment F

Notices

Pam Wyllson

From: NoReply@ecy.wa.gov
Sent: Monday, January 22, 2024 9:11 AM
To: Pam Wyllson
Subject: Your SEPA Record Has Been Submitted!

The Department of Ecology has received a new SEPA record from pam wyllson at Okanogan County with a File Number of: CUP 2023-3.

Your record is being reviewed by an administrator.

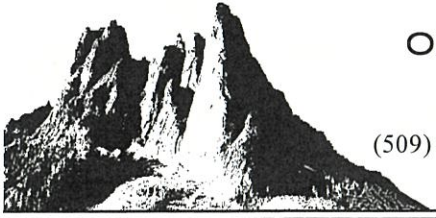
From: pam wyllson
Email: pwyllson@co.okanogan.wa.us
Phone number: (509) 422-7122

Pam Wyllson

From: NoReply@ecy.wa.gov
Sent: Monday, January 22, 2024 9:54 AM
To: Pam Wyllson
Subject: SEPA record published

The SEPA admin reviewed and published [SEPA record number 202400304, "Freels Sand & Gravel Expansion"](#).
Lead Agency File Number: CUP 2023-3.
It will now be available to the public.

From: Joy Espinoza
Email: separegister@ecy.wa.gov
Phone number: (509) 379-3967



OKANOGAN COUNTY
OFFICE OF PLANNING AND DEVELOPMENT
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email: planning@co.okanogan.wa.us

NOTICE OF APPLICATION AND THRESHOLD SEPA DETERMINATION

CUP 2023-3 Freels Sand & Gravel Expansion

Notice is hereby given that an application has been submitted by NCW Land Surveying LLC on behalf of Freels Sand & Gravel to permit the expansion of an existing gravel pit. The existing pit is 27 acres, the applicant is proposing to expand the pit with an additional 108 acres. The total acreage will be 135. The pit is for long term crushing, sorting, batching of concrete and asphalt, along with stockpiling of sand, gravel and rock. The hours of operation will be 6 a.m. to 6 p.m. The water source is an on site well within the Duck Lake Aquifer. The site is located on Omak Airport Rd and Sand Dust Rd near Omak WA on tax parcel number 3426124001, 3426124004, 3426124002 and 8807010100.

The SEPA Responsible Official has reviewed the Environmental Checklist and project description and has issued a Threshold Mitigated Determination of Non-Significance (MDNS) on this proposal in accordance with WAC 197-11-350. The public hearing for this project has not been set and will be set at a later date. The public is welcome to comment on this project. Project comments may be submitted in writing up to the hearing or be presented at the hearing. SEPA comments must be submitted in writing by **5:00 pm February 8, 2024**. All SEPA comments will be reviewed for relevance, and if necessary additional conditions will be placed on the MDNS. If no comments are received the MDNS will stand as final.

Direct questions and comments to:

Okanogan County Office of Planning & Development,
Pam Wyllson,
123 5th Ave. N, Suite 130,
Okanogan, WA 98840,
(509) 422-7122
pwyllson@co.okanogan.wa.us

Classified Proof

Client	136709 - OKANOGAN COUNTY OFFICE OF PLAN		Phone	(509) 422-7120	
Address	123 5TH AVE NORTH, Suite 130		E-Mail		
	OKANOGAN, WA, 98840		Fax		
Order#	990422	Requested By	PAM WYLLSON	Order Price	\$37.41
Classification	9913 - Okanogan Legals	PO #	CUP 2023-3 THRESH	Tax 1	\$0.00
Start Date	01/25/2024	Created By	1842	Tax 2	\$0.00
End Date	01/25/2024	Creation Date	01/22/2024, 10:33:24 am	Total Net	\$37.41
Run Dates	1			Payment	\$0.00
Publication(s)	Okanogan Valley Gazette				
Sales Rep	3801 - Okanogan County Legals		Phone	(253) 234-3506	
			E-Mail	lmills@soundpublishing.com	
			Fax		

**Notice of Application and
Threshold SEPA Determination
CUP 2023-3 Freels Sand &
Gravel Expansion**

Notice is hereby given that an application has been submitted by NCW Land Surveying LLC on behalf of Freels Sand & Gravel to permit the expansion of an existing gravel pit. The existing pit is 27 acres, the applicant is proposing to expand the pit with an additional 108 acres. The total acreage will be 135. The pit is for long term crushing, sorting, batching of concrete and asphalt, along with stockpiling of sand, gravel and rock. The hours of operation will be 6 a.m. to 6 p.m. The water source is an on site well within the Duck Lake Aquifer. The site is located on Omak Airport Rd and Sand Dust Rd near Omak WA on tax parcel number 3426124001, 3426124004, 3426124002 and 8807010100.

The SEPA Responsible Official has reviewed the Environmental Checklist and project description and issued a Threshold Mitigated Determination of Non-Significance (MDNS) on this proposal in accordance with WAC 197-11-350. A public hearing for this project will be set at a later date. The public is welcome to comment on this project. Project comments may be submitted in writing up to the hearing or be presented at the hearing. SEPA comments regarding this threshold determination may be submitted

in writing by 5:00 pm February 8, 2024. All SEPA comments will be reviewed for relevance, and if necessary additional conditions will be placed on the MDNS. If no comments are received the MDNS will stand as final. Direct questions and comments to: Okanogan County Office of Planning & Development, Pam Wyllson, 123 5th Ave. N, Suite 130, Okanogan, WA 98840, (509) 422-7122
pwylson@co.okanogan.wa.us
Published in the Methow Valley News January 24, 2024; Okanogan Valley Gazette-Tribune January 25, 2024.
OVG990422

**Notice of Application and Threshold SEPA Determination
CUP 2023-3 Freels Sand & Gravel Expansion**

Notice is hereby given that an application has been submitted by NCW Land Surveying LLC on behalf of Freels Sand & Gravel to permit the expansion of an existing gravel pit. The existing pit is 27 acres, the applicant is proposing to expand the pit with an additional 108 acres. The total acreage will be 135. The pit is for long term crushing, sorting, batching of concrete and asphalt, along with stockpiling of sand, gravel and rock. The hours of operation will be 6 a.m. to 6 p.m. The water source is an on site well within the Duck Lake Aquafer. The site is located on Omak Airport Rd and Sand Dust Rd near Omak WA on tax parcel number 3426124001, 3426124004, 3426124002 and 8807010100.

The SEPA Responsible Official has reviewed the Environmental Checklist and project description and issued a Threshold Mitigated Determination of Non-Significance (MDNS) on this proposal in accordance with WAC 197-11-350. A public hearing for this project will be set at a later date. The public is welcome to comment on this project. Project comments may be submitted in writing up to the hearing or be presented at the hearing. SEPA comments regarding this threshold determination may be submitted in writing by 5:00 pm **February 8, 2024**. All SEPA comments will be reviewed for relevance, and if necessary additional conditions will be placed on the MDNS. If no comments are received the MDNS will stand as final. Direct questions and comments to: Okanogan County Office of Planning & Development, Pam Wyllson, 123 5th Ave. N, Suite 130, Okanogan, WA 98840, (509) 422-7122 pwylson@co.okanogan.wa.us

Gazette Tribune/Methow Valley: Please publish in the **January 24&25, 2024** edition of the **County's Legal Notice Section of the Gazette Tribune/Methow Valley newspapers.**

Please send **bill to:**

Okanogan County Office of Planning & Development
123 5th Avenue North, Suite 130
Okanogan, WA 98840.

Please provide an original affidavit of publication to: Okanogan County Planning & Development Department at 123 5th Ave. N. Suite 130 Okanogan, WA 98840. **Thanks**

Affidavit of Public Notice

(As required by Okanogan County Code Title 16.20.040, Title 20.08.050.2.B)

Please complete this form and return to the Okanogan County Office of Planning and Development, 123 5th Ave. North, Suite 130, Okanogan, WA 98840 509-422-7160

- ☐ Subdivision or Plat Vacation (3 locations)
☒ Conditional Use Permit (CUP) Subject Property
☐ Variance (3 locations)
☐ Rezone (3 locations and Post Office)
☐ Planned Development (3 locations)
☐ Open Space Timber (2 locations)
☐ Other (3 locations)

I, David Freels (name of applicant), am the owner/developer of the property described as Okanogan County 10 digit Parcel # 3424124002 or as attached. 3426124004 3424124001
8807010100

I swear or affirm that I posted, or caused to be posted, conspicuous notice of the above mentioned land use action in the following location in accordance to OCC 20.08.050(2)(B). (Posting the notice of application on the subject property by the applicant for site-specific proposals for the duration of the public comment period. After the public comment period, the applicant shall sign an affidavit of posting with the department verifying that the above requirements have been met.)

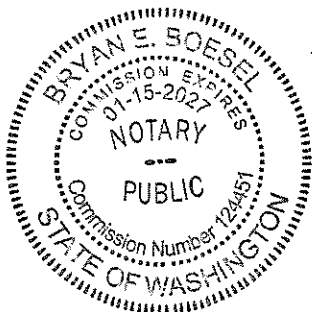
LOCATIONS

- 1) on subject property Date Posted 1-23-24
2) _____ Date Posted _____
3) _____ Date Posted _____

Signature of Applicant _____

On this day personally appeared before me DAVID FREELS, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that he/she signed the same as his/her free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal on Jan. 23, 2024.

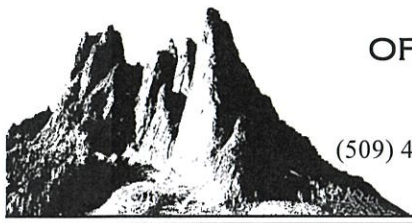


[Signature]

Notary public in and for the State of Washington,

residing at MALOTT

My Commission Expires: 01-15-2027



OKANOGAN COUNTY
OFFICE OF PLANNING AND DEVELOPMENT

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123 - 5th Ave. N. Suite 130 - Okanogan, WA 98840

(509) 422-7160 • FAX: (509) 422-7349 • TTY/Voice Use 800-833-6388

email: planning@co.okanogan.wa.us

NOTICE OF FINAL SEPA DETERMINATION AND HEARING DATE

Freels Sand & Gravel Expansion

Conditional Use Permit 2023-3

Notice is hereby given that an application has been submitted by NCW Land Surveying LLC on behalf of Freels Sand & Gravel to permit the expansion of an existing gravel pit. The existing pit is 27 acres, the applicant is proposing to expand the pit with an additional 108 acres. The total acreage will be 135. The pit is for long term crushing, sorting, batching of concrete and asphalt, along with stockpiling of sand, gravel and rock. The hours of operation will be 6 a.m. to 6 p.m. The water source is an on site well within the Duck Lake Aquafer. The site is located on Omak Airport Rd and Sand Dust Rd near Omak WA on tax parcel number 3426124001, 3426124004, 3426124002 and 8807010100.

According to Washington State Environmental Policy Act (SEPA) regulations, the office of Okanogan County Planning and Development issued a final environmental mitigated determination of non-significance (MDNS) for this proposal. This decision may be appealed in accordance with OCC 14.04.220. Appeals must be made in writing to the Okanogan County Hearing Examiner, 123 5th Ave N Ste. 130, Okanogan, WA 98840. Appeals must be submitted or postmarked by 5:00 p.m. on March 15, 2024. Appeals shall state with specificity the elements of the environmental checklist and resulting determination the appellant finds objectionable and shall state the reason therefore. Appeals must include the \$1,250.00 appeal fee. The public hearing for this project is scheduled for March 28, 2024 at 10:00 am in the Commissioners Hearing Room. Project comments can be submitted up to the hearing date and testimony may be given at the hearing. Failure to comment by this date denies a party standing to appeal the final decision. A link will be set up on the Planning Department's website or you may join at Join Zoom Meeting <https://zoom.us/j/96867742631> Meeting ID: 968 6774 2631 Dial by your location +1 253 205 0468 US or +1 253 215 8782 US (Tacoma) Meeting ID: 968 6774 2631.

Direct questions and comments to:
Okanogan County Office of Planning & Development,
Pam Wyllson,
123 5th Ave. N, Suite 130,
Okanogan, WA 98840,
(509) 422-7122
pwyllson@co.okanogan.wa.us

Pam Wyllson

From: ECY RE SEPA REGISTER <separegister@ecy.wa.gov>
Sent: Monday, February 26, 2024 9:46 AM
To: Pam Wyllson
Subject: RE: Final SEPA for Freels Sand and Gravel Expansion

Hi Pam,

The record has been updated: <https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202400304>.

Thank you,

Joy Espinoza
SEPA / ERTS Coordinator
Department of Ecology – Central Region
Ph: 509.379.3967 | Email: joy.espinoza@ecy.wa.gov

From: Pam Wyllson <pwylson@co.okanogan.wa.us>
Sent: Monday, February 26, 2024 9:12 AM
To: ECY RE SEPA REGISTER <separegister@ecy.wa.gov>
Subject: Final SEPA for Freels Sand and Gravel Expansion

External Email

Can you please add the attached final SEPA determination and notice of final SEPA to SEPA file number 202400304, Agency Okanogan County, Lead Agency File Number CUP 2023-3

Pam Wyllson
Planner II
Okanogan County Office of Planning & Development
123 5th Ave N. Ste 130
Okanogan WA 98840
509-422-7122
pwylson@co.okanogan.wa.us

Notice of Final SEPA Determination and Hearing Date CUP 2023-3 Freels Sand & Gravel Expansion

Notice is hereby given that an application has been submitted by NCW Land Surveying LLC on behalf of Freels Sand & Gravel to permit the expansion of an existing gravel pit. The existing pit is 27 acres, the applicant is proposing to expand the pit with an additional 108 acres. The total acreage will be 135. The pit is for long term crushing, sorting, batching of concrete and asphalt, along with stockpiling of sand, gravel and rock. The hours of operation will be 6 a.m. to 6 p.m. The water source is an on site well within the Duck Lake Aquafer. The site is located on Omak Airport Rd and Sand Dust Rd near Omak WA on tax parcel number 3426124001, 3426124004, 3426124002 and 8807010100.

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Gazette Tribune/Methow Valley: Please publish in the **February 28 & 29, 2024** edition of the **County's Legal Notice Section of the Gazette Tribune/Methow Valley newspapers.**

Pease send **bill to:**
Okanogan County Office of Planning & Development
123 5th Avenue North, Suite 130
Okanogan, WA 98840.

Please provide an original affidavit of publication to: Okanogan County Planning & Development
Department at 123 5th Ave. N. Suite 130 Okanogan, WA 98840. **Thanks**

Classified Proof

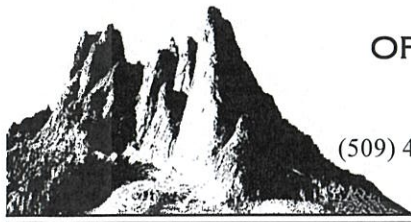
Client	136709 - OKANOGAN COUNTY OFFICE OF PLAN	Phone	(509) 422-7120		
Address	123 5TH AVE NORTH, Suite 130	E-Mail			
	OKANOGAN, WA, 98840	Fax			
Order#	992199	Requested By		Order Price	\$49.28
Classification	9913 - Okanogan Legals	PO #		Tax 1	\$0.00
Start Date	02/29/2024	Created By	1045	Tax 2	\$0.00
End Date	02/29/2024	Creation Date	02/26/2024, 03:15:59 pm	Total Net	\$49.28
Run Dates	1			Payment	\$0.00
Publication(s)	Okanogan Valley Gazette				
Sales Rep	3801 - Okanogan County Legals	Phone	(253) 234-3506		
		E-Mail	lmills@soundpublishing.com		
		Fax			

**Notice of Final SEPA
Determination and Hearing
Date
CUP 2023-3 Freels Sand &
Gravel Expansion**

Notice is hereby given that an application has been submitted by NCW Land Surveying LLC on behalf of Freels Sand & Gravel to permit the expansion of an existing gravel pit. The existing pit is 27 acres, the applicant is proposing to expand the pit with an additional 108 acres. The total acreage will be 135. The pit is for long term crushing, sorting, batching of concrete and asphalt, along with stockpiling of sand, gravel and rock. The hours of operation will be 6 a.m. to 6 p.m. The water source is an on site well within the Duck Lake Aquifer. The site is located on Omak Airport Rd and Sand Dust Rd near Omak WA on tax parcel number 3426124001, 3426124004, 3426124002 and 8807010100.

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postmarked by 5:00 p.m. on March 15, 2024. Appeals shall state with specificity the elements of the environmental checklist and resulting determination the appellant finds objectionable and shall state the reason therefore. Appeals must include the \$1,250.00 appeal fee. The public hearing for this project is scheduled for March 28, 2024 at 10:00 am in the Commissioners Hearing Room. Project comments can be submitted up to the hearing date and testimony may be given at the hearing. Failure to comment by this date denies a party standing to appeal the final decision. A link will be set up on the Planning Department's website or you may join at Join Zoom Meeting <https://zoom.us/j/96867742631> Meeting ID: 968 6774 2631 Dial by your location +1 253 205 0468 US or +1 253 215 8782 US (Tacoma) Meeting ID: 968 6774 2631. Direct questions and comments to: Okanogan County Office of Planning & Development, Pam Wyllson 123 5th Ave. N, Suite 130, Okanogan, WA 98840, (509) 422-7122 pwylson@co.okanogan.wa.us Published in the Methow Valley News February 28, 2024; Okanogan Valley Gazette-Tribune February 29, 2024. OVG992199



OKANOGAN COUNTY
OFFICE OF PLANNING AND DEVELOPMENT

PLANNING · GIS · WATER RESOURCES

123 - 5th Ave. N. Suite 130 - Okanogan, WA 98840

(509) 422-7160 • FAX: (509) 422-7349 • TTY/Voice Use 800-833-6388

email: planning@co.okanogan.wa.us

NOTICE OF CANCELED HEARING DATE

Freels Sand & Gravel Expansion

Conditional Use Permit 2023-3

Notice is hereby given that the March 28, 2024 hearing date for Freels Sand & Gravel Expansion CUP 2023-3 has been canceled. A new hearing date will be scheduled and noticed.

Direct questions and comments to:
Okanogan County Office of Planning & Development,
Pam Wyllson,
123 5th Ave. N, Suite 130,
Okanogan, WA 98840,
(509) 422-7122
pwyllson@co.okanogan.wa.us

Classified Proof

Client	136709 - OKANOGAN COUNTY OFFICE OF PLAN		Phone	(509) 422-7120	
Address	123 5TH AVE NORTH, Suite 130		E-Mail		
	OKANOGAN, WA, 98840		Fax		
Order#	993325	Requested By	PAM WYLLSON	Order Price	\$12.47
Classification	9913 - Okanogan Legals	PO #	CUP 2023-3	Tax 1	\$0.00
Start Date	03/21/2024	Created By	1748	Tax 2	\$0.00
End Date	03/21/2024	Creation Date	03/18/2024, 09:41:34 am	Total Net	\$12.47
Run Dates	1			Payment	\$0.00
Publication(s)	Okanogan Valley Gazette				
Sales Rep	3801 - Okanogan County Legals		Phone	(253) 234-3506	
			E-Mail	lmills@soundpublishing.com	
			Fax		

**Notice of Canceled
Hearing Date
CUP 2023-3 Freels Sand &
Gravel Expansion**

Notice is hereby given that the March 28, 2024 hearing date for Freels Sand & Gravel Expansion CUP 2023-3 has been canceled. A new hearing date will be scheduled and noticed. Direct questions and comments to: Okanogan County Office of Planning & Development, Pam Wyllson 123 5th Ave. N, Suite 130, Okanogan, WA 98840, (509) 422-7122
pwylson@co.okanogan.wa.us
Published in the Methow Valley News March 20, 2024; Okanogan Valley Gazette-Tribune March 21, 2024. OVG993325

Notice of Canceled Hearing Date
CUP 2023-3 Freels Sand & Gravel Expansion

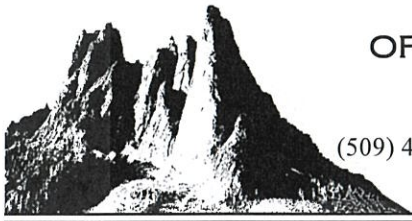
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Gazette Tribune/Methow Valley: Please publish in the **March 20 & 21, 2024 edition of the County's Legal Notice Section of the Gazette Tribune/Methow Valley newspapers.**

Pease send **bill to:**

Okanogan County Office of Planning & Development
123 5th Avenue North, Suite 130
Okanogan, WA 98840.

Please provide an original affidavit of publication to: Okanogan County Planning & Development Department at 123 5th Ave. N. Suite 130 Okanogan, WA 98840. **Thanks**



OKANOGAN COUNTY
OFFICE OF PLANNING AND DEVELOPMENT

PLANNING · GIS · WATER RESOURCES

123 - 5th Ave. N. Suite 130 - Okanogan, WA 98840

(509) 422-7160 • FAX: (509) 422-7349 • TTY/Voice Use 800-833-6388

email: planning@co.okanogan.wa.us

NOTICE OF HEARING DATE

Freels Sand & Gravel Expansion

Conditional Use Permit 2023-3

Notice is hereby given that the public hearing for Freels Sand & Gravel Expansion CUP 2023-3 has been set for April 18, 2024 at 10:00 am in the Commissioners Hearing Room. Project comments can be submitted up to the hearing date and testimony may be given at the hearing. Failure to comment by this date denies a party standing to appeal the final decision. A link will be set up on the Planning Department's website or you may join at Join Zoom Meeting <https://zoom.us/j/96867742631> Meeting ID: 968 6774 2631 Dial by your location +1 253 205 0468 US or +1 253 215 8782 US (Tacoma) Meeting ID: 968 6774 2631

Direct questions and comments to:

Okanogan County Office of Planning & Development,

Pam Wyllson,

123 5th Ave. N, Suite 130,

Okanogan, WA 98840,

(509) 422-7122

pwyllson@co.okanogan.wa.us

Classified Proof

Client	136709 - OKANOGAN COUNTY OFFICE OF PLAN	Phone	(509) 422-7120		
Address	123 5TH AVE NORTH, Suite 130	E-Mail			
	OKANOGAN, WA, 98840	Fax			
Order#	994025	Requested By	PAM WYLLSON	Order Price	\$20.19
Classification	9913 - Okanogan Legals	PO #	NOTICE OF HEARING DA	Tax 1	\$0.00
Start Date	04/04/2024	Created By	1842	Tax 2	\$0.00
End Date	04/04/2024	Creation Date	04/01/2024, 10:29:02 am	Total Net	\$20.19
Run Dates	1			Payment	\$0.00
Publication(s)	Okanogan Valley Gazette				
Sales Rep	3801 - Okanogan County Legals	Phone	(253) 234-3506		
		E-Mail	lmills@soundpublishing.com		
		Fax			

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CUP 2023-3 Freels Sand &
Gravel Expansion**

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Meeting ID: 968 6774 2631 Dial by your location +1 253 205 0468 US or +1 253 215 8782 US (Tacoma) Meeting ID: 968 6774 2631. Direct questions and comments to: Okanogan County Office of Planning & Development, Pam Wylson 123 5th Ave. N, Suite 130, Okanogan, WA 98840, (509) 422-7122 pwylson@co.okanogan.wa.us
Published in the Methow Valley News April 3, 2024; Okanogan Valley Gazette-Tribune April 4, 2024. OVG994025

Pam Wyllson

From: Legals - Everett <legals@heraldnet.com>
Sent: Monday, April 1, 2024 10:22 AM
To: Pam Wyllson
Subject: Re: legal notice

Hi Pam

Both notices have been received and will be scheduled for the April 3, 4 issues as requested.

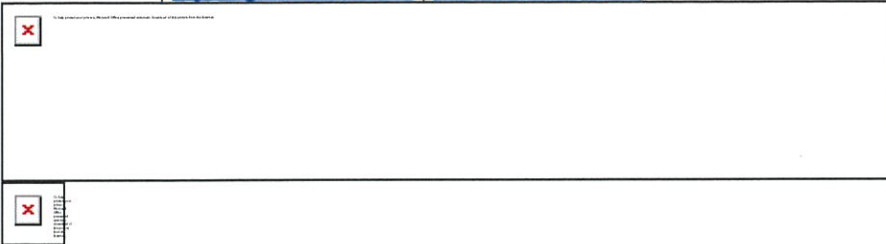
We're having so system issues so I can't generate the order confirmations for you right now but we do have the ads booked and we'll send that paperwork to you as soon as we can!

Thanks!

Lia Toupin

Herald Legals

The Daily Herald | 1800 41st Street, S-300 | Everett, WA 98203
425-339-3089 | legals@heraldnet.com | www.heraldnet.com



From: Pam Wyllson <pwylson@co.okanogan.wa.us>
Sent: Monday, April 1, 2024 9:19 AM
To: Legals - Everett <legals@heraldnet.com>
Subject: legal notice

Please publish in the legal section of the paper. Thank you have a great week

Pam Wyllson

Planner II
Okanogan County Office of Planning & Development
123 5th Ave N. Ste 130
Okanogan WA 98840
509-422-7122
pwylson@co.okanogan.wa.us

Notice of Hearing Date
CUP 2023-3 Freels Sand & Gravel Expansion

Notice is hereby given that the public hearing for Freels Sand & Gravel Expansion CUP 2023-3 has been set for April 18, 2024 at 10:00 am in the Commissioners Hearing Room. Project comments can be submitted up to the hearing date and testimony may be given at the hearing. Failure to comment by this date denies a party standing to appeal the final decision. A link will be set up on the Planning Department's website or you may join at Join Zoom Meeting <https://zoom.us/j/96867742631> Meeting ID: 968 6774 2631 Dial by your location +1 253 205 0468 US or +1 253 215 8782 US (Tacoma) Meeting ID: 968 6774 2631. Direct questions and comments to: Okanogan County Office of Planning & Development, Pam Wyllson 123 5th Ave. N, Suite 130, Okanogan, WA 98840, (509) 422-7122 pwyllson@co.okanogan.wa.us

Gazette Tribune/Methow Valley: Please publish in the **April 3 & 4, 2024** edition of the County's **Legal Notice Section of the Gazette Tribune/Methow Valley** newspapers.

Pease send **bill to:**
Okanogan County Office of Planning & Development
123 5th Avenue North, Suite 130
Okanogan, WA 98840.

Please provide an original affidavit of publication to: Okanogan County Planning & Development
Department at 123 5th Ave. N. Suite 130 Okanogan, WA 98840. **Thanks**

Attachment G

Agency List and Comments

Notice: Application and Threshold SEPA**CUP 2023-3 Freels Sand & Gravel Expansion**

Date Sent: 1/22/2024

Sent By: PW

County Agencies

X	Okanogan County Public Works	jthomson@co.okanogan.wa.us arandall@co.okanogan.wa.us
X	Okanogan County Assessors Office	pweitman@co.okanogan.wa.us ahedington@co.okanogan.wa.us
X	Okanogan County Health District	Water: lmckee@co.okanogan.wa.us Sewer: mharr@co.okanogan.wa.us
X	Okanogan County Noxious Weed	jnelson@co.okanogan.wa.us
X	Okanogan County Sheriff	pbudrow@co.okanogan.wa.us
X	Okanogan County Building Dept.	dhigbee@co.okanogan.wa.us
X	Okanogan County E-911 Addressing	gwyllson@co.okanogan.wa.us

Districts

X	Irrigation District: Okanogan	brad@okanoganirrigationdistrict.com
X	Fire District: 3	Fire3debp@gmail.com
X	Phone District:	none

Other

X	City: Omak	admin@omakcity.com
X	Electric Company: Okanogan PUD	jerit@okpud.org , allena@okpud.org

State Agencies

X	W.S. Dept. of Ecology	Yakima: crosepacoordinator@ecy.wa.gov FormerOrchards@ecy.wa.gov
X	W.S. Department of Fish & Wildlife	SEPADesk@dfw.wa.gov WDFWR2Planning@dfw.wa.gov
X	W.S.D.N.R.	northeast.region@dnr.wa.gov
X	D.N.R. Natural Heritage Program	jasa.holt@dnr.wa.gov
X	Okanogan Conservation District	craign@okanogancd.org
X	Archaeology & Historic Preservation	Sydney.Hanson@dahp.wa.gov SEPA@dahp.wa.gov
X	W.S. Dept of Transportation	aviationlanduse@wsdot.wa.gov nc-review@wsdot.wa.gov
X	W.S. Liquor and Cannabis Board	

Federal Agencies

X	Colville Confederated Tribe	charles.brushwood@colvilletribes.com Planning: Hayley.cohen.pln@colvilletribes.com Archaeology: guy.moura@colvilletribes.com melissa.ayvaz.HSY@colvilletribes.com
---	-----------------------------	---

X	US Navy (for notices with structures that will affect low flying aircraft)	kimberly.n.peacher.civ@us.navy.mil
---	--	--

X	Yakama Nation	Phil_Rigdon@Yakama.com smih@yakamafish-nsn.gov
---	---------------	--

jthomson@co.okanogan.wa.us; arandall@co.okanogan.wa.us; pweitman@co.okanogan.wa.us;
ahedington@co.okanogan.wa.us; lmckee@co.okanogan.wa.us; mharr@co.okanogan.wa.us;
jnelson@co.okanogan.wa.us; pbudrow@co.okanogan.wa.us; dhigbee@co.okanogan.wa.us;
gwyllson@co.okanogan.wa.us; jerit@okpud.org; allena@okpud.org; crosepacoordinator@ecy.wa.gov;
FormerOrchards@ecy.wa.gov; SEPADesk@dfw.wa.gov; WDFWR2Planning@dfw.wa.gov;
northeast.region@dnr.wa.gov; jasa.holt@dnr.wa.gov; craign@okanogancd.org; SEPA@dahp.wa.gov;
Sydney.Hanson@dahp.wa.gov; Hayley.cohen.pln@colvilletribes.com; guy.moura@colvilletribes.com;
melissa.ayvaz.hsy@colvilletribes.com; aviationlanduse@wsdot.wa.gov; nc-review@wsdot.wa.gov;
Phil_Rigdon@Yakama.com; smih@yakamafish-nsn.gov; charles.brushwood@colvilletribes.com;
kimberly.n.peacher.civ@us.navy.mil; admin@omakcity.com; Fire3debp@gmail.com;
brad@okanoganirrigationdistrict.com

Pam Wyllson

From: Pam Wyllson
Sent: Monday, January 22, 2024 10:16 AM
To: Josh Thomson; Anna Randall; 'Pati jo Weitman'; 'Ardell Hedington'; 'Lani McKee'; Michael Harr; 'jnelson@co.okanogan.wa.us'; Paul Budrow; Dan Higbee; 'gwylson@co.okanogan.wa.us'; 'jerit@okpud.org'; 'allena@okpud.org'; 'crosepacoordinator@ecy.wa.gov'; 'FormerOrchards@ecy.wa.gov'; 'SEPADesk@dfw.wa.gov'; 'WDFWR2Planning@dfw.wa.gov'; 'northeast.region@dnr.wa.gov'; 'jasa.holt@dnr.wa.gov'; 'craign@okanogancd.org'; 'SEPA@dahp.wa.gov'; 'Sydney.Hanson@dahp.wa.gov'; 'Hayley.cohen.pln@colvilletribes.com'; 'guy.moura@colvilletribes.com'; 'melissa.ayvaz.hsy@colvilletribes.com'; 'aviationlanduse@wsdot.wa.gov'; 'nc-review@wsdot.wa.gov'; 'Phil_Rigdon@Yakama.com'; 'smih@yakamafish-nsn.gov'; 'charles.brushwood@colvilletribes.com'; 'kimberly.n.peacher.civ@us.navy.mil'; 'admin@omakcity.com'; 'Fire3debp@gmail.com'; 'brad@okanoganirrigationdistrict.com'
Subject: CUP 2023-3 notice application and SEPA threshold
Attachments: Freels Sand and Gravel sheet 2.pdf; Freels Sand and Gravel sheet 3.pdf; notice.pdf; SEPA checklist.pdf; Threshold SEPA MDNS.pdf; comment sheet.pdf; CUP application.pdf; Freels Sand and Gravel sheet 1.pdf

Attached is the notice, SEPA threshold MDNS, CUP application, and SEPA checklist for CUP 2023-3 Freels sand and Gravel Expansion

Comments are due by February 8th at 5pm

Pam Wyllson

Planner II
Okanogan County Office of Planning & Development
123 5th Ave N. Ste 130
Okanogan WA 98840
509-422-7122
pwylson@co.okanogan.wa.us



COMMENT SHEET

Project: Freels Sand & Gravel Expansion
Application Number: CUP 2023-3
Out For SEPA Comment: January 24, 2024
SEPA Comments due: February 8, 2024
Project Planner: Pam Wyllson
E-Mail: pwylson@co.okanogan.wa.us

- The enclosed application and supporting documentation is being sent to your agency for review and comment
- Written comments can be returned using one of the following methods to the:

OKANOGAN COUNTY OFFICE OF PLANNING AND DEVELOPMENT:
Via USPS Mail: 123 5th Avenue N, Suite 130, Okanogan, WA 98840
Via Fax: 509-422-7349
Via Email: to the Planners email address

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- If this proposal is deemed significant and/or controversial by your agency, please contact the Project Planner listed above
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Comments:

Assessor Office

No Comment

Pete Weilmann
(Signature)
Drifting Ice
(Title)
1-22-2024
(Date)



Okanogan County
Department of
Public Works
1234A Second Avenue South
Okanogan, WA 98840
(509) 422-7300 FAX (509) 422-7301

Josh Thomson P.E.
Director/County Engineer

Date: January 22, 2024

To: Pam Wyllson, Project Planner
Okanogan County Department of Planning and Development

From: Anna Randall, Engineering Department
Okanogan County Public Works Department

Subject: SEPA 2023-3 Freels Sand and Gravel CUP

- Concept of the project appears acceptable.

Pam Wyllson

From: Longoria, Nathan (ECY) <nlon461@ECY.WA.GOV>
Sent: Tuesday, January 23, 2024 12:07 PM
To: Pam Wyllson
Subject: SEPA CUP 2023-3 Water Permit #

Good Morning Pam,

I am emailing you today about SEPA file number CUP 2023-3, Freels Sand and Gravel LLC lists that they have an existing water right permit for Duck Lake. Can you contact them and find out the Permit # for the existing water permit?

Thank you for tracking this information down,

Nathan Longoria

WA Department of Ecology - Central Region Office
Water Resources Program – Customer Service, Permit Writer, SEPA
509-907-1752
Nathan.Longoria@ecy.wa.gov

Pam Wyllson

From: Pam Wyllson
Sent: Wednesday, January 24, 2024 8:58 AM
To: Longoria, Nathan (ECY)
Subject: RE: SEPA CUP 2023-3 Water Permit #
Attachments: 01242024085328-0001.pdf

Attached is what the applicant provided for the existing water agreement with Okanogan Irrigation for the Duck Lake Aquafer. Is this what you are looking for?

Pam Wyllson

Planner II
Okanogan County Office of Planning & Development
123 5th Ave N. Ste 130
Okanogan WA 98840
509-422-7122
pwylson@co.okanogan.wa.us

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Nathan Longoria

WA Department of Ecology - Central Region Office
Water Resources Program – Customer Service, Permit Writer, SEPA
509-907-1752
Nathan.Longoria@ecy.wa.gov

Pam Wyllson

From: Longoria, Nathan (ECY) <nlon461@ECY.WA.GOV>
Sent: Thursday, January 25, 2024 8:17 AM
To: Pam Wyllson
Subject: RE: SEPA CUP 2023-3 Water Permit #

Thanks Pam, this is exactly what I was looking for.

Nathan Longoria

WA Department of Ecology - Central Region Office
Water Resources Program – Customer Service, Permit Writer, SEPA
509-907-1752
Nathan.Longoria@ecy.wa.gov

From: Pam Wyllson <pwylson@co.okanogan.wa.us>
Sent: Wednesday, January 24, 2024 8:58 AM
To: Longoria, Nathan (ECY) <nlon461@ECY.WA.GOV>
Subject: RE: SEPA CUP 2023-3 Water Permit #

External Email

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Pam Wyllson

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Okanogan County Office of Planning & Development
123 5th Ave N. Ste 130
Okanogan WA 98840
509-422-7122
pwylson@co.okanogan.wa.us

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Sent: Tuesday, January 23, 2024 12:07 PM
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Nathan Longoria

WA Department of Ecology - Central Region Office

Water Resources Program – Customer Service, Permit Writer, SEPA

509-907-1752

Nathan.Longoria@ecy.wa.gov



OKANOGAN COUNTY
OFFICE OF PLANNING AND DEVELOPMENT

123 - 5th Ave. N. Suite 130 - Okanogan, WA 98840
(509) 422-7160 • FAX: (509) 422-7349 • TTY/Voice Use 800-833-6388
email: planning@co.okanogan.wa.us

Received

JAN 29 2024

Okanogan County
Planning and Development

COMMENT SHEET

Project: Freels Sand & Gravel Expansion
Application Number: CUP 2023-3
Out For SEPA Comment: January 24, 2024
SEPA Comments due: February 8, 2024
Project Planner: Pam Wyllson
E-Mail: pwylson@co.okanogan.wa.us

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Via USPS Mail: 123 5th Avenue N, Suite 130, Okanogan, WA 98840
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- If this proposal is deemed significant and/or controversial by your agency, please contact the Project Planner listed above
- Any questions you may have about the project should be referred to the Project Planner as soon as possible

Comments: WSDOT Aviation Division reviewed this project on 01/29/2024. We have no concerns other than development

of parcel 3426124004. Portions of this parcel are located within WSDOT land use compatibility Zone 5 in which "mining

including sand and gravel pits" are prohibited (see WSDOT Airports and Land Use Compatibility Handbook p. F-2).

The area within 750 feet of the runway lateral of the centerline defines the eastern edge of Zone 5. It appears that avoiding

mining activity in this limited portion of the property would have minimal impact on the proposed project. Another concern

is the proximity of mining activity to the airport as dust and smoke can be hazardous to aviation operations. The developer

should create a contingency plan in case excess dust or other visibility reducing disturbance occurs or the wind conditions

carry such impedances towards the airport. Please let us know if you have questions.

(Signature)

Aviation Planner, WSDOT

(Title)

01/29/2024

(Date)



Received
FEB 01 2024
Okanogan County
Planning and Development

Allyson Brooks Ph.D., Director
State Historic Preservation Officer

February 1, 2024

Pam Wyllson
Planner II
Okanogan County
123 5th Ave N. Suite 130
Okanogan, WA 98840

In future correspondence please refer to:
Project Tracking Code: 2024-02-00750
Property: Okanogan County_Freels Sand and Gravel Expansion (CUP 2023-3)
Re: Survey Requested

Dear Pam Wyllson:

Thank you for contacting the Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) and providing documentation regarding the above referenced project. These comments are based on the information available at the time of this review and on behalf of the SHPO in conformance Washington State law. Should additional information become available, our assessment may be revised.

Our statewide predictive model indicates that there is a high probability of encountering cultural resources within the proposed project area. Further, the scale of the proposed ground disturbing actions would destroy any archaeological resources present. Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, we recommend a professional archaeological survey of the project area be conducted and a report be produced prior to ground disturbing activities. This report should meet DAHP's [Standards for Cultural Resource Reporting](#).

We also recommend that any historic buildings or structures (45 years in age or older) located within the project area are evaluated for eligibility for listing in the National Register of Historic Places on Historic Property Inventory (HPI) forms. We highly encourage the SEPA lead agency to ensure that these evaluations are written by a cultural resource professional meeting the [SOI Professional Qualification Standards in Architectural History](#).

Please note that the recommendations provided in this letter reflect only the opinions of DAHP. Any interested Tribes may have different recommendations. We appreciate receiving any correspondence or comments from Tribes or other parties concerning cultural resource issues that you receive.

Thank you for the opportunity to comment on this project. Please ensure that the DAHP Project Tracking Number is shared with any hired cultural resource consultants and is attached to any communications or submitted reports. Please also ensure that any reports, site forms, and/or historic property inventory (HPI) forms are uploaded to WISAARD by the consultant(s).



Should you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Sydney Hanson", followed by a horizontal line.

Sydney Hanson, M.A.
Local Government Archaeologist
(360) 280-7563
Sydney.Hanson@dahp.wa.gov



Pam Wyllson

From: NC-Review <NC-Review@WSDOT.WA.GOV>
Sent: Monday, February 5, 2024 4:36 PM
To: Pam Wyllson
Cc: Darveshi, Shaun; Verellen, Clayton
Subject: RE: [EXTERNAL] CUP 2023-3 notice application and SEPA threshold

Pam,

Thank you for giving WSDOT the opportunity to comment on this project. At this time WSDOT has no comment. Thank you.

Clayton Verellen

Development Services Lead
Transportation Engineer 3
North Central Region
2830 Euclid Ave.
Wenatchee, WA 98801
Office Phone: (509) 667-2909
VereCla@WSDOT.WA.GOV



**Washington State
Department of Transportation**

From: Pam Wyllson <pwylson@co.okanogan.wa.us>
Sent: Monday, January 22, 2024 10:16 AM
To: Thomson, Josh <jthomson@co.okanogan.wa.us>; Anna Randall <arandall@co.okanogan.wa.us>; Pati jo Weitman <pweitman@co.okanogan.wa.us>; Ardell Hedington <ahedington@co.okanogan.wa.us>; Lani McKee <lmckee@co.okanogan.wa.us>; Michael Harr <mharr@co.okanogan.wa.us>; Disabled - Janet Nelson <jnelson@co.okanogan.wa.us>; Paul Budrow <pbudrow@co.okanogan.wa.us>; Dan Higbee <dhigbee@co.okanogan.wa.us>; Gene Wyllson <ghwyllson@co.okanogan.wa.us>; jerit@okpud.org; allena@okpud.org; crosepacoordinator@ecy.wa.gov; FormerOrchards@ecy.wa.gov; SEPADesk@dfw.wa.gov; WDFWR2Planning@dfw.wa.gov; northeast.region@dnr.wa.gov; HOLT, JASA (DNR) <jasa.holt@dnr.wa.gov>; craign@okanogancd.org; SEPA@dahp.wa.gov; Hanson, Sydney (DAHP) <Sydney.Hanson@dahp.wa.gov>; Hayley.cohen.pln@colvilletribes.com; guy.moura@colvilletribes.com; melissa.ayvaz.hsy@colvilletribes.com; WSDOT Aviation Land Use Inquiries and Application Submittals <AviationLandUse@WSDOT.WA.GOV>; NC-Review <NC-Review@WSDOT.WA.GOV>; Phil_Rigdon@Yakama.com; smih@yakamafish-nsn.gov; charles.brushwood@colvilletribes.com; kimberly.n.peacher.civ@us.navy.mil; admin@omakcity.com; Fire3debp@gmail.com; brad@okanoganirrigationdistrict.com
Subject: [EXTERNAL] CUP 2023-3 notice application and SEPA threshold

WARNING: This email originated from outside of WSDOT. Please use caution with links and attachments.

Attached is the notice, SEPA threshold MDNS, CUP application, and SEPA checklist for CUP 2023-3 Freels sand and Gravel Expansion

Comments are due by February 8th at 5pm

Pam Wyllson

Planner II

Okanogan County Office of Planning & Development

123 5th Ave N. Ste 130

Okanogan WA 98840

509-422-7122

pwylson@co.okanogan.wa.us

Pam Wyllson

From: ECY RE CRO SEPA Coordinator <crosepa@ecy.wa.gov>
Sent: Tuesday, February 6, 2024 4:03 PM
To: Pam Wyllson
Subject: SEPA 202400304 comments for CUP 2023-3
Attachments: 202400304_Okanogan_Freels Sand & Gravel Expansion.pdf

Please see the attached comment letter for the Freels Sand & Gravel Expansion.

Share these comments with the applicant.

Thank you,

Joy Espinoza

SEPA/ERTS Coordinator – Central Region

Department of Ecology

Ph: 509.379.3967 | crosepacoordinator@ecy.wa.gov



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

February 6, 2024

Received
FEB 06 2024
Okanogan County
Planning and Development

Pam Wyllson
Okanogan County Planning
123 5th Avenue North, Suite 130
Okanogan, WA. 98840

RE: 202400304; CUP 2023-3

Dear Pam Wyllson:

Thank you for the opportunity to comment on the Mitigated Determination of Non Significance for the Freels Sand & Gravel Expansion. We have reviewed the environmental checklist and have the following comments.

Water Quality

Freels Sand & Gravel, LLC has a Sand and Gravel General Permit WAG505199 with the Department of Ecology (Ecology). Expansion of this site requires the existing permit to be modified. The Site Management Plans will need to be updated as site conditions change. The plan must identify enough monitoring points to provide representative sampling of all point source discharges to surface water or groundwater.

For further assistance, contact Lucy Cornejo, Sand & Gravel General Permit Manager at Lucila.cornejo@ecy.wa.gov or phone 509-823-7912.

Water Resources

A water right permit is required for all surface water diversions and for any groundwater withdrawals that will exceed 5,000 gallons per day for domestic supply, exceed 5,000 gallons per day for industrial purpose, or for the irrigation of more than one-half acre of non-commercial lawn or garden (Chapter 90.03 RCW Surface Water Code and Chapter 90.44 RCW Regulation of Public Ground Waters).

If you have any questions or would like to respond to these Water Resources comments, please contact Christopher Kossik at 509-379-1826 or email at christopher.kossik@ecy.wa.gov.

Sincerely,

Joy Espinoza
SEPA Coordinator
Central Regional Office
509-379-3967
crosepacoordinator@ecy.wa.gov

Pam Wyllson

From: Todd McDaniel <admin@omakcity.com>
Sent: Wednesday, February 7, 2024 9:42 AM
To: Pam Wyllson
Subject: 2023-3 Freel Sand & Gravel
Attachments: Freel Fravel CUP 2 7 2024.pdf

Pam,
See attached Comments

Todd McDaniel
City Administrator
[City of Omak](#)
[509.826.1170](tel:509.826.1170)
admin@omakcity.com



OKANOGAN COUNTY
OFFICE OF PLANNING AND DEVELOPMENT
123 - 5th Ave. N. Suite 130 - Okanogan, WA 98840
(509) 422-7160 • FAX: (509) 422-7349 • TTY/Voice Use 800-833-6388
email: planning@co.okanogan.wa.us

COMMENT SHEET

Project: Freels Sand & Gravel Expansion
Application Number: CUP 2023-3
Out For SEPA Comment: January 24, 2024
SEPA Comments due: February 8, 2024
Project Planner: Pam Wyllson
E-Mail: pwylson@co.okanogan.wa.us

Received

FEB 07 2024

Okanogan County
Planning and Development

- The enclosed application and supporting documentation is being sent to your agency for review and comment
- Written comments can be returned using one of the following methods to the:

OKANOGAN COUNTY OFFICE OF PLANNING AND DEVELOPMENT:
Via USPS Mail: 123 5th Avenue N, Suite 130, Okanogan, WA 98840
Via Fax: 509-422-7349
Via Email: to the Planners email address

- Comments are due by the date specified above
- All comments received during the comment period will be forwarded to the project applicant
- All comments received during the comment period are appreciated and will be considered in the review of the application
- If this proposal is deemed significant and/or controversial by your agency, please contact the Project Planner listed above
- Any questions you may have about the project should be referred to the Project Planner as soon as possible

Comments: _____

See Attached

City of Omak

(Signature)

(Title)

(Date)

City Administrator

2/7/24



2 North Ash • P.O. Box 72
Omak, WA 98841
(509) 826-1170
Fax: (509) 826-6531
www.omakcity.com

Hearing Impaired - call WA Relay Services 7-1-1

February 7, 2024

Okanogan County Planning & Development
Pam Wyllson
123 5th Avenue N, Suite 130
Okanogan, WA 98840
pwylson@co.okanogan.wa.us

CUP 2023-3 Freels Sand & Gravel Expansion

Pam Wyllson,

We have the following comments and consideration for the proposed 202-3 Freels Sand and Gravel Condition Use Permit.

“Portions of the proposed mining expansion lie within the FAR Part 77 transitional surface associated with Runway 17/35 at Omak Municipal Airport. Provisions of CFR 14 Part 77 Safe, Efficient Use, And Preservation of The Navigable Airspace and Okanogan County Code sections 17A.300 Airport Safety and 17A.301 Airport Safety Overlay apply to these areas. All proposed conditional uses should be evaluated for compatibility with these regulations.

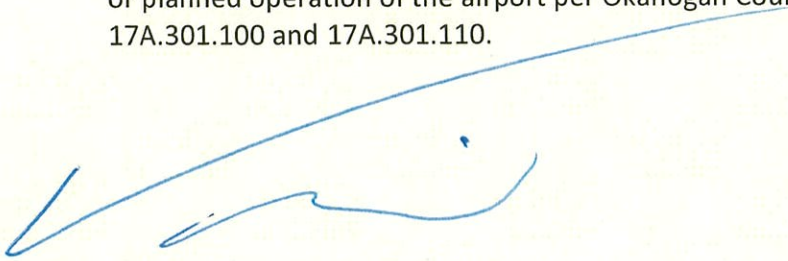
The City of Omak, as the owner and operator of the Omak Municipal Airport provides the following specific comments.

If any construction or alteration of structures occurs within the limits described in CFR 14 Part 77, then the FAA should be notified by the project proponent under CFR 14 Part 77 (form 7460-1) to initiate an aeronautical study to determine if the alteration is a hazard.

If the proposed conditional use will create areas of open water (storm water detention, process water, water storage, etc.) then the project proponent shall take measures to prevent these areas from becoming a bird attractant or foster an increased bird population in compliance Okanogan County Code section 17A.301.050.

If mining operations commence, then the project proponent shall take measures to reduce or eliminate smoke, dust, or any emissions which may conflict with operations at the Airport in compliance with Okanogan County Code 17A.301.080. In addition, sources of light shall not project into the runway, taxiway or approach zone

and building materials shall not produce glare which may conflict with any present or planned operation of the airport per Okanogan County Code Sections 17A.301.100 and 17A.301.110.

A handwritten signature in blue ink, consisting of a series of fluid, connected strokes. The signature is positioned above the printed name and title.

Todd McDaniel
City of Omak, Administrator

Pam Wyllson

From: Region2 Planning (DFW) <WDFWR2Planning@dfw.wa.gov>
Sent: Thursday, February 8, 2024 9:49 AM
To: Pam Wyllson
Cc: Barg, Amanda R (DFW)
Subject: RE: CUP 2023-3 notice application and SEPA threshold
Attachments: WDFW Comments – Freels Sand & Gravel Expansion CUP 2023-3.pdf

Pam,

Please see the attached letter.

Thank you,



Elianna (Elli) Rosenthal (she/her)
Habitat Biologist, Region 2

640 Jasmine St., Omak, WA 98841
Elianna.Rosenthal@dfw.wa.gov
(509) 885- 0631

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account is a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

From: Pam Wyllson <pwylson@co.okanogan.wa.us>
Sent: Monday, January 22, 2024 10:16 AM
To: Josh Thomson <jthomson@co.okanogan.wa.us>; Anna Randall <arandall@co.okanogan.wa.us>; Pati jo Weitman <pweitman@co.okanogan.wa.us>; Ardell Hedington <ahedington@co.okanogan.wa.us>; Lani McKee <lmckee@co.okanogan.wa.us>; Michael Harr <mharr@co.okanogan.wa.us>; Disabled - Janet Nelson <jnelson@co.okanogan.wa.us>; Paul Budrow <pbudrow@co.okanogan.wa.us>; Dan Higbee <dhigbee@co.okanogan.wa.us>; Gene Wyllson <ghwyllson@co.okanogan.wa.us>; jerit@okpud.org; allena@okpud.org; ECY RE CRO SEPA Coordinator <crosepa@ecy.wa.gov>; ECY RE Former Orchards <formerorchards@ECY.WA.GOV>; SEPAdesk (DFW) <SEPAdesk@dfw.wa.gov>; Region2 Planning (DFW) <WDFWR2Planning@dfw.wa.gov>; DNR RE NORTHEAST REGION <northeast.region@dnr.wa.gov>; HOLT, JASA (DNR) <JASA.HOLT@dnr.wa.gov>; craign@okanogancd.org; DAHP SEPA <sepa@dahp.wa.gov>; Hanson, Sydney (DAHP) <Sydney.Hanson@dahp.wa.gov>; Hayley.cohen.pln@colvilletribes.com; guy.moura@colvilletribes.com; melissa.ayvaz.hsy@colvilletribes.com; aviationlanduse@wsdot.wa.gov; nc-review@wsdot.wa.gov; Phil_Rigdon@Yakama.com; smih@yakamafish-nsn.gov; charles.brushwood@colvilletribes.com; kimberly.n.peacher.civ@us.navy.mil; Todd McDaniel <admin@omakcity.com>; Fire3debp@gmail.com; brad@okanoganirrigationdistrict.com
Subject: CUP 2023-3 notice application and SEPA threshold

External Email

Attached is the notice, SEPA threshold MDNS, CUP application, and SEPA checklist for CUP 2023-3 Freels sand and Gravel Expansion

Comments are due by February 8th at 5pm

Pam Wyllson

Planner II

Okanogan County Office of Planning & Development

123 5th Ave N. Ste 130

Okanogan WA 98840

509-422-7122

pwylson@co.okanogan.wa.us



Received

FEB 08 2024

Okanogan County
Planning and Development

State of Washington

DEPARTMENT OF FISH AND WILDLIFE REGION TWO

Mailing Address: 1550 Alder Street NW, Ephrata, WA 98823-9699 · 509 754-4624 · TDD 360 902-2207

Region Two Office Location: 1550 Alder Street NW, Ephrata, WA

February 8, 2024

Okanogan County Office of Planning & Development
Attention: Pam Wyllson- Planner II
123 5th Ave North, Ste. 130
Okanogan, WA 98840

Dear Ms. Wyllson,

**SUBJECT: WDFW COMMENTS – FREELS SAND AND GRAVEL EXPANSION CUP
2023-3**

On January 22, 2024, the Washington Department of Fish and Wildlife (WDFW) received notice from the Okanogan County Office of Planning & Development that it is accepting comments regarding the proposal mentioned above. The Washington Department of Fish and Wildlife (WDFW) interest in this project is based on our agency's mandate to perpetuate fish, wildlife, and their habitat (Regulatory Code of Washington (RCW) 77.04.012). We reviewed the project proposal for potential impacts on fish, wildlife, and their habitats, as well as possible impacts on recreational opportunities, according to our mission; we appreciate the opportunity to offer these comments.

WDFW reviewed the application materials prepared for the proposed Freels Sand and Gravel CUP 2023-3, subject to Chapter 14.12 Critical Areas of the Okanogan County Code (OCC). A review of our WDFW Priority Habitat and Species (PHS) on the Web Map (<https://wdfw.wa.gov/species-habitats/at-risk/phs/maps>) indicates that parcels 3426124001, 3426124002, 3426124004, and 8807010100 likely contains the following species and habitats, including, shrubsteppe habitat, riverine habitat, golden eagle, and Columbian sharp-tailed grouse. Columbian sharp-tailed grouse and golden eagle nesting locations are considered sensitive information, so it is displayed at the township scale. Additionally, riverine habitats are mapped based on image modeling. Upon review by WDFW, riverine habitat, and nesting locations do not appear to be present in this parcel.

Additional WDFW State Wildlife Action Plan (SWAP) GIS information indicates the shrubsteppe habitat on the Project parcel may provide habitat for several WDFW PHS-listed species. This area is within the observed range of ESA-listed Columbian sharp-tailed grouse, white-tailed jackrabbit, sagebrush lizard, Lewis woodpecker, sage thrasher, yellow-billed cuckoo, loggerhead shrike, golden eagle, burrowing owl, and bald eagle.

Recent aerial imagery confirmed that shrubsteppe habitat, an Okanogan County Level II Species – Species and Habitat of Local Concern (OCC 14.12.270(B)) is present. The undeveloped shrubsteppe habitat on the parcel is continuous with adjacent undeveloped shrubsteppe habitat on

another parcel, which typically means the ecological functions and values are higher. To verify whether the site contains the identified WDFW Priority habitats and species, WDFW recommends that Okanogan County require the Project applicants to meet the standards in Chapter 17A.10.060, *Compliance*, found in the Okanogan County Code. Specifically, WDFW recommends the County require a *site analysis* (17A.10.060(1)) to be prepared by a qualified professional wildlife biologist before a conditional use permit is issued. WDFW recommends a survey for WDFW Priority habitats, as well as wildlife surveys for the species included in the list above. Surveys need to be conducted from April 1st through May 31st, early in the morning with low wind. To confirm the presence of wildlife, we recommend a combination of visual, auditory, and/or scat presence surveys be performed.

Loss of shrubsteppe habitat (OCC Level II Habitat) to development can impact the functions and values of Fish and Wildlife Habitat Conservation Areas (FWHCAs). Before the conditional use permit is issued, WDFW recommends the requirement of a site analysis per OCC 17A.10.060(1). This analysis is crucial to avoid and minimize impacts on FWHCAs or the level I and II species, as outlined in OCC 14.12.060 Article III.

If the site analysis confirms there will be impacts on shrubsteppe habitat, and actions are needed to minimize and mitigate impacts to the species that utilize these habitats, WDFW recommends that a legally binding mechanism such as a habitat management and mitigation plan be prepared, however, we recognize the OCC does not currently have this requirement. For this situation, we recommend the requirement of the following as “Potential Conditions” for the conditional use permit (OCC 17A.310.090).

- Requiring suitable landscaping consistent with OCC 14.12.340 Habitat standards – Level II (A): We recommend for impacts from development to shrubsteppe habitat the County requires revegetation and restoration of the native vegetation. WDFW offers guidance for revegetation and restoration of native shrubsteppe and grassland habitat in our Shrub-Steppe and Grassland Restoration Manual for the Columbia River Basin (2011)¹.
 - Based on our WDFW PHS Management Recommendations for shrubsteppe, a source of Best Available Science, to off-set project impacts we recommend a minimum ratio of 2:1 acquisition of equal or better shrubsteppe habitat to place in permanent protection, to compensate for the permanent loss of shrubsteppe habitat.
- Requiring a performance bond or acceptable surety in an amount and with conditions satisfactory to the hearing examiner or board of adjustment, to assure the performance of conditions to minimize and mitigate for shrubsteppe and wildlife impacts.

Thank you for the opportunity to comment on the Freels Sand and Gravel CUP 2023-3. WDFW staff are available to provide technical assistance to you and the applicant. If you have any questions, please reach me at (509) 885-0631 or elianna.rosenthal@dfw.wa.gov.

¹ Benson, J. E., R.T. Tveten, M. G. Asher and P.W. Dunwiddie. 2011. Shrub-Steppe and Grassland Restoration Manual for the Columbia River Basin.

WDFW Comments – Freels Sand and Gravel CUP 2023-3
February 8, 2024
Page 3 of 3

Sincerely,

A handwritten signature in black ink, appearing to read 'Elianna Rosenthal', with a stylized flourish at the end.

Elianna Rosenthal
WDFW Region 2 Habitat Biologist

Cc: Amanda Barg, WDFW Region 2 Assistant Regional Habitat Program Manager

Pam Wyllson

From: Region2 Planning (DFW) <WDFWR2Planning@dfw.wa.gov>
Sent: Thursday, February 8, 2024 11:56 AM
To: Pam Wyllson
Cc: Barg, Amanda R (DFW)
Subject: FW: CUP 2023-3 notice application and SEPA threshold
Attachments: WDFW Comments – Freels Sand & Gravel Expansion CUP 2023-3.pdf; PHS Report_Parcel 3426124001.pdf; PHS Report_Parcel 3426124002.pdf; PHS Report_Parcel 3426124004.pdf; PHS Report_Parcel 8807010100.pdf

Pam,

I realized in my last email I did not attach the corresponding PHS maps for the letter. I apologize for the inconvenience.



Elianna (Elli) Rosenthal (she/her)

Habitat Biologist, Region 2

640 Jasmine St., Omak, WA 98841

Elianna.Rosenthal@dfw.wa.gov

(509) 885- 0631

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Subject: RE: CUP 2023-3 notice application and SEPA threshold

Pam,

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Planner II

Okanogan County Office of Planning & Development

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Okanogan WA 98840

509-422-7122

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Received

FEB 08 2024

Okanogan County
Planning and Development



State of Washington

DEPARTMENT OF FISH AND WILDLIFE REGION TWO

Mailing Address: 1550 Alder Street NW, Ephrata, WA 98823-9699 · 509 754-4624 · TDD 360 902-2207
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¹ Benson, J. E., R.T. Tveten, M. G. Asher and P.W. Dunwiddie. 2011. Shrub-Steppe and Grassland Restoration Manual for the Columbia River Basin.

WDFW Comments – Freels Sand and Gravel CUP 2023-3
February 8, 2024
Page 3 of 3

Sincerely,

A handwritten signature in dark ink, appearing to read "Elianna Rosenthal".

Elianna Rosenthal
WDFW Region 2 Habitat Biologist

Cc: Amanda Barg, WDFW Region 2 Assistant Regional Habitat Program Manager



Priority Habitats and Species on the Web





Report Date: 02/01/2024, Parcel ID: [3426124002](#)

PHS Species/Habitats Overview:

Occurrence Name		Federal Status	State Status	Sensitive Location	
Shrubsteppe		N/A	N/A	No	
Columbian Sharp-tailed Grouse		N/A	Endangered	Yes	
Golden eagle		N/A	Candidate	Yes	

PHS Species/Habitats Details:

Shrubsteppe	
Priority Area	Habitat Feature
Site Name	Okanogan County Presumptive Shrubsteppe
Accuracy	NA
Notes	General location of Shrubsteppe. Confirm or refute with site-scale info. WDFW recommends using site-scale info to inform site-scale land use decisions. Expect that on-the-ground conditions (e.g., boundaries) will vary from the map.
Source Record	920876
Source Name	Keith Folkerts, WDFW
Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

Shrubsteppe	
Priority Area	Habitat Feature
Site Name	Okanogan County Presumptive Shrubsteppe
Accuracy	NA
Notes	General location of Shrubsteppe. Confirm or refute with site-scale info. WDFW recommends using site-scale info to inform site-scale land use decisions. Expect that on-the-ground conditions (e.g., boundaries) will vary from the map.
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Source Name	Keith Folkerts, WDFW
Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

Shrubsteppe	
Priority Area	Habitat Feature
Site Name	Okanogan County Presumptive Shrubsteppe
Accuracy	NA
Notes	General location of Shrubsteppe. Confirm or refute with site-scale info. WDFW recommends using site-scale info to inform site-scale land use decisions. Expect that on-the-ground conditions (e.g., boundaries) will vary from the map.
Source Record	920876
Source Name	Keith Folkerts, WDFW
Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

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Priority Area	Habitat Feature
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Accuracy	NA
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Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

Shrubsteppe	
Priority Area	Habitat Feature
Site Name	Okanogan County Presumptive Shrubsteppe
Accuracy	NA
Notes	General location of Shrubsteppe. Confirm or refute with site-scale info. WDFW recommends using site-scale info to inform site-scale land use decisions. Expect that on-the-ground conditions (e.g., boundaries) will vary from the map.
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Sensitive	N
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Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

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Site Name	Okanogan County Presumptive Shrubsteppe
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Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
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Sensitive	N
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Display Resolution	AS MAPPED
Geometry Type	Polygons

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Site Name	Okanogan County Presumptive Shrubsteppe
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Sensitive	N
SGCN	N
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Sensitive	N
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Sensitive	N
SGCN	N
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Site Name	Okanogan County Shrubsteppe
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Notes	General location of Shrubsteppe. Confirm or refute with site-scale info. WDFW recommends using site-scale info to inform site-scale land use decisions. Expect that on-the-ground conditions (e.g., boundaries) will vary from the map.
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Source Name	Keith Folkerts, WDFW
Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

Columbian Sharp-tailed Grouse	
Scientific Name	<i>Tympanuchus phasianellus</i>
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release at phsproducts@dfw.wa.gov for obtaining information about masked sensitive species and habitats.
State Status	Endangered
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
SGCN	Y
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00026

Golden eagle	
Scientific Name	<i>Aquila chrysaetos</i>
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release at phsproducts@dfw.wa.gov for obtaining information about masked sensitive species and habitats.
State Status	Candidate
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
SGCN	Y
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00026

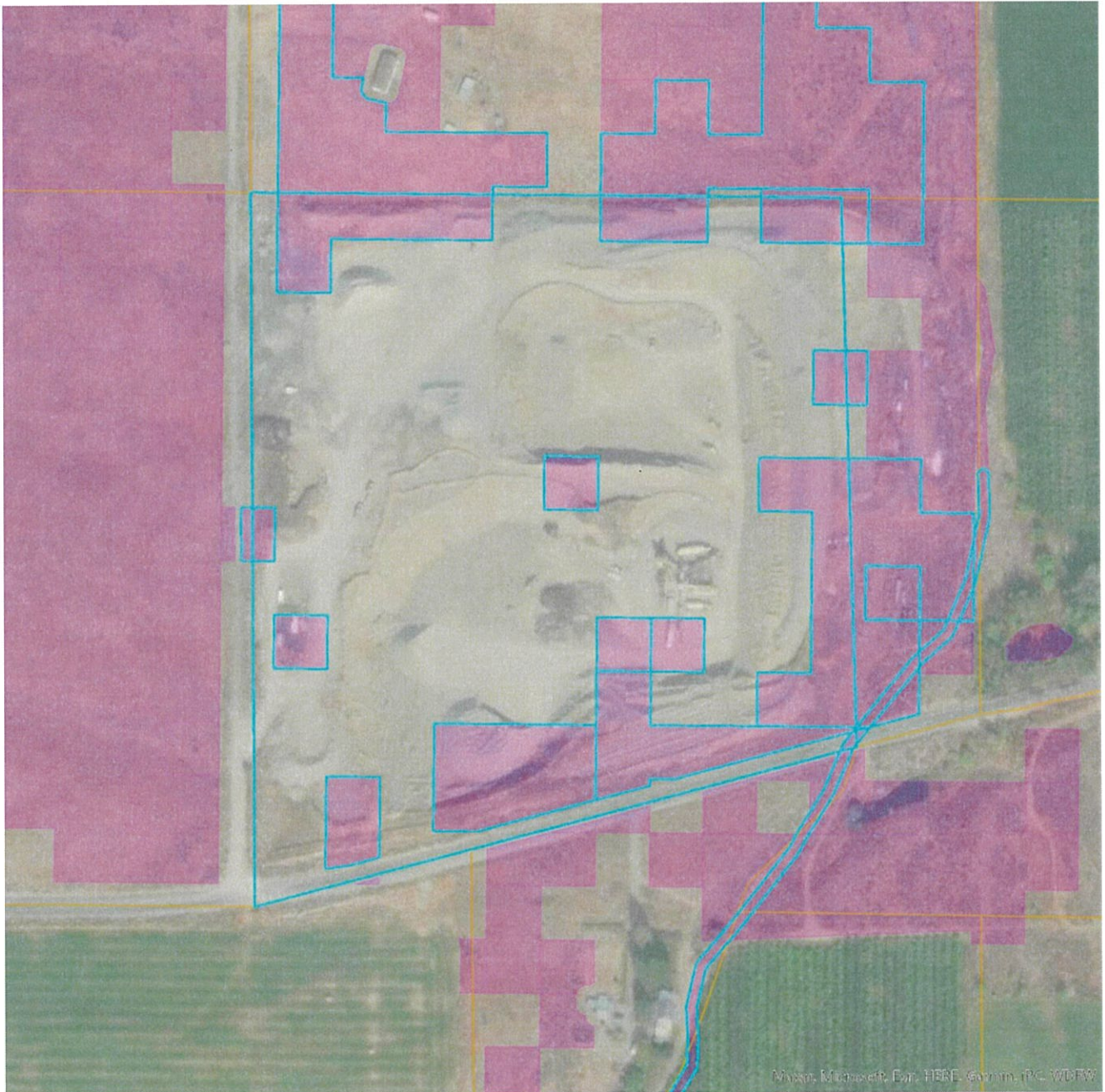
Golden eagle	
Scientific Name	<i>Aquila chrysaetos</i>
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release at phsproducts@dfw.wa.gov for obtaining information about masked sensitive species and habitats.
Federal Status	N/A
State Status	Candidate
PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	Y
SGCN	Y
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00026

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surveys have not been conducted. Site specific surveys are frequently necessary to rule out the presence of priority resources. Locations of fish and wildlife resources are subject to variation caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using reports more than six months old.



Priority Habitats and Species on the Web



Report Date: 02/01/2024, Parcel ID: [8807010100](#)

PHS Species/Habitats Overview:

Occurence Name	Federal Status	State Status	Sensitive Location
Riverine	N/A	N/A	No
Shrubsteppe	N/A	N/A	No
Columbian Sharp-tailed Grouse	N/A	Endangered	Yes
Golden eagle	N/A	Candidate	Yes

PHS Species/Habitats Details:

Riverine	
Priority Area	Aquatic Habitat
Site Name	N/A
Accuracy	NA
Notes	Wetland System: Riverine - NWI Code: R4SBCx
Source Dataset	NWIWetlands
Source Name	Not Given
Source Entity	US Fish and Wildlife Service
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS Listed Occurrence
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
ManagementRecommendations	http://www.ecy.wa.gov/programs/sea/wetlands/bas/index.html
Geometry Type	Polygons

Shrubsteppe	
Priority Area	Habitat Feature
Site Name	Okanogan County Presumptive Shrubsteppe
Accuracy	NA
Notes	General location of Shrubsteppe. Confirm or refute with site-scale info. WDFW recommends using site-scale info to inform site-scale land use decisions. Expect that on-the-ground conditions (e.g., boundaries) will vary from the map.
Source Record	920876
Source Name	Keith Folkerts, WDFW
Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

Shrubsteppe	
Priority Area	Habitat Feature
Site Name	Okanogan County Presumptive Shrubsteppe
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Notes	General location of Shrubsteppe. Confirm or refute with site-scale info. WDFW recommends using site-scale info to inform site-scale land use decisions. Expect that on-the-ground conditions (e.g., boundaries) will vary from the map.
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Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

Shrubsteppe	
Priority Area	Habitat Feature
Site Name	Okanogan County Presumptive Shrubsteppe
Accuracy	NA
Notes	General location of Shrubsteppe. Confirm or refute with site-scale info. WDFW recommends using site-scale info to inform site-scale land use decisions. Expect that on-the-ground conditions (e.g., boundaries) will vary from the map.
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Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

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Priority Area	Habitat Feature
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Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

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Priority Area	Habitat Feature
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Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
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PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

Shrubsteppe	
Priority Area	Habitat Feature
Site Name	Okanogan County Presumptive Shrubsteppe
Accuracy	NA
Notes	General location of Shrubsteppe. Confirm or refute with site-scale info. WDFW recommends using site-scale info to inform site-scale land use decisions. Expect that on-the-ground conditions (e.g., boundaries) will vary from the map.
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Sensitive	N
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Display Resolution	AS MAPPED
Geometry Type	Polygons

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Site Name	Okanogan County Shrubsteppe
Accuracy	NA
Notes	General location of Shrubsteppe. Confirm or refute with site-scale info. WDFW recommends using site-scale info to inform site-scale land use decisions. Expect that on-the-ground conditions (e.g., boundaries) will vary from the map.
Source Record	920877
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Federal Status	N/A
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Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

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Site Name	Okanogan County Shrubsteppe
Accuracy	NA
Notes	General location of Shrubsteppe. Confirm or refute with site-scale info. WDFW recommends using site-scale info to inform site-scale land use decisions. Expect that on-the-ground conditions (e.g., boundaries) will vary from the map.
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Federal Status	N/A
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PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

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Site Name	Okanogan County Shrubsteppe
Accuracy	NA
Notes	General location of Shrubsteppe. Confirm or refute with site-scale info. WDFW recommends using site-scale info to inform site-scale land use decisions. Expect that on-the-ground conditions (e.g., boundaries) will vary from the map.
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Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
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PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
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Display Resolution	AS MAPPED
Geometry Type	Polygons

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Site Name	Okanogan County Shrubsteppe
Accuracy	NA
Notes	General location of Shrubsteppe. Confirm or refute with site-scale info. WDFW recommends using site-scale info to inform site-scale land use decisions. Expect that on-the-ground conditions (e.g., boundaries) will vary from the map.
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State Status	N/A
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SGCN	N
Display Resolution	AS MAPPED
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Notes	General location of Shrubsteppe. Confirm or refute with site-scale info. WDFW recommends using site-scale info to inform site-scale land use decisions. Expect that on-the-ground conditions (e.g., boundaries) will vary from the map.
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Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

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Sensitive	N
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PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

Columbian Sharp-tailed Grouse	
Scientific Name	<i>Tympanuchus phasianellus</i>
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release at phsproducts@dfw.wa.gov for obtaining information about masked sensitive species and habitats.
State Status	Endangered
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
SGCN	Y
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00026

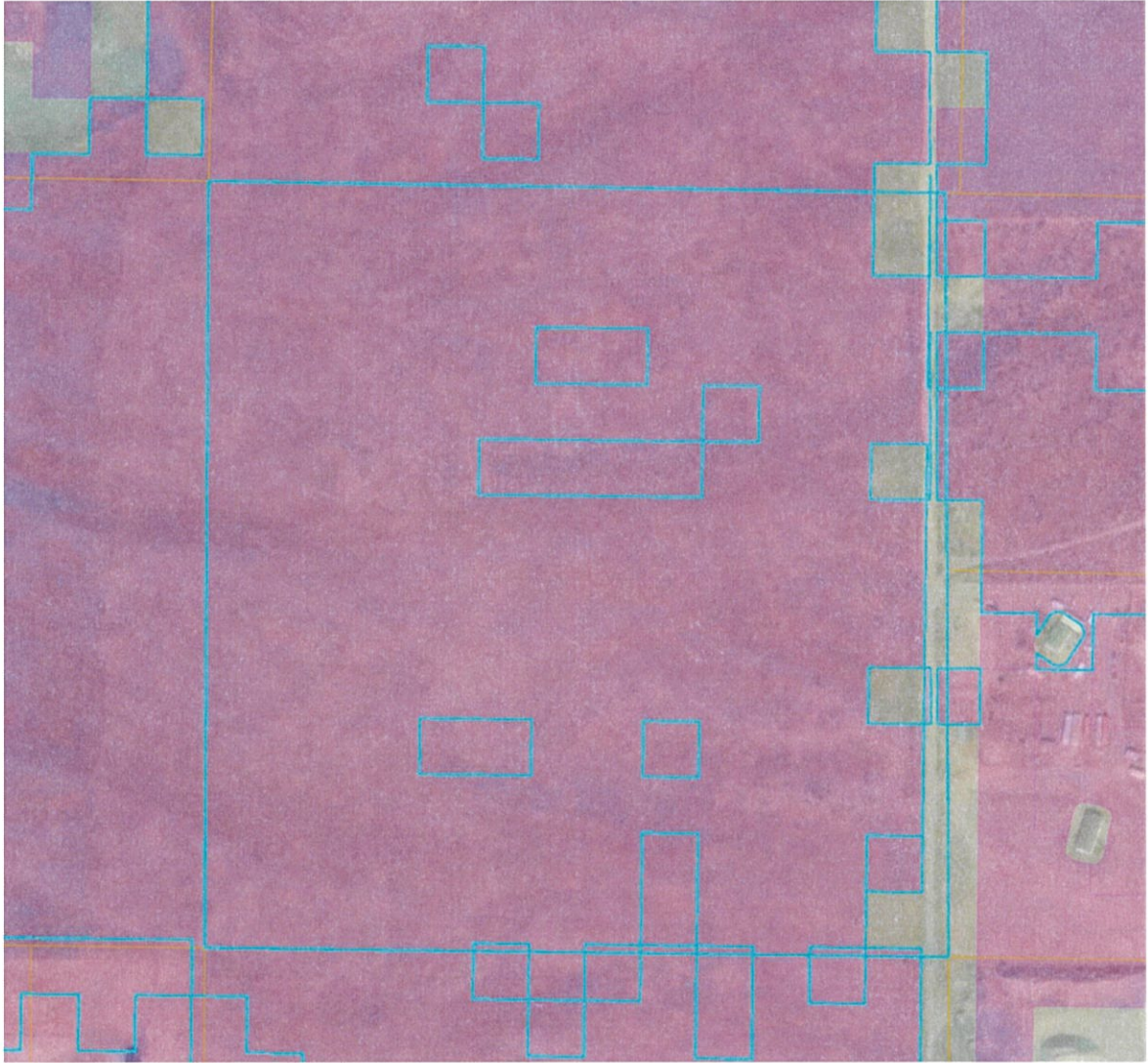
Golden eagle	
Scientific Name	<i>Aquila chrysaetos</i>
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release at phsproducts@dfw.wa.gov for obtaining information about masked sensitive species and habitats.
State Status	Candidate
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
SGCN	Y
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00026

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Priority Habitats and Species on the Web





Report Date: 02/01/2024, **Parcel ID:** [3426124001](#)

PHS Species/Habitats Overview:

Occurence Name	Federal Status	State Status	Sensitive Location
Shrubsteppe	N/A	N/A	No
Columbian Sharp-tailed Grouse	N/A	Endangered	Yes
Golden eagle	N/A	Candidate	Yes

PHS Species/Habitats Details:

Shrubsteppe	
Priority Area	Habitat Feature
Site Name	Okanogan County Presumptive Shrubsteppe
Accuracy	NA
Notes	General location of Shrubsteppe. Confirm or refute with site-scale info. WDFW recommends using site-scale info to inform site-scale land use decisions. Expect that on-the-ground conditions (e.g., boundaries) will vary from the map.
Source Record	920876
Source Name	Keith Folkerts, WDFW
Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
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Site Name	Okanogan County Presumptive Shrubsteppe
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Sensitive	N
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Display Resolution	AS MAPPED
Geometry Type	Polygons

Shrubsteppe	
Priority Area	Habitat Feature
Site Name	Okanogan County Presumptive Shrubsteppe
Accuracy	NA
Notes	General location of Shrubsteppe. Confirm or refute with site-scale info. WDFW recommends using site-scale info to inform site-scale land use decisions. Expect that on-the-ground conditions (e.g., boundaries) will vary from the map.
Source Record	920876
Source Name	Keith Folkerts, WDFW
Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

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Source Record	920877
Source Name	Keith Folkerts, WDFW
Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
State Status	N/A
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Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

Columbian Sharp-tailed Grouse	
Scientific Name	<i>Tympanuchus phasianellus</i>
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release at phsproducts@dfw.wa.gov for obtaining information about masked sensitive species and habitats.
State Status	Endangered
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
SGCN	Y
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00026

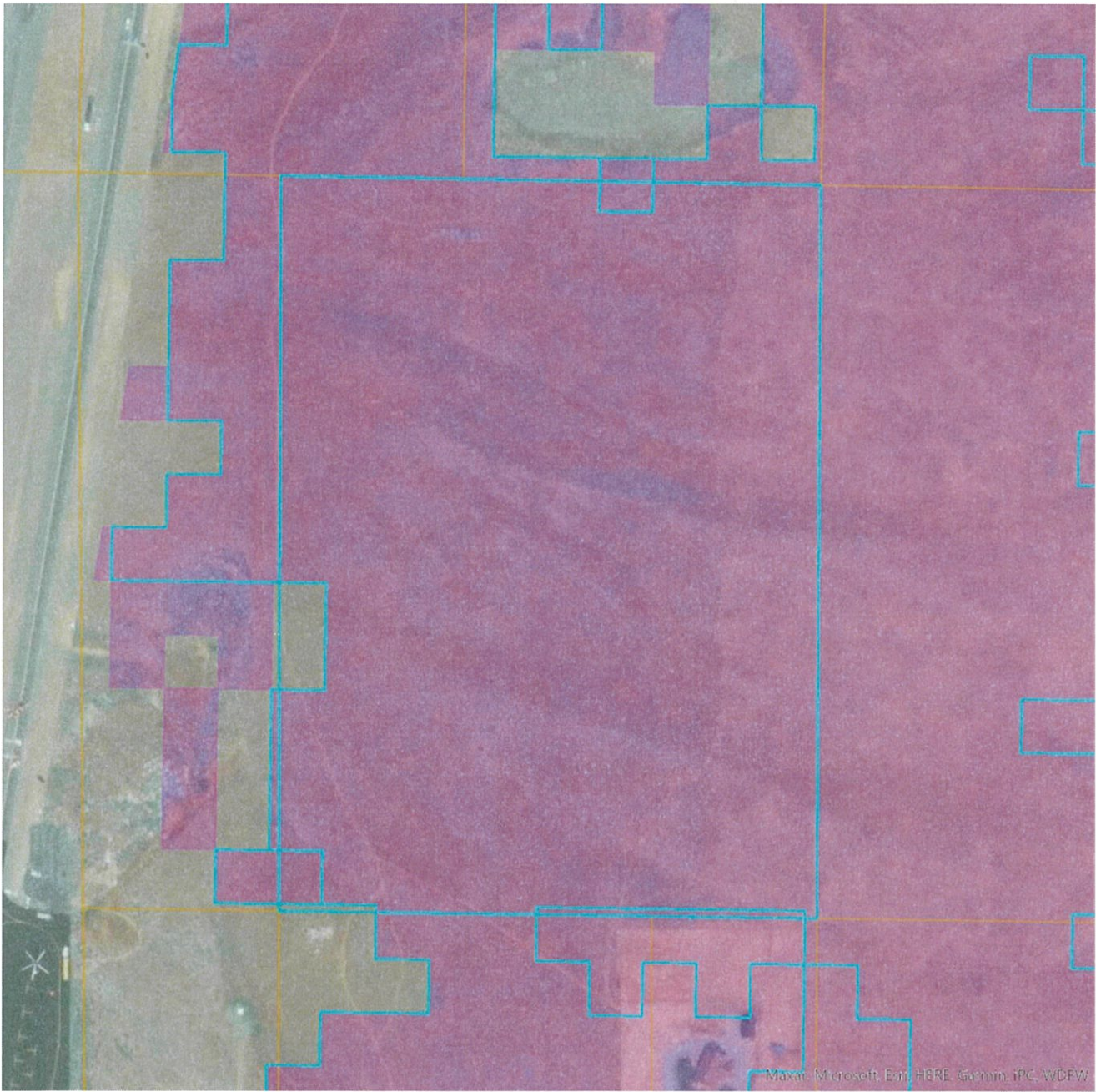
Golden eagle	
Scientific Name	<i>Aquila chrysaetos</i>
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release at phsproducts@dfw.wa.gov for obtaining information about masked sensitive species and habitats.
State Status	Candidate
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
SGCN	Y
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00026

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Sensitive	Y
SGCN	Y
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00026

DISCLAIMER. This report includes information that the Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas for which comprehensive



Priority Habitats and Species on the Web



Report Date: 02/01/2024, Parcel ID: [3426124004](#)

PHS Species/Habitats Overview:

Occurence Name	Federal Status	State Status	Sensitive Location
Shrubsteppe	N/A	N/A	No
Columbian Sharp-tailed Grouse	N/A	Endangered	Yes
Golden eagle	N/A	Candidate	Yes

PHS Species/Habitats Details:

Shrubsteppe	
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Site Name	Okanogan County Presumptive Shrubsteppe
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Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
State Status	N/A
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Sensitive	Y
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Display Resolution	TOWNSHIP
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Golden eagle	
Scientific Name	<i>Aquila chrysaetos</i>
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release at phsproducts@dfw.wa.gov for obtaining information about masked sensitive species and habitats.
State Status	Candidate
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
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DISCLAIMER. This report includes information that the Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site specific surveys are frequently necessary to rule out the presence of priority resources. Locations of fish and wildlife resources are subject to variation caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using reports more than six months old.

Notice: SEPA Final and Hearing Date**CUP 2023-3 Freels Sand & Gravel Expansion**

Date Sent: 2/26/2024

Sent By: PW

County Agencies

X	Okanogan County Public Works	jthomson@co.okanogan.wa.us arandall@co.okanogan.wa.us
X	Okanogan County Assessors Office	pweitman@co.okanogan.wa.us ahedington@co.okanogan.wa.us
X	Okanogan County Health District	Water: lmckee@co.okanogan.wa.us Sewer: mharr@co.okanogan.wa.us
X	Okanogan County Noxious Weed	jnelson@co.okanogan.wa.us
X	Okanogan County Sheriff	pbudrow@co.okanogan.wa.us
X	Okanogan County Building Dept.	dhigbee@co.okanogan.wa.us
X	Okanogan County E-911 Addressing	gwyllson@co.okanogan.wa.us

Districts

X	Irrigation District: Okanogan	brad@okanoganirrigationdistrict.com
X	Fire District: 3	Fire3debp@gmail.com
X	Phone District:	none

Other

X	City: Omak	admin@omakcity.com
X	Electric Company: Okanogan PUD	jerit@okpud.org , allena@okpud.org

State Agencies

X	W.S. Dept. of Ecology	Yakima: crosepacoordinator@ecy.wa.gov FormerOrchards@ecy.wa.gov
X	W.S. Department of Fish & Wildlife	SEPADesk@dfw.wa.gov WDFWR2Planning@dfw.wa.gov
X	W.S.D.N.R.	northeast.region@dnr.wa.gov
X	D.N.R. Natural Heritage Program	jasa.holt@dnr.wa.gov
X	Okanogan Conservation District	craign@okanogancd.org
X	Archaeology & Historic Preservation	Sydney.Hanson@dahp.wa.gov SEPA@dahp.wa.gov
X	W.S. Dept of Transportation	aviationlanduse@wsdot.wa.gov nc-review@wsdot.wa.gov
X	W.S. Liquor and Cannabis Board	

Federal Agencies

X	Colville Confederated Tribe	charles.brushwood@colvilletribes.com Planning: Hayley.cohen.pln@colvilletribes.com Archaeology: guy.moura@colvilletribes.com melissa.ayvaz.HSY@colvilletribes.com
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X	US Navy (for notices with structures that will affect low flying aircraft)	kimberly.n.peacher.civ@us.navy.mil
---	--	--

X	Yakama Nation	Phil_Rigdon@Yakama.com smih@yakamafish-nsn.gov
---	---------------	--

jthomson@co.okanogan.wa.us; arandall@co.okanogan.wa.us; pweitman@co.okanogan.wa.us;
ahedington@co.okanogan.wa.us; lmckee@co.okanogan.wa.us; mharr@co.okanogan.wa.us;
jnelson@co.okanogan.wa.us; pbudrow@co.okanogan.wa.us; dhigbee@co.okanogan.wa.us;
gwyllson@co.okanogan.wa.us; jerit@okpud.org; allena@okpud.org; crosepacoordinator@ecy.wa.gov;
FormerOrchards@ecy.wa.gov; SEPADesk@dfw.wa.gov; WDFWR2Planning@dfw.wa.gov;
northeast.region@dnr.wa.gov; jasa.holt@dnr.wa.gov; craign@okanogancd.org; SEPA@dahp.wa.gov;
Sydney.Hanson@dahp.wa.gov; Hayley.cohen.pln@colvilletribes.com; guy.moura@colvilletribes.com;
melissa.ayvaz.hsy@colvilletribes.com; aviationlanduse@wsdot.wa.gov; nc-review@wsdot.wa.gov;
Phil_Rigdon@Yakama.com; smih@yakamafish-nsn.gov; charles.brushwood@colvilletribes.com;
kimberly.n.peacher.civ@us.navy.mil; admin@omakcity.com; Fire3debp@gmail.com;
brad@okanoganirrigationdistrict.com

Pam Wyllson

From: Pam Wyllson
Sent: Monday, February 26, 2024 10:07 AM
To: Josh Thomson; Anna Randall; 'Pati jo Weitman'; 'Ardell Hedington'; 'Lani McKee'; Michael Harr; 'jnelson@co.okanogan.wa.us'; Paul Budrow; Dan Higbee; 'gwylson@co.okanogan.wa.us'; 'jerit@okpud.org'; 'allena@okpud.org'; 'crosepacoordinator@ecy.wa.gov'; 'FormerOrchards@ecy.wa.gov'; 'SEPADesk@dfw.wa.gov'; 'WDFWR2Planning@dfw.wa.gov'; 'northeast.region@dnr.wa.gov'; 'jasa.holt@dnr.wa.gov'; 'craign@okanogancd.org'; 'SEPA@dahp.wa.gov'; 'Sydney.Hanson@dahp.wa.gov'; 'Hayley.cohen.pln@colvilletribes.com'; 'guy.moura@colvilletribes.com'; 'melissa.ayvaz.hsy@colvilletribes.com'; 'aviationlanduse@wsdot.wa.gov'; 'nc-review@wsdot.wa.gov'; 'Phil_Rigdon@Yakama.com'; 'smih@yakamafish-nsn.gov'; 'charles.brushwood@colvilletribes.com'; 'kimberly.n.peacher.civ@us.navy.mil'; 'admin@omakcity.com'; 'Fire3debp@gmail.com'; 'brad@okanoganirrigationdistrict.com'
Subject: Freels Sand and Gravel Expansion CUP 2023-3
Attachments: Final SEPA.pdf; Not.Final.Hearing.Adjac.landowners.CUP 2023-3.pdf

Attached is the final SEPA and notice of Final SEPA and hearing date for CUP 2023-3 Freels Sand and Gravel Expansion

Pam Wyllson

Planner II

Okanogan County Office of Planning & Development

123 5th Ave N. Ste 130

Okanogan WA 98840

509-422-7122

pwylson@co.okanogan.wa.us

Pam Wyllson

From: Pati jo Weitman
Sent: Monday, February 26, 2024 3:29 PM
To: Pam Wyllson
Subject: RE: Freels Sand and Gravel Expansion CUP 2023-3

Assessor Office has no comment.

*Pati Weitman
Cadastral Technician
Okanogan County Assessor Office
509-422-7196
pweitman@co.okanogan.wa.us*

From: Pam Wyllson <pwylson@co.okanogan.wa.us>
Sent: Monday, February 26, 2024 10:07 AM
To: Josh Thomson <jthomson@co.okanogan.wa.us>; Anna Randall <arandall@co.okanogan.wa.us>; Pati jo Weitman <pweitman@co.okanogan.wa.us>; Ardell Hedington <ahedington@co.okanogan.wa.us>; Lani McKee <lmckee@co.okanogan.wa.us>; Michael Harr <mharr@co.okanogan.wa.us>; Disabled - Janet Nelson <jnelson@co.okanogan.wa.us>; Paul Budrow <pbudrow@co.okanogan.wa.us>; Dan Higbee <dhigbee@co.okanogan.wa.us>; Gene Wyllson <ghwyllson@co.okanogan.wa.us>; jerit@okpud.org; allena@okpud.org; crosepacoordinator@ecy.wa.gov; FormerOrchards@ecy.wa.gov; SEPADesk@dfw.wa.gov; WDFWR2Planning@dfw.wa.gov; northeast.region@dnr.wa.gov; jasa.holt@dnr.wa.gov; craign@okanogancd.org; SEPA@dahp.wa.gov; Sydney.Hanson@dahp.wa.gov; Hayley.cohen.pln@colvilletribes.com; guy.moura@colvilletribes.com; melissa.ayvaz.hsy@colvilletribes.com; aviationlanduse@wsdot.wa.gov; nc-review@wsdot.wa.gov; Phil_Rigdon@Yakama.com; smih@yakamafish-nsn.gov; charles.brushwood@colvilletribes.com; kimberly.n.peacher.civ@us.navy.mil; admin@omakcity.com; Fire3debp@gmail.com; brad@okanoganirrigationdistrict.com
Subject: Freels Sand and Gravel Expansion CUP 2023-3

Attached is the final SEPA and notice of Final SEPA and hearing date for CUP 2023-3 Freels Sand and Gravel Expansion

Pam Wyllson
Planner II
Okanogan County Office of Planning & Development
123 5th Ave N. Ste 130
Okanogan WA 98840
509-422-7122
pwylson@co.okanogan.wa.us

Pam Wyllson

From: WSDOT Aviation Land Use Inquiries and Application Submittals
<AviationLandUse@WSDOT.WA.GOV>
Sent: Thursday, February 29, 2024 8:57 AM
To: Pam Wyllson
Subject: RE: [EXTERNAL] Freels Sand and Gravel Expansion CUP 2023-3

Received
FEB 29 2024
Okanogan County
Planning and Development

M Wyllson,

WSDOT Aviation Division has commented previously on this proposal, no further comments.

Cheers,

David Ison, PhD | Aviation Planner
Emerging Aviation Technologies & Land Use Compatibility
Washington State Department of Transportation
david.ison@wsdot.wa.gov C: 360-890-5258

From: Pam Wyllson <pwylson@co.okanogan.wa.us>
Sent: Monday, February 26, 2024 10:07 AM
To: Thomson, Josh <jthomson@co.okanogan.wa.us>; Anna Randall <arandall@co.okanogan.wa.us>; Pati jo Weitman <pweitman@co.okanogan.wa.us>; Ardell Hedington <ahedington@co.okanogan.wa.us>; Lani McKee <lmckee@co.okanogan.wa.us>; Michael Harr <mharr@co.okanogan.wa.us>; Disabled - Janet Nelson <jnelson@co.okanogan.wa.us>; Paul Budrow <pbudrow@co.okanogan.wa.us>; Dan Higbee <dhigbee@co.okanogan.wa.us>; Gene Wyllson <ghwyllson@co.okanogan.wa.us>; jerit@okpud.org; allena@okpud.org; crosepacoordinator@ecy.wa.gov; FormerOrchards@ecy.wa.gov; SEPADesk@dfw.wa.gov; WDFWR2Planning@dfw.wa.gov; northeast.region@dnr.wa.gov; HOLT, JASA (DNR) <jasa.holt@dnr.wa.gov>; craign@okanogancd.org; SEPA@dahp.wa.gov; Hanson, Sydney (DAHP) <Sydney.Hanson@dahp.wa.gov>; Hayley.cohen.pln@colvilletribes.com; guy.moura@colvilletribes.com; melissa.ayvaz.hsy@colvilletribes.com; WSDOT Aviation Land Use Inquiries and Application Submittals <AviationLandUse@WSDOT.WA.GOV>; NC-Review <NC-Review@WSDOT.WA.GOV>; Phil_Rigdon@Yakama.com; smih@yakamafish-nsn.gov; charles.brushwood@colvilletribes.com; kimberly.n.peacher.civ@us.navy.mil; admin@omakcity.com; Fire3debp@gmail.com; brad@okanoganirrigationdistrict.com
Subject: [EXTERNAL] Freels Sand and Gravel Expansion CUP 2023-3

WARNING: This email originated from outside of WSDOT. Please use caution with links and attachments.

Attached is the final SEPA and notice of Final SEPA and hearing date for CUP 2023-3 Freels Sand and Gravel Expansion

Pam Wyllson
Planner II
Okanogan County Office of Planning & Development
123 5th Ave N. Ste 130
Okanogan WA 98840
509-422-7122
pwylson@co.okanogan.wa.us

Pam Wyllson

From: Melissa Ayvaz <melissa.ayvaz.hsy@colvilletribes.com>
Sent: Tuesday, February 13, 2024 2:32 PM
To: Pam Wyllson
Cc: Guy Moura
Subject: Re: CUP 2023-3 notice application and SEPA threshold

Received

FEB 13 2024

Okanogan County
Planning and Development

Hello Pam,

My apologies for responding to this notice so late (I see that comments were due February 8--last Thursday). These comments are in response to the SEPA 202400304 application submitted by Okanogan County for the CUP 2023-03 the Freels Sand and Gravel Expansion (DAHP 2024-02-00750).

Be advised that the proposed undertaking lies within the traditional territories of the Okanogan Tribe, one of twelve constituent tribes of the Confederated Tribes of the Colville Reservation (Colville Confederated Tribes/CCT). There are several archaeological sites and traditional cultural properties of interest to the CCT within the immediate vicinity of the proposed project. **Therefore, on behalf of Guy Moura, the CCT Tribal Historic Preservation Office requests that a cultural resources survey be conducted on the parcel(s) affected by the project in advance of any ground disturbance of the parcel(s). Please have me added as a Tribal Contact for project tracking through the state Department of History & Archaeology Preservation (DAHP).**

If you have any questions or concerns, please contact me at (509) 634-2697. Please note that these comments are based on information available to us at the time of the project review. We reserve the right to revise our comments as information becomes available. Thank you for consulting with the Confederated Tribes of the Colville Reservation.

qe?ciéwyew | lim lemt | **Thank you,**

Melissa Anne Ayvaz, MA, RPA

History/Archaeology Program

Confederated Tribes of Colville Reservation

Desk: 509.634.2697 | Cell: 509.631.1177

Melissa.Ayvaz.HSY@ColvilleTribes.com

On Mon, Jan 22, 2024 at 10:16 AM Pam Wyllson <pwylson@co.okanogan.wa.us> wrote:

Attached is the notice, SEPA threshold MDNS, CUP application, and SEPA checklist for CUP 2023-3 Freels sand and Gravel Expansion

Comments are due by February 8th at 5pm

Pam Wyllson

Planner II

Okanogan County Office of Planning & Development

123 5th Ave N. Ste 130

Okanogan WA 98840

509-422-7122

pwylson@co.okanogan.wa.us

Notice: Hearing Date Canceled**CUP 2023-3 Freels Sand & Gravel
Expansion**

Date Sent: 3/15/2024

Sent By: PW

County Agencies

X	Okanogan County Public Works	jthomson@co.okanogan.wa.us arandall@co.okanogan.wa.us
X	Okanogan County Assessors Office	pweitman@co.okanogan.wa.us ahedington@co.okanogan.wa.us
X	Okanogan County Health District	Water: lmckee@co.okanogan.wa.us Sewer: mharr@co.okanogan.wa.us
X	Okanogan County Noxious Weed	jnelson@co.okanogan.wa.us
X	Okanogan County Sheriff	pbudrow@co.okanogan.wa.us
X	Okanogan County Building Dept.	dhigbee@co.okanogan.wa.us
X	Okanogan County E-911 Addressing	gwyllson@co.okanogan.wa.us

Districts

X	Irrigation District: Okanogan	brad@okanoganirrigationdistrict.com
X	Fire District: 3	Fire3debp@gmail.com
X	Phone District:	none

Other

X	City: Omak	admin@omakcity.com
X	Electric Company: Okanogan PUD	jerit@okpud.org , allena@okpud.org

State Agencies

X	W.S. Dept. of Ecology	Yakima: crosepacoordinator@ecy.wa.gov FormerOrchards@ecy.wa.gov
X	W.S. Department of Fish & Wildlife	SEPADesk@dfw.wa.gov WDFWR2Planning@dfw.wa.gov
X	W.S.D.N.R.	northeast.region@dnr.wa.gov
X	D.N.R. Natural Heritage Program	jasa.holt@dnr.wa.gov
X	Okanogan Conservation District	craign@okanogancd.org
X	Archaeology & Historic Preservation	Sydney.Hanson@dahp.wa.gov SEPA@dahp.wa.gov
X	W.S. Dept of Transportation	aviationlanduse@wsdot.wa.gov nc-review@wsdot.wa.gov
X	W.S. Liquor and Cannabis Board	

Federal Agencies

X	Colville Confederated Tribe	charles.brushwood@colvilletribes.com Planning: Hayley.cohen.pln@colvilletribes.com Archaeology: guy.moura@colvilletribes.com melissa.ayvaz.HSY@colvilletribes.com
X	US Navy (for notices with structures that will affect low flying aircraft)	kimberly.n.peacher.civ@us.navy.mil
X	Yakama Nation	Phil_Rigdon@Yakama.com smih@yakamafish-nsn.gov

jthomson@co.okanogan.wa.us; arandall@co.okanogan.wa.us; pweitman@co.okanogan.wa.us;
ahedington@co.okanogan.wa.us; lmckee@co.okanogan.wa.us; mharr@co.okanogan.wa.us;
inelson@co.okanogan.wa.us; pbudrow@co.okanogan.wa.us; dhigbee@co.okanogan.wa.us;
gwyllson@co.okanogan.wa.us; jerit@okpud.org; allena@okpud.org; crosepacoordinator@ecy.wa.gov;
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Sydney.Hanson@dahp.wa.gov; Hayley.cohen.pln@colvilletribes.com; guy.moura@colvilletribes.com;
melissa.ayvaz.hsy@colvilletribes.com; aviationlanduse@wsdot.wa.gov; nc-review@wsdot.wa.gov;
Phil.Rigdon@Yakama.com; smih@yakamafish-nsn.gov; charles.brushwood@colvilletribes.com;
kimberly.n.peacher.civ@us.navy.mil; admin@omakcity.com; Fire3debp@gmail.com;
brad@okanoganirrigationdistrict.com

Pam Wyllson

From: Pam Wyllson
Sent: Friday, March 15, 2024 10:03 AM
To: Josh Thomson; Anna Randall; Pati jo Weitman; Ardell Hedington; Lani McKee; Michael Harr; jnelson@co.okanogan.wa.us; Paul Budrow; Dan Higbee; gwyllson@co.okanogan.wa.us; jerit@okpud.org; allena@okpud.org; crosepacoordinator@ecy.wa.gov; FormerOrchards@ecy.wa.gov; SEPADesk@dfw.wa.gov; WDFWR2Planning@dfw.wa.gov; northeast.region@dnr.wa.gov; jasa.holt@dnr.wa.gov; craign@okanogancd.org; SEPA@dahp.wa.gov; Sydney.Hanson@dahp.wa.gov; Hayley.cohen.pln@colvilletribes.com; guy.moura@colvilletribes.com; melissa.ayvaz.hsy@colvilletribes.com; aviationlanduse@wsdot.wa.gov; nc-review@wsdot.wa.gov; Phil_Rigdon@Yakama.com; smih@yakamafish-nsn.gov; charles.brushwood@colvilletribes.com; kimberly.n.peacher.civ@us.navy.mil; admin@omakcity.com; Fire3debp@gmail.com; brad@okanoganirrigationdistrict.com
Subject: Freels Sand and Gravel Expansion CUP 2023-3
Attachments: Not.cancel.Hearing.Adjac.landowners.CUP 2023-3.pdf

Attached is a notice of canceling the March28, 2024 hearing date for CUP 2023-3. A new hearing date will be scheduled and noticed.

Pam Wyllson

Planner II

Okanogan County Office of Planning & Development

123 5th Ave N. Ste 130

Okanogan WA 98840

509-422-7122

pwylson@co.okanogan.wa.us

Notice: Hearing Date**CUP 2023-3 Freels Sand & Gravel
Expansion**

Date Sent: 4/1/2024

Sent By: PW

County Agencies

X	Okanogan County Public Works	jthomson@co.okanogan.wa.us arandall@co.okanogan.wa.us
X	Okanogan County Assessors Office	pweitman@co.okanogan.wa.us ahedington@co.okanogan.wa.us
X	Okanogan County Health District	Water: lmckee@co.okanogan.wa.us Sewer: mharr@co.okanogan.wa.us
X	Okanogan County Noxious Weed	jnelson@co.okanogan.wa.us
X	Okanogan County Sheriff	pbudrow@co.okanogan.wa.us
X	Okanogan County Building Dept.	dhigbee@co.okanogan.wa.us
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X	Irrigation District: Okanogan	brad@okanoganirrigationdistrict.com
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X	Phone District:	none

Other

X	City: Omak	admin@omakcity.com
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X	Okanogan Conservation District	craign@okanogancd.org
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X	Colville Confederated Tribe	charles.brushwood@colvilletribes.com Planning: Hayley.cohen.pln@colvilletribes.com Archaeology: guy.moura@colvilletribes.com melissa.avvaz.HSY@colvilletribes.com
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X	US Navy (for notices with structures that will affect low flying aircraft)	kimberly.n.peacher.civ@us.navy.mil
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X	Yakama Nation	Phil_Rigdon@Yakama.com smih@yakamafish-nsn.gov
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jthomson@co.okanogan.wa.us; arandall@co.okanogan.wa.us; pweitman@co.okanogan.wa.us;
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melissa.ayvaz.hsy@colvilletribes.com; aviationlanduse@wsdot.wa.gov; nc-review@wsdot.wa.gov;
Phil_Rigdon@Yakama.com; smih@yakamafish-nsn.gov; charles.brushwood@colvilletribes.com;
kimberly.n.peacher.civ@us.navy.mil; admin@omakcity.com; Fire3debp@gmail.com;
brad@okanoganirrigationdistrict.com

Attachment H

Adjacent Landowner List and Comments

CUP 2023-3 Freels Sand Gravel Expansion

Notice application SEPA threshold Adjacent land owners date sent 1/22/2024

PIN	CURRENT_OW	MAIL_2	MAIL_3	ZIP
3426120048	AIRPORT RENTALS LLC c/o Sapp, Darrell & Evaly	100 AIRPORT RD	OMAK, WA	98841
8804400101	AIRWAY EAST LLC	100 AIRPORT RD	OMAK, WA	98841
3426121007	BATTON ETAL, BARBARA	131 FULL MOON TRL	PORT ANGELES, WA	98363
3426010019	BROOKS, DORENE	549 CRAIG ST	WALLA WALLA, WA	99362
3426120046	CHAPMAN, MIKE	PO BOX 425	PATEROS, WA	98846-0425
3426120032	COYNE, CLIFFENE	PO BOX 4104	OMAK, WA	98841-4104
3426120016	HORNER, SHEILA	37 OMAK AIRPORT RD	OMAK, WA	98841
3426013003	NEWMAN, BRADLEY	PO BOX 135	WIKIEUP, AZ	8560-0135
3426120045	O DELL, CAROL	238 OLD RIVERSIDE HWY	OMAK, WA	98841
3426120044	O DELL, LANCE & SHANNON	PO BOX 1032	OMAK, WA	98841-1032
3426124003	OLSON, LE ANNE	90 OMAK AIRPORT RD	OMAK, WA	98841
3426120009	OMAK AIRPORT ORCHARD LLC	124 N WENATCHEE AVE STE A	WENATCHEE, WA	98801
3426013005	OMAK, CITY OF	PO BOX 72	OMAK, WA	98841
8807010200	TOLLEFSON, ROBERT & RONNA	PO BOX 4200	OMAK, WA	98841
3426121004	WILLI, THOMAS	36 SAND DUST RD	OMAK, WA	98841

Pam Wyllson

From: Sheila Horner <shorner00@gmail.com>
Sent: Friday, February 2, 2024 4:15 PM
To: Pam Wyllson
Subject: Threshold SEPA , Freels Expansion

Received
FEB 02 2024
Okanogan County
Planning and Development

To Okanogan County Office of Planning & Development,
Pam Wyllson,

I have several concerns about the proposed Freels Sand & Gravel Expansion.

My property and home are directly south of the existing pit. There is a natural north wind blowing at all times. My home and outdoor living has been covered in blowing dust since the 23 acre pit went into production. I will call David Freels. He is kind, considerate and apologetic. Then a water truck will be used on the haul road. But, the dust from the stockpiles continues to rain on me.

My peaceful outdoor environment has been disturbed. The stockpiled mounds of dirt and sand have blocked my view of the mountains. I should be free to enjoy family gatherings or to just sit on my patio without wearing a mask when the asphalt plant is running. The smoke and fumes aren't healthy.

The noise of the rock crusher and asphalt plant is jaw clenching at times. The truck traffic is heavy. The use of air brakes within a half mile from a dead stop off of Sand Dust road to Old 97 is ridiculous and annoying.

Will the existing pit be moved further north and west of my property? Will the stockpiles of top soil and sand be removed and used to fill the pit?

I try to be patient and be a good neighbor. I wish David Freels Sand & Gravel success with their business. But, I also want to have my peace, quiet and healthy air to enjoy.

Thank You,
Sheila Horner
#37 Omak Airport Rd.
Omak, Wa. 98841
509-429-8118
shorner00@gmail.com

Noxious weeds are prevalent in this area.

Pam Wyllson

From: Dorene Brooks <djbrooks1950@outlook.com>
Sent: Sunday, February 4, 2024 1:13 PM
To: Pam Wyllson
Subject: CUP 2023-3 Freels sand and Gravel expansion

Received

FEB 05 2024

Okanogan County
Planning and Development

Dear Pam...I am writing in regards to the letter I received from your office informing me of the sand and gravel pit expansion request....

The expansion proposal would bring the new pit next to the SW corner of my property....The Crusher makes a deafening amount of noise....Im sure they are required by OSHA's code to wear protective gear for hearing....I certainly can't spend my day out in my yard with ear protection....its not even good for animals....Operating time suggested 6 am to 6pm is unreasonable....Also the odor that is omitted in the air during asphalt production is very offensive....and almost unbearable to breathe....

I know at this time you are mainly concerned with the environmental impact...But I'm also worried about the impact it would have on my property value....Ive owned the property way before the rock crusher was built....and who will compensate me for that....Who wants to live next to a rock crusher....

Im definitely not in favor of this proposal.... Thank you for your time and consideration of my comments and concerns....

Dorene Brooks

Sent from my iPhone

Received
FEB 06 2024
Okanogan County
Planning and Development

February 5, 2024

To Okanogan County Office of Development:

Re: Freels Sand and Gravel Application for Permit Expansion

Attention: Pam Wyllson

From: LeAnne Olson



In response to the Notice of Application and Threshold SEPA Determination, I would like to comment and question following environmental impacts to my property and community:

1. Air Pollution

a. Rock Dust and Sand

It has been my observation of existing business operations that there already exists significant air pollution in the forms of copious amount of rock dust and blowing sand from the rock crushing process. Although Freels Sand and Gravel has previously agreed to use water suppression to minimize the air pollution, it has been observed and reported that this is rarely if ever done.

I feel that the proposed 50 foot setback will do nothing to elevate the pollution to my property. With prevailing winds, historically coming from the north, the stockpile mountains that are created will be constantly blowing material southward to my property.

It is not uncommon for there to be severe winds with dust devil/small tornados. The stockpiles that are proposed will be providing more dust even when crushing is not occurring.

b. Smoke and Asphalt fumes

Aside from the diesel emissions from the crushing and asphalt plants and the increase of emissions from large dump and haul truck traffic, the smell of asphalt creation is extremely unpleasant and not something that should be experienced when in your own home.

c. If a cement sector is allowed it will have the potential to emit 500,000 tons per year of sulfur dioxide, nitrogen oxide, and carbon monoxide.

2. Noise Pollution

a. The rock crushing plant is extremely loud. The furnace and tumbler for the asphalt plant are also loud. The increase of heavy trucks with their gearing up and use of compression brakes is especially bothersome for all the residences along Omak Airport Road as well as those on Old Riverside Hwy.

- b. Hours of operation are proposed to be 6:00am to 6:00pm. This has not been my observation, especially in summertime. It is common for the present operation of the plant to start at 4:00-4:30am and not stop until well after dark. The noise created from trucks and other heavy equipment, such as audible alarms, engines revving, and compression brakes, are a constant intrusion to the peace of a home.

3. Water Pollution

- a. I am unsure of what chemicals could make their way to the water table from the concrete and asphalt processes. There is also a question of what harm the extreme vibrations that occur during crushing could do to existing wells.

Non environment impacts are also many. Our beautiful views of the surrounding mountains are already obstructed by mountains of gravel to the east. This proposal would block our view to the north. We question the safety issues at entrance to the plant. Current truck traffic leaves an excess of spilled loose gravel on Omak Airport Road at the entrance to the plant. I am questioning what this will do to my property values. After all, this area has been residential and agricultural for over a hundred years. As much as I applaud local businesses I question where homeowner rights ends and where business rights begin.

Thank you for your attention to my comments.

Pam Wyllson

From: shannon Huff <shannonhuff@hotmail.com>
Sent: Wednesday, February 7, 2024 11:02 AM
To: Pam Wyllson
Subject: SEPA Comment re: CUP 2023-3 Freels Sand & Gravel Expansion
Attachments: Comment CUP 2023-3 Freels & Gravel Expansion.pdf

Hi Pam,

Please find attached SEPA comment.

Please let me know if you have any questions.

Thank you,

Shannon O'Dell
509.322.7740

Received

FEB 07 2024

Okanogan County
Planning and Development

February 7, 2024

Regarding the CUP 2023-3 Freels Sand and Gravel Expansion, I would like to comment on the negative effects this will cause to our residential areas near the expanded gravel pit.

I normally, support and appreciate local businesses and appreciate the purpose of the gravel pit. However, at the proposed location, this is going to have a large negative affect on our property and neighboring properties in the area. Not only will this have a devaluing effect on property values on Airport Rd, but here is a list of other concerns I have:

1. Health concerns due air and debris pollution so close to residential homes. The asphalt fumes are already awful, and with the expansion I'd imagine will be worse. When the grinding is going debris blows and falls on our property.
2. The grinding also rattles all the way to our property and I am concerned of possible negative effects to well functions and well water in our area.
3. Noise pollution from the grinding and constant flow of trucks in and out of the gravel pit Also, the compression breaks that are constantly heard from the gravel trucks. This happens very early morning (often before daylight) and often throughout evening.
4. Obstruction of views. Where mountain views used to be visible from our property, are now large mounds of gravel...which will add to the decrease property values.
5. Safety concerns from the gravel trucks. While taking walks on Airport Rd, there have been several times where trucks leaving the gravel pit and entering Airport Rd have not stopped. This not only is a concern for walkers and runners, but also kids that like riding their bikes on the country roads (my kids included)

One of the biggest draws to country living is not only the views, but the peacefulness that comes with it. We pay hefty property taxes to live where we do and feel we should be given a say on things that directly have an impact on our property values, health and safety.

Please take the above into consideration!

Resident of
25 Airport Road
PO Box 1032
Omak, WA 98841

February 7th 2024

Received

FEB 07 2024

Okanogan County
Planning and Development

Okanogan County Office of Development

Attention: Pam Wyllson

Subject: Notice of Application and Threshold SEPA Determination

We are writing in response to a notice posted on Omak Airport Road indicating a proposal to expand the Freel Sand and Gravel operation.

We question the impacts this expansion would have on our personal residence and business that are both located at 96 Omak Airport Rd.

Currently we experience noise, odor and dust issues related to the gravel operation and worry that these will increase with this expansion.

Our business Sagebrush Rentals LLC is on leased land that borders the proposed site directly to the south. Will we be able to assure my renters that there will not be an increase of dust, dirt or odors affecting their stored belongings?

Our residence is serviced by a class B well on land that is bordering the proposed expansion. How will the increase of water usage affect our home and garden water supply and quality?

Thank you for considering the impacts on homes and businesses that surround Freel's business.

Sincerely,



Michael Raven & Yvonne Raven



ReVoe & Yvette Hill
100 Omak Airport Rd
Omak, WA 98841

Received
FEB 07 2024
Okanogan County
Planning and Development

February 7, 2024

To Okanogan County Office of Development:

Attention: Pam Wyllson

In response to the Notice of Application and Threshold SEPA Determination sent to other neighboring properties, we would like to comment and question following environmental impacts to our property:

Rock dust and Sand: We have long been aware of the issues our neighbors to the south of the current Freel Sand and Gravel operation have had. Friends that live on Bide-a-Wee Road have commented on how the rock dust causes them issues so we understand that the debris can travel quite far with our prevailing northern winds. This proposed expansion would put our property in that southward path, although our property does not directly abut theirs. We have a swimming pool that I suspect would become unusable. Fine dust must be vacuumed and expelled to be removed. During fire season the debris dropped in the pool makes it unusable. Having rock dust and sand constantly dropped in the pool would in effect block our usage of it all summer. Should we wish to sell our house, we feel this expansion could make selling difficult if not impossible. At the very least our value will be reduced.

Noise and Smell: The asphalt plant will send very unpleasant fumes downwind. The noise from the rock crushing and asphalt plants will be very unpleasant as a home owner. The traffic from the current operation is already a significant increase from the past and this would multiply with the expansion. The drivers tend to use compression brakes at the corner directly in front of my house. It is quite different to have occasional air traffic next to an airport than to have hours of gravel plant grinding noise and large trucks gearing up and using compression brakes from before sunup to after sundown, not just between the proposed 6:00am and 6:00pm.

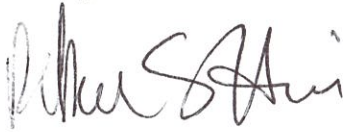
The current operation has not been very accommodating to the requests of neighbors to use water trucks when crushing to reduce the large quantities of rock dust blowing to them, I don't see any reason to hope that they will change their modes of business. They claim they will operate from 6:00am – 6:00 pm but that would be a reduction in the current pattern and again, I don't see a reason to hope it will operate that way.

Our last question is about the water. We get our water from a class B well that is very close to the corner of the proposed expansion. Will there be runoff from the asphalt and concrete making processes that would contaminate our well? If they are making concrete, will the large volume of water necessary for mixing and cleanup deplete our well? The scarce water supply in this area is already a point of contention with the Duck Lake aquifer and Coleman Butte aquifer.

As a resident who uses Omak Airport Road, we question the safety issues at entrance to the plant. Current truck traffic leaves an excess of spilled loose gravel on Omak Airport Road at the entrance to the plant. I personally have had a windshield broken when a truck turning into the plant spilled gravel that bounced into me as we passed at the entrance. As much as we like to see local businesses flourish, should they do so at the expense of the residents that pre-existed them? We question where homeowner rights ends and where business rights begin.

We respectfully request that you deny the expansion.

Sincerely,

A handwritten signature in black ink, appearing to read "ReVoe S. Hill".

ReVoe S. Hill
Homeowner

~~byg~~

bybrr@yahoo.com

Revett, LLC
7 Maxi Lane
Omak, WA 98841

Received
FEB 07 2024
Okanogan County
Planning and Development

February 7, 2024

To Okanogan County Office of Development:

Attention: Pam Wyllson

In response to the Notice of Application and Threshold SEPA Determination sent to our lessor, Airport Rentals, LLC, we would like to comment and question the following environmental impacts to our property:

We own and operate self-storage units in the property directly south of the proposed expansion. This proposed expansion would put our storage unit business in the direct southward path of the large amounts of rock dust and sand that will be created in the crushing process. Our units have an average amount of dust from the fields to the north but this would fill units with rock dust and sand. We, in turn, would probably lose business. Would you rent at a place where your belongings got covered with rock dust?

It has been our observation of existing business operations that there already exists significant air pollution in the forms of copious amount of rock dust and blowing sand from the rock crushing process. Although Freel Sand and Gravel has previously agreed to use water suppression to minimize the air pollution, it has been observed and reported that this is rarely if ever done.

We feel that a 50 foot setback will do nothing to elevate the pollution to our property. The prevailing winds historically come from the north and 20-30 mph winds are not uncommon. Even when not crushing, the mountains that are created will be constantly blowing material southward to our property and our renters. We know people as far as Bide-a-Wee road who are affected by the current rock crushing operation.

This expansion could seriously impact our ability to do business and it is our main source of income. We respectfully request that you deny the expansion.

Sincerely,



Yvette Hill

Manager

Revett, LLC

airportmini@gmail.com

Pam Wyllson

From: Brad Newman <bnewman@pacificwest.com>
Sent: Thursday, February 8, 2024 1:50 PM
To: Pam Wyllson
Subject: proposed expansion of freels sand and gravel pit

Received

FEB 08 2024

Okanogan County
Planning and Development

My name is Brad Newman. I own two parcels north of the proposed expansion of Freels sand and gravel.

My concerns begin with the existing 27 acre sand and gravel pit at Omak Airport Rd and Sand Dust Rd. Most noticeable is the large amount of dust, dirt, rock, and debris introduced into the atmosphere and dragged out onto Omak Airport Road by the heavy trucks entering and exiting the property. Less noticeable is the dust and particulates stirred up by general activity and daily routine of the pit. They are more noticeable at the car wash when cleaning a vehicle from the area, which shows all the stuff we are breathing, our animals are breathing, and is on our homes and landscapes.

Any expansion would further pollute the atmosphere in all the surrounding neighborhoods. Exhaust from any increase in traffic from diesel trucks. The fuel burned to heat the materials in the asphalt plant and the concrete plant. The toxic contaminants and particulates from the manufacturing of asphalt and concrete.

The added strain on the Duck Lake aquafer.

The dangers introduced to the Federally protected owls living in the area.

Darrell and Evalynn Sapp
100 Omak Airport Road
Omak, WA 98841

Received

FEB 08 2024

Okanogan County
Planning and Development

February 5, 2024

To Okanogan County Office of Development:

Attention: Pam Wyllson

In response to the Notice of Application and Threshold SEPA Determination, we would like to comment and question the following environmental impacts to our property and community:

We and our family have made our home here for fifty plus years. Our property borders the Omak Airport to the West and borders the Freels Sand & Gravel property on the North. We, Airport Rentals, LLC presently operate a storage business on this property of approximately 100 storage units and lease to the DNR two large buildings and equipment storage areas.

Our concerns and questions of this proposed expansion are as follows:

Blowing sand and dust, as the wind is usually from the North, if not completely controlled will have an impact on our home and rentals. Can this Sand and Dust be controlled over such a large 135 acres?

There are also some questions as to the impact of producing concrete and asphalt on this property

We live within sight of Freels Sand and Gravel's operation and have been able to observe heavy smoke rising from their operations. Dust from daily crushing operations are effected by strong winds from the north.

The requested hours of usage 6 am-6 pm, but we have observed in the past they have been starting much earlier than this. We hope that they can stay within these limits.

Will Omak Airport Road and Robinson Canyon roads extra traffic be addressed in this determination?

I am also an aircraft pilot flying from this airport for over fifty years and have some major concerns that the sand and dust could have a large impact on aircraft operation. The normal down- wind approach of 800' elevation for runway 17 Omak is right over the Freels Sand & Gravel property.

We appreciate the opportunity to question and comment.

Respectfully,



Darrell M. Sapp



Evalynn M Sapp

Pam Wyllson

From: Angel Ross <psalm139child@hotmail.com>
Sent: Thursday, February 8, 2024 2:12 PM
To: Pam Wyllson
Subject: Regarding Freels Sand & Gravel Expansion

Received

FEB 08 2024

Okanogan County
Planning and Development

Hi Pam,

My name is Angel Ross and my husband and I own almost 4 acres at the end of Peacock lane in Omak. We have some serious reservations concerns about the Freels expansion.

In addition to the obvious adverse impacts of the dust, traffic and noise generated by the already existing gravel pit we believe this expansion would only further add to the these and consequently negatively impact the value of our property with bringing the gravel pit even closer in proximity to our property.

According to the links below on previous studies done on the impact of having gravel pits and the like near housing properties in other communities in our nation, they concluded gravel pits have a significant negative impact on housing values. I have every reason to believe that this gravel expansion would do

the same to our property. They also reported these other findings as well:

Reasons for loss of home value would include:

1. Drinking water contamination,
2. Aquifer depletion with subsequent loss of residential wells,
3. Intolerable noise pollution damaging mental, physical and emotional health,
4. Air quality degradation destroying citizen's health,
5. Light pollution annihilating country atmosphere,
6. Vibrations of heavy equipment, dump truck transportation and blasting degrading citizen's well-being
7. Erosion
8. Fire danger, and
9. Community safety

<https://gravelwatch.org/wp-content/uploads/2016/02/US-Study-on-the-impact-of-pits-quarries-on-home-prices.pdf>

<https://www.aicanada.ca/article/property-value-impacts-occasioned-by-aggregate-extraction-operations/>

I would also like to speak to the serious health risks involved with bring the gravel pit even closer to our

homes. Air pollutants will be a problem. In your letter you state " the gravel pit will be for long term crushing, sorting, batching of concrete and asphalt". It is well documented that these releases carcinogenic dust particles into the air which have been found to cause lung cancer and other health hazards. See the links below the one from OSCA.

<https://www.osha.gov/silica-crystalline>

<https://www.fractracker.org/a5ej20sjfwe/wp-content/uploads/2022/03/silca-dust-facts.pdf>

I would also like to address the actual need for this expansion. With 3 sand and gravel pits in Omak/Okanogan alone I would question the need for such an expansion. Not to mention the ones in other towns in Okanogan county.

I would greatly appreciate a response so that I know my email was received and read.

Thank you for your time.

Sincerely,
Angel Ross

509-322-2344

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Notice Final SEPA and Hearing Date Adjacent Land Owners

Date sent 2/26/2024

PIN	CURRENT_OW	MAIL_2	MAIL_3	ZIP
3426120049	AIRPORT RENTALS LLC c/o Sapp, Darrell	100 AIRPORT RD	OMAK, WA	98841
8804400101	AIRWAY EAST LLC	100 AIRPORT RD	OMAK, WA	98841
3426121007	BATTON ETAL, BARBARA	131 FULL MOON TRL	PORT ANGELES, WA	98363
3426010019	BROOKS, DORENE	549 CRAIG ST	WALLA WALLA, WA	99362
3426123004	CHAPMAN, MIKE	PO BOX 425	PATEROS, WA	98846-0425
3426120032	COYNE, CLIFFENE	PO BOX 4104	OMAK, WA	98841-4104
3426120016	HORNER, SHEILA	37 OMAK AIRPORT RD	OMAK, WA	98841
3426013003	NEWMAN, BRADLEY	PO BOX 135	WIKIEUP, AZ	8560-0135
3426120045	O DELL, CAROL	238 OLD RIVERSIDE HWY	OMAK, WA	98841
3426120044	O DELL, LANCE & SHANNON	PO BOX 1032	OMAK, WA	98841-1032
3426124003	OLSON, LE ANNE	90 OMAK AIRPORT RD	OMAK, WA	98841
3426120009	OMAK AIRPORT ORCHARD LLC	124 N WENATCHEE AVE STE A WENATCHEE, WA		98801
3426013005	OMAK, CITY OF	PO BOX 72	OMAK, WA	98841
8807010200	WATTS & WATTS LLC c/o Watts, Clinton	739 SUNRISE DR	OMAK, WA	98841
3426121004	WILLI, THOMAS	36 SAND DUST RD	OMAK, WA	98841

Additional Commenters notice of Final SEPA and Hearing Date sent 2/26/2024

Dorene Brooks djbrooks1950@outlook.com

Sheila Horner shorner00@gmail.com

shannon Huff shannonhuff@hotmail.com

Yvette Hill airportmini@gmail.com

ReVoe Hill bybrr@yahoo.com

Brad Newman bnewman@pacificwest.com

Angel Ross psalm139child@hotmail.com

Michael & Yvonne Raven
96 Omak Airport Rd
Omak, WA 98841

Pam Wyllson

From: Pam Wyllson
Sent: Monday, February 26, 2024 10:49 AM
To: djbrooks1950@outlook.com; shorner00@gmail.com; shannonhuff@hotmail.com; airportmini@gmail.com; bybrr@yahoo.com; bnewman@pacificwest.com; psalm139child@hotmail.com
Subject: CUP 2023-3 Final SEPA and Hearing Date notice
Attachments: Not.Final.Hearing.Adjac.landowners.CUP 2023-3.pdf

Attached is the notice of final SEPA determination and hearing date for CUP 2023-3 Freels Sand and Gravel Expansion

Pam Wyllson

Planner II

Okanogan County Office of Planning & Development

123 5th Ave N. Ste 130

Okanogan WA 98840

509-422-7122

pwyllson@co.okanogan.wa.us

Notice Hearing Date Canceled Adjacent Land Owners

Date sent 3/15/2024

PIN	CURRENT_OW	MAIL_2	MAIL_3	ZIP
3426120049	AIRPORT RENTALS LLC c/o Sapp, Darrell	100 AIRPORT RD	OMAK, WA	98841
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Additional Commenters notice of Hearing Date cancelation sent 3/15/2024

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Yvette Hill airportmini@gmail.com

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shannonhuff@hotmail.com; shorner00@gmail.com; djbrooks1950@outlook.com

Pam Wyllson

From: Pam Wyllson
Sent: Friday, March 15, 2024 9:55 AM
To: psalm139child@hotmail.com; bnewman@pacificwest.com; bybrr@yahoo.com; airportmini@gmail.com; shannonhuff@hotmail.com; shorner00@gmail.com; djbrooks1950@outlook.com
Subject: CUP 2023-3 Freels Sand and Gravel Expansion
Attachments: Not.cancel.Hearing.Adjac.landowners.CUP 2023-3.pdf

Attached is a notice of hearing date cancelation. A new hearing date will be set

Pam Wyllson

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Notice Hearing Date Adjacent Land Owners

Date sent 4/1/2024

PIN	CURRENT_OW	MAIL_2	MAIL_3	ZIP
3426120049	AIRPORT RENTALS LLC c/o Sapp, Darrell	100 AIRPORT RD	OMAK, WA	98841
8804400101	AIRWAY EAST LLC	100 AIRPORT RD	OMAK, WA	98841
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3426121004	WILLI, THOMAS	36 SAND DUST RD	OMAK, WA	98841

Additional Commenters notice of Hearing Date sent 4/1/2024

Dorene Brooks djbrooks1950@outlook.com

Sheila Horner shorner00@gmail.com

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Yvette Hill airportmini@gmail.com

ReVoe Hill bybrr@yahoo.com

Brad Newman bnewman@pacificwest.com

Angel Ross psalm139child@hotmail.com

Michael & Yvonne Raven
96 Omak Airport Rd
Omak, WA 98841

Attachment I

SEPA Checklist

JAN 12 2024

Okanogan County
Planning and Development**A. Background** [Find help answering background questions](#)**1. Name of proposed project, if applicable:**

Freels Sand and Gravel Pit

2. Name of applicant:

Freels Sand and Gravel, LLC

3. Address and phone number of applicant and contact person:

PO Box 579, Brewster, WA 98812 509-449-1001 (David Freels)

4. Date checklist prepared:

December 18, 2023

5. Agency requesting checklist:

Department of Natural Resources, Okanogan County Planning

6. Proposed timing or schedule (including phasing, if applicable):

Need permit as soon as possible

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

This new site will be added to the existing mining permit no. 70-013157

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None Known

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None Known

10. List any government approvals or permits that will be needed for your proposal, if known.

Conditional Use Permit – Okanogan County

Surface Mining Permit – Washington State Dept. of Natural Resources

Reclamation Permit – Washington State Dept. of Natural Resources

Air quality Permit - Washington State Dept. of Ecology

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

We are expanding the current permit no. 70-013157, which is 27 acres, with additional land of 108 acres. So there will be a total of 135 permitted acres. The pit operation is for long term crushing, sorting, batching of concrete and asphalt, along with stock piling of sand, gravel and rocks. The 135 acre pit contains glacial deposits used to produce sand and gravel. We estimate around 18,000,000 cubic yards over the life span of the pit. Annual production is estimated at 75,000 cubic yards. The site is also permitted for concrete and asphalt batch plants.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The existing sand and gravel pit is located 3.30 miles North of Omak, off of Omak Airport Road.

The 135 acre pit is located on Parcel Numbers: 8807010100, 3426124001, 3426124002, and 3426124004.

B. Environmental Elements

1. Earth [Find help answering earth questions](#)

a. General description of the site:

The site is generally flat with few rolling benches and minimal slopes

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:

b. What is the steepest slope on the site (approximate percent slope)?

No slopes, fairly flat

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Sand and gravel

Soil mapping for the area identifies the primary soil types as:

146 pogue fine sandy loam

151 pogue extremely stony sandy loam

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

no

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

The total area that will be disturbed over the course of the permit is 135 acres and estimated 18,000,000 cubic yards will be removed. When final sloping takes place, there will be some filling but the amount of fill is unknown at this time. Will be using a mix of excess sand, sub soil, top soil and native sage brush for fill materials.

f. Could erosion occur because of clearing, construction, or use? If so, generally describe.

Erosion is unlikely due to the glacial deposit nature of the site. In the event of heavy rains, the runoff will be contained on site.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

The project will not result in significant increase in impervious surfaces. The portable units will be placed on the existing graded areas with gravel. Other impervious surfaces may include constructed concrete secondary containment basins for fuel storage, office and storage structures.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.

Swales to contain heavy rains and reclaim disturbed areas per DNR permit # 70-013157

2. Air [Find help answering air questions](#)

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Norman amounts of dust and exhaust associated with operating heavy equipment (trucks, dozers, loaders, etc) as well as dust and emissions associated with rock crushing and operating a batch plant

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

none

c. Proposed measures to reduce or control emissions or other impacts to air, if any.

Compliance with DOE. Because of the nature of the subsoils, it is not anticipated that the haul road dust abatement will be necessary or the handling of the mined materials will produce significant amounts of airborne matter. If dust becomes an issue, water will be used to control it.

3. Water [Find help answering water questions](#)

a. Surface Water: [Find help answering surface water questions](#)

1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

none

2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

no

3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None

4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.

There will be no surface water withdrawals or diversions at this time.

5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

no

6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

no

b. Ground Water: [Find help answering ground water questions](#)

1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known. 250+/- foot well, 20 gallons/minute, on occasion precipitation water will go into ground and evaporate as it does at present. Groundwater will be withdrawn for commercial and industrial needs at a rate not to exceed 5,000 gpd. The existing pit has an existing water permit from Duck Lake. If the existing pit gets the ok to expand, then we will go back to Duck Lake to expand the water permit.
2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Portable facilities or approved on site septic disposal system.

c. Water Runoff (including stormwater):

- a) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Runoff/storm water will be retained within the pit in swale areas.

- b) Could waste materials enter ground or surface waters? If so, generally describe.

Unlikely, but there is always a chance of spillage of deleterious materials. Storm water will always

be routed away from operation and storage areas.

- c) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No

- d) Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any.

All surface and run-off water will be contained in the mine floor. The floor will be graded to slope gently to depressed area. Due to the glacial deposit natural of the material, water should drained easily.

4. Plants [Find help answering plants questions](#)

- a. Check the types of vegetation found on the site:

- ☐ deciduous tree: alder, maple, aspen, other
- ☐ evergreen tree: fir, cedar, pine, other
- ☐ shrubs
- ☒ grass
- ☐ pasture
- ☐ crop or grain
- ☐ orchards, vineyards, or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☒ other types of vegetation.....sage brush

- b. What kind and amount of vegetation will be removed or altered?

Sagebrush and grass will be removed over the whole site

- c. List threatened and endangered species known to be on or near the site.

None known

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.

Will leave buffer of native plants for seed and reclamation areas will be re-seeded with native grasses. Buffers will range is size, from 30-50 feet.

- e. List all noxious weeds and invasive species known to be on or near the site.

Not known

5. Animals [Find help answering animal questions](#)

- a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.

Observed were rodents, ground chucks, various species of birds, and deer.

Examples include:

- Birds: hawk, heron, eagle, songbirds, other:
- Mammals: deer, bear, elk, beaver, other:
- Fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened and endangered species known to be on or near the site.

None known. Critical area maps on file with Okanogan county provide guidelines for endangered or threatened species areas. These maps are not considered regulatory but serve as a sound basis for identification of sensitive areas. This project is not in the proximity of the Okanogan River or migratory flyways.

c. Is the site part of a migration route? If so, explain. Not known at this time

d. Proposed measures to preserve or enhance wildlife, if any. none

e. List any invasive animal species known to be on or near the site. None known

6. Energy and Natural Resources [Find help answering energy and natural resource questions](#)

1. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Energy requirements for the facility will include electrical supply, diesel, gas and propane fuel for the vehicle units and equipment. The facility may include approximately 2,000 gallons of diesel storage.

2. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No

3. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

none

7. Environmental Health [Find help with answering environmental health questions](#)

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.

Normal hazards associated with such operations, such as equipment upset, however nothing extraordinary. Dust generation and exhaust emissions are regulated by DOE.

1. Describe any known or possible contamination at the site from present or past uses.

None at this time

2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None known

3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Gas, diesel, propane, oil, anti-freeze.....all typical items for crushing equipment and vehicles.

4. Describe special emergency services that might be required.

9-1-1 in the event of an accident

5. Proposed measures to reduce or control environmental health hazards, if any.

Beyond normal safety procedures, might need to install concrete containment basins for fuel storage.

b. Noise

1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

none

2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?

Noise normally associated with operating heavy equipment and processing operations.
6 a.m. – 6 p.m. Monday thru Friday

3. Proposed measures to reduce or control noise impacts, if any.

None. Heavy equipment operations, tractors, trucks are normal in this area.

8. Land and Shoreline Use [Find help answering land and shoreline use questions](#)

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The site has historically been used as a sand and gravel pit, lay down storage yard and undeveloped land. Past uses have included gravel crushing and asphalt batching. Adjacent land uses include rural undeveloped land, orchards, rural residential uses and Omak airport. Okanogan County has an active pit site less than a mile away, to the north.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

Not in recent history. An abandoned irrigation ditch exists along the eastern portion of the property. The property is within the service area for Duck Lake water management sub area.

1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?

no

- c. Describe any structures on the site.

No permanent structures that will stay after reclamation.. There are 4 movable structures and a set of scales. There also will be concrete containment basins for fuel storage. All will be moved once reclaimed.

- d. Will any structures be demolished? If so, what?

no

- e. What is the current zoning classification of the site?

R-1.....rural 1

- f. What is the current comprehensive plan designation of the site? Agricultural Resource

- g. If applicable, what is the current shoreline master program designation of the site?

Not in shoreline environment

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Not known

- i. Approximately how many people would reside or work in the completed project?

Site employment needs will vary depending on construction activity and time of year. On site

employees will range from 0-10 people per shift.

j. Approximately how many people would the completed project displace?

zero

k. Proposed measures to avoid or reduce displacement impacts, if any.

none

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

Obtain and maintain DNR surface mining reclamation permit, DOE permit, DOT permit and Okanogan County CUP permit

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any. [None at this time](#)

9. Housing [Find help answering housing questions](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. None

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. None

c. Proposed measures to reduce or control housing impacts, if any. None

10. Aesthetics [Find help answering aesthetics questions](#)

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Temporary rock crusher, asphalt or concrete batch plant (each 20-30 feet high)

b. What views in the immediate vicinity would be altered or obstructed?

Most views from Sand Dust Road are visible. Views from the east, west and north all depend on changes in topography. Views from Airport road depend on changing in topography.

c. Proposed measures to reduce or control aesthetic impacts, if any.

The portable operation will be set at least 100 feet from property lines.

11. Light and Glare [Find help answering light and glare questions](#)

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Light associated with the plant and pit operations will be limited to exterior lighting for work area maintenance and security needs. Lighting will be minimized to site needs and will be directed and shielded to reduce wash impacts. Hours of operation will be limited to daylight hours to prevent excessive lighting impacts. Hours will be 6 a.m. to 6 p.m.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

None anticipated

c. What existing off-site sources of light or glare may affect your proposal?

None anticipated

d. Proposed measures to reduce or control light and glare impacts, if any.

Lighting will be minimized to site needs and hours of operation will be limited to daylight hours to prevent excessive lighting impacts. Normal working hours will be 6a.m.-6p.m.

12. Recreation [Find help answering recreation questions](#)

a. What designated and informal recreational opportunities are in the immediate vicinity?

None known

b. Would the proposed project displace any existing recreational uses? If so, describe.

no

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.

None

13. Historic and Cultural Preservation [Find help answering historic and cultural preservation questions](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

None known

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

None known

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

None. After looking at the DAHP WISAARD site, there is no historic preservation in this area.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

If any historic preservation was unearthed, we would contact the local jurisdiction before continuing with operations.

14. Transportation [Find help with answering transportation questions](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

Primary access to the site is from Sand Dust Road off of Old Airport Road. Airport road may be accessed by SR 97 at Copple Road.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

No. There is limited public transportation in this area.

- c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

NO

d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

no

e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? None for completed project. Highly irregular trips during operation. It is possible to have 20-40 trips per day during peak time. These trips are both employee personal vehicle and trucks.

The data is per the plant manager.

f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

no

g. Proposed measures to reduce or control transportation impacts, if any.

None

15. Public Services [Find help answering public service questions](#)

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

NO

b. Proposed measures to reduce or control direct impacts on public services, if any.

None

16. Utilities Find help answering utilities questions

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:

Electricity, telephone, and portable Sanitary

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

All utilities needed are on site. Portable generators are also used with the plant.

C. Signature Find help about who should sign

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

X David Freels

Type name of signee:

DAVID FREELS

Position and agency/organization:

MANAGER

Date submitted:

July 10, 2023

Oct 13, 2023

Nov 03, 2023

Dec. 19, 2023

Jan. 12, 2024

State Environmental Policy Act (SEPA) WAC 197-11-350 Threshold Mitigated Determination of Non-Significance (MDNS)

Project Name: Freels Sand & Gravel Expansion CUP 2023-3

Proponent(s): Freels Sand & Gravel LLC
P.O. Box 579
Brewster, WA 98812

Agent(s): NCW Land Surveying LLC
P.O. Box 871
Okanogan, WA 98840

Project Summary

An application has been submitted by NCW Land Surveying LLC on behalf of Freels Sand & Gravel to permit the expansion of an existing gravel pit. The existing pit is 27 acres, the applicant is proposing to expand the pit with an additional 108 acres. The total acreage will be 135. The pit is for long term crushing, sorting, batching of concrete and asphalt, along with stockpiling of sand, gravel and rock. The hours of operation will be 6 a.m. to 6 p.m. The water source is an on site well within the Duck Lake Aquifer.

Location

The site is located on Omak Airport Rd and Sand Dust Rd near Omak WA on tax parcel number 3426124001, 3426124004, 3426124002 and 8807010100.

Threshold Determination

- ☐ **DNS:** Okanogan County Planning & Development issued a Threshold Determination of Non-Significance in accordance with WAC 197-11-340, identifying the proposal would not have a probable, significant, and adverse environmental impact.
- ☒ **MDNS:** Okanogan County Planning & Development issued a Threshold Mitigated Determination of Non-Significance in accordance with WAC 197-11-350, identifying this proposal would not have a probable, significant, and adverse environmental impact if mitigation measures are imposed.
- ☐ **DS:** Okanogan County Office of Planning & Development made a Threshold Determination of Significance in accordance with WAC 197-11-360, identifying this proposal would have a probable, significant, and adverse environmental impact.

Comments must be submitted in writing to the Okanogan County Office of Planning & Development, 123 5th Ave N Ste. 130, Okanogan, WA 98840, no later than **February 8, 2024**. All comments will be reviewed for relevance, and if necessary additional conditions will be placed on the Mitigated Determination of Non-Significance. If no comments are received the MDNS will stand as final. The date of publication in Okanogan County's legal periodical of record is **January 24 and 25, 2024**.

Administrative Approval

Lead Agency: Okanogan County
Responsible Official: Pete Palmer
Position/Title: Director of Planning
Phone: (509) 422-7160
Address: 123 5th Avenue North, Suite 130
Okanogan, Washington 98840

Signature:


(Pete Palmer, Director)

1/22/24

Date

Mitigation Measure – Threshold MDNS

Project Name: Freels sand & Gravel Expansion CUP 2023-3

Review of the proposal indicates that there may be potential for significant adverse environmental impacts. The impacts may be mitigated by conditioning the proposal. Mitigation measures are intended to address and mitigate the environmental impacts to a point of non-significance.

Probable Significant Environmental Impacts and Mitigation Measures:

Reclamation

1. The proponent will be required to obtain from the Washington State Department of Natural Resources a reclamation plan and permit, prior to commencement of operation.
2. A copy of the reclamation plan must be provided to Okanogan County Planning Department prior to start of operation.

Groundwater withdrawal

3. The property is within the Duck Lake Ground Water Management Subarea. The proponent must purchase water from the Okanogan Irrigation District through an updated commercial water license agreement to withdraw water from the Duck Lake Aquifer that includes the expansion parcels 3426124001, 3426124004 and 3426124002.
4. A copy of the updated commercial water license agreement to withdraw water from the Duck Lake Aquifer must be provided to Okanogan County Planning before start of operation.

Noxious Weed Control

5. A noxious weed control plan will be developed. The plan will be developed in coordination with Okanogan County Office of Noxious Weed. The plan must be approved by the Noxious Weed office.
6. A copy of the noxious weed control plan must be provided to the Okanogan County Planning Department before start of operation.

Archaeological Findings

7. Inadvertent Discoveries - (RCW 68.50.645) - In the event that human remains, burials, funerary items, sacred objects, or objects of cultural patrimony are found during project implementation, the proponent or his authorized agent shall adhere to all of the requirements of RCW 68.50.645. They shall immediately cease any activity which may cause further disturbance and then take steps to protect the find from further damage or disruption. They shall then contact the county coroner, who will contact the Washington State Department of Archaeology and Historic Preservation (DAHP). DAHP shall contact the Confederated Tribes of the Colville Reservation Tribal Historic Preservation Officer (THPO) at (509) 634-2695 or the Resource Archaeologist at (509) 634-2744 as soon as possible to report the find. The State Physical Anthropologist may also make notification by email. No further work shall be allowed on the project until there is an approved plan for managing or preserving the remains or items.
8. Post-Review Discoveries - (RCW 27.53.060) - On the private and public lands of Washington state it is unlawful for any person, firm, corporation, or any agency or institution of the state or a political subdivision thereof to knowingly remove, alter, dig into, or excavate by use of any mechanical, hydraulic, or other means, or to damage, deface, or destroy any historic or

prehistoric archaeological resource or site, or remove any archaeological object from such site, without having obtained a written permit from the DAHP for such activities. In the event that prehistoric artifacts (i.e., arrowheads, spear points, mortars, pestles, other ground stone tools, knives, scrapers, or flakes from the manufacture of tools, fire pits, peeled trees, etc.) or historic-period artifacts or features (i.e., fragments of old plates or ceramic vessels, weathered glass, dumps of old cans, cabins, root cellars, etc.) are found during project implementation, the proponent or his authorized agent shall cease work immediately within 200 feet of the find. Then they shall contact the Washington State DAHP to report the find. Then they shall contact the THPO at (509) 634-2695 or the Resource Archaeologist at (509) 634-2744. No further work shall be allowed on the project until there is an approved plan for managing or preserving the artifacts or features.

9. Activities that have the potential to disturb cultural resources outside the specified project area should not proceed prior to a cultural resources review of potential adverse effects in the new area.

Dust Control

10. The Department of Ecology will require the proponent to develop a site-specific Fugitive Dust Control Plan (FDCP) before starting this project and maintain thru the duration of activity on the property. Washington Administrative Code (WAC) 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the site, from both activities in operations and stockpiles.
11. The applicant will obtain an Air Quality Permit through DOE. All commercial activity shall comply with the air quality permit.

Lighting

12. All outdoor lighting shall be shaded to cast light downward with no direct off site casting of the light during hours of operation.

Storm Water

13. All storm water runoff from disturbed and improved areas shall be contained onsite. All internal roadways will be graded and culverts installed to direct runoff into on-site containment/treatment areas. Erosion will be controlled through the use of coffer dams and other techniques to insure on-site treatment for sediments and petroleum contaminants.

Water Quality

14. The applicant will submit a Sand and Gravel General Permit application to the Department of Ecology.

Noise Control

15. Hours of operation for the operation of heavy machinery, including haul trucks and rock crushing shall only be between the hours of 6 A.M. to 6 P.M.

Spill Prevention

16. The applicant must complete a spill prevention plan through the Washington State Department of Ecology

Attachment J

SEPA Determination

State Environmental Policy Act (SEPA) WAC 197-11-350 Final Mitigated Determination of Non-Significance (MDNS)

Project Name: Freels Sand & Gravel Expansion CUP 2023-3

Proponent(s): Freels Sand & Gravel LLC
P.O. Box 579
Brewster, WA 98812

Agent(s): NCW Land Surveying LLC
P.O. Box 871
Okanogan, WA 98840

Project Summary

An application has been submitted by NCW Land Surveying LLC on behalf of Freels Sand & Gravel to permit the expansion of an existing gravel pit. The existing pit is 27 acres, the applicant is proposing to expand the pit with an additional 108 acres. The total acreage will be 135. The pit is for long term crushing, sorting, batching of concrete and asphalt, along with stockpiling of sand, gravel and rock. The hours of operation will be 6 a.m. to 6 p.m. The water source is an on site well within the Duck Lake Aquifer.

Location

The site is located on Omak Airport Rd and Sand Dust Rd near Omak WA on tax parcel number 3426124001, 3426124004, 3426124002 and 8807010100.

Final Determination

- ☐ **DNS:** Okanogan County Planning & Development issued a Threshold Determination of Non-Significance in accordance with WAC 197-11-340, identifying the proposal would not have a probable, significant, and adverse environmental impact.
- ☒ **MDNS:** Okanogan County Planning & Development issued a Final Determination of Non-Significance if the mitigating conditions are satisfied.
- ☐ **DS:** Okanogan County Office of Planning & Development made a Threshold Determination of Significance in accordance with WAC 197-11-360, identifying this proposal would have a probable, significant, and adverse environmental impact.

Administrative Approval

Lead Agency: Okanogan County
Responsible Official: Pete Palmer
Position/Title: Director of Planning
Phone: (509) 422-7160
Address: 123 5th Avenue North, Suite 130
Okanogan, Washington 98840

Signature:

Pete Palmer

(Pete Palmer, Director)

2/23/24

Date

Mitigation Measure – Final MDNS

Project Name: Freels sand & Gravel Expansion CUP 2023-3

Review of the proposal indicates that there may be potential for significant adverse environmental impacts. The impacts may be mitigated by conditioning the proposal. Mitigation measures are intended to address and mitigate the environmental impacts to a point of non-significance.

Probable Significant Environmental Impacts and Mitigation Measures:

Reclamation

1. The proponent will be required to obtain from the Washington State Department of Natural Resources a reclamation plan and permit, prior to commencement of operation.
2. A copy of the reclamation plan must be provided to Okanogan County Planning Department prior to start of operation.

Groundwater withdrawal

3. The property is within the Duck Lake Ground Water Management Subarea. The proponent must purchase water from the Okanogan Irrigation District through an updated commercial water license agreement to withdraw water from the Duck Lake Aquifer that includes the expansion parcels 3426124001, 3426124004 and 3426124002.
4. A copy of the updated commercial water license agreement to withdraw water from the Duck Lake Aquifer must be provided to Okanogan County Planning before start of operation.
5. A 100-foot radius sanitary control zone (scz) must be established and maintained around the existing well free from the storage of fuels, oils, insecticides, pesticides, fertilizers, equipment storage or long-term parking and septic systems.

Noxious Weed Control

6. A noxious weed control plan will be developed. The plan will be developed in coordination with Okanogan County Office of Noxious Weed. The plan must be approved by the Noxious Weed office.
7. A copy of the noxious weed control plan must be provided to the Okanogan County Planning Department before start of operation.

Archaeological Findings

8. The Colville Confederated Tribes (CCT) and Department of Archaeology and Historic Preservation (DAHP) requests a professional archaeological survey of the project area be conducted and a report produced prior to ground disturbing activities. This report should meet DAHP's Standards for Cultural Resource Reporting.
9. The report needs to be provided to DAHP under project tracking code 2024-02-00750.
10. The archaeological survey must be completed and reviewed by DAHP and CCT before any ground disturbing activity takes place.

Dust Control

11. The Department of Ecology will require the proponent to develop a site-specific Fugitive Dust Control Plan (FDCP) before starting this project and maintain thru the duration of activity on the property. Washington Administrative Code (WAC) 173-400-040 requires that reasonable

precautions be taken to prevent dust from leaving the site, from both activities in operations and stockpiles.

12. The applicant will obtain an Air Quality Permit through DOE. All commercial activity shall comply with the air quality permit.
13. All internal roads must be treated with Magnesium Chloride, or other accepted dust palliative on the internal roads which has been approved or accepted by Department of Ecology. The amount of dust control agent used shall depend on weather conditions and the durability of the product.
14. When rock crushing the operation must use water to curtail the dust from leaving the applicants parcels.

Lighting and Glair

15. All outdoor lighting shall be shaded to cast light downward with no direct off-site casting of the light during hours of operation. Sources of light shall not project into the runway, taxiway or approach zone.
16. Building materials shall not produce glare which may conflict with any present or planned operation of the airport.

Storm Water

17. All storm water runoff from disturbed and improved areas shall be contained onsite. All internal roadways will be graded and culverts installed to direct runoff into on-site containment/treatment areas. Erosion will be controlled through the use of coffer dams and other techniques to insure on-site treatment for sediments and petroleum contaminants.

Water Quality

18. Freels Sand & gravel, LL has a Sand and Gravel General Permit WAG505199 with the Department of Ecology. The expansion of the site requires the permit be modified. The Site Management Plans will need to be updated as site conditions change. The plan must identify enough monitoring points to provide representative sampling of all point source discharges to surface water or groundwater.
19. A copy of the modified Sand and Gravel General Permit must be provided to the Okanogan County Planning Department before start of operation.

Noise Control

20. Hours of operation will be Monday through Friday 6 A.M. to 6P.M.

Spill Prevention

21. The applicant must complete a spill prevention plan through the Washington State Department of Ecology.

Airport Land Use Compatibility

22. A portion of parcel 3426124004 is located within WSDOT land use compatibility Zone 5 (as outlined in the WSDOT Airports and Land Use Compatibility Handbook p. F-2) in which "mining including sand and gravel pits" are prohibited. The portion of parcel 3426124004 that is within 750 feet of the runway lateral of the centerline defines the eastern edge of Zone 5. No part of the proposal may take place within this area.
23. A new map must be provided showing the new boundaries of the project area. The area indicated as WSDOT land use compatibility Zone 5 must be clearly marked on the map and on the ground.

24. This property is located within the Horizontal surface of the Airport Safety Overlay of the Omak Airport. All development must comply with OCC17A.300 Airport Safety and OCC17A.301 Airport Safety Overlay.
25. If areas of open water are created the applicant is required to take measures to prevent these areas from becoming a bird attractant or foster an increased bird population.
26. The applicant shall create a contingency plan for dust control in the event that excess dust or other visibility reducing disturbance occurs or the wind conditions carry such impedances towards the airport. All employees on site must be aware of the contingency plan and able to carry out the plan. A copy of the contingency plan must be provided to the Okanogan County Planning Department before start of operation.

Traffic

27. The applicant will place a stop sign at the exit to the gravel pit. All traffic leaving the gravel pit will obey the stop sign.
28. The speed limit on all internal roads shall be 25 mph.
29. All trucks that travel on paved public highways must comply with RCW 46.61.665 dropping load, other materials-Covering.

Wildlife

30. The applicant is required to contact Elianna Rosenthal at WDFW (509) 885-0631 Elianna.Rosenthal@dfw.wa.gov to coordinate the recommended wild life and habitat survey.

The following are findings of facts for Freels Sand & gravel Expansion CUP 2023-3:

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 Freels Sand & gravel LLC.
4. The site is located at 4 Sand Dust Rd Omak WA 98841 on tax parcel numbers 3426124001, 3426124004, 3426124002 and 8807010100.
5. April 25, 2023 an application was submitted by NCW Land Surveying LLC on behalf of Freels Sand & Gravel to permit the expansion of an existing gravel pit. The application was deemed incomplete by staff and additional information was requested.
6. On January 19, 2024 upon receipt of additional information, staff deemed the application complete and vested the application as Freels Sand & Gravel Expansion 2023-3.
7. On January 22, 2024 a notice of application and Threshold SEPA Mitigated Determination of Non-Significance (MDNS) for CUP 2023-3 was sent to adjacent landowners within 300 feet of the applicant’s parcel.
8. On January 22, 2024 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 2023-3 for their respective review and comment.
9. On January 24, 2024 an announcement of application and Threshold SEPA Mitigated Determination of Non-Significance (MDNS) for CUP 2023-3 was published in the Methow Valley News.
10. On January 25, 2024 an announcement of application and Threshold SEPA Mitigated Determination of Non-Significance (MDNS) for CUP 2023-3 was published in the Gazette-Tribune.
11. February 26, 2024 a notice of Final SEPA Mitigated Determination of Non-Significance and public hearing date of March 28, 2024 was sent to adjacent landowners within 300 feet of the applicant’s parcel and to additional commenters.
12. On February 26, 2024 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 March 28, 2024, as well as the signed Final SEPA Determination.
13. On February 28, 2024 a notice of Final SEPA Mitigated Determination of Non-Significance (Final MDNS) and public hearing date of March 28, 2024, was published in the Methow Valley News.
14. On February 29, 2022 a notice of Final SEPA Mitigated Determination of Non-Significance (Final MDNS) and public hearing date of March 28, 2024 was published in the Gazette-Tribune.

15. On March 15, 2024 a notice of canceled hearing date was sent to adjacent landowners within 300 feet of the applicant's parcel and to additional commenters.
16. On March 15, 2024 a notice of canceled hearing date was sent to commenting agencies.
17. On March 20, 2024 a notice of canceled hearing date was published in the Methow Valley News.
18. On March 21, 2024 a notice of canceled hearing date was published in the Gazette-Tribune.
19. On April 1, 2024 a notice of hearing date of April 18, 2024 for CUP 2023-3 was sent to adjacent land adjacent landowners within 300 feet of the applicant's parcel and additional commenters.
20. On April 1, 2024 a notice of hearing date of April 18, 2024 for CUP 2023-3 was sent to commenting agencies.
21. On April 3, 2024 a notice of hearing date of April 18, 2024 for CUP 2023-3 was published in the Methow Valley News.
22. On April 4, 2024 a notice of haring date of April 18, 2024 for CUP 2023-3 was published in the Gazette-Tribune.
23. 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 April 18, 2024.
24. A public hearing before the Okanogan County Hearings Examiner will be held April 18, 2024. At that time members of the public will be given the opportunity to enter testimony into the public record.

Attachment L
Conclusions of Law

The following are conclusions of law, based on the above findings of fact.

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. The proposal is compatible with the Okanogan County Zone Code.
4. All aspects of development must comply with the conditions of approval.
5. That 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. The SEPA appeal period ended on March 15, 2024.
6. That 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. Okanogan County Code Chapter 16 “Subdivision” does not apply to this project.
9. The conditions imposed are not unnecessarily onerous.
10. Conditional approval of this application will be consistent with previous proposals of the same nature and scope.
11. Okanogan County Code Chapter 15 “Floodplain Management” does not apply to this project.
12. Okanogan County Master Program for Shoreline Management does not apply to this project.

Attachment M
Proposed Conditions of Approval If Approved

The following are the proposed conditions of approval; it is up to the Hearing Examiner to determine if these conditions are necessary and/or appropriate:

1. Any expansion in the nature and scope of the operation will require amendment to this Condition Use Permit through the Okanogan County Office of Planning & Development.
2. 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.
3. The project will proceed in substantial conformance with the application materials submitted.
4. All the conditions of the SEPA MDNS issued for this application are adopted in this decision as if fully set forth herein.