

STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, September 20, 2017 Agenda Item 4

Applicant: B.S. Construction/Steve Schoeder Properties

Request: Renewal of a conditional use permit for Nonmetallic Mining.

Background:

B.S Construction/Steve Schoeder Properties owns a mine which was expanded in 2006. County Materials was the previous operator of the site, but did not renew its lease. In 2006 County Materials and the Syllas agreed to allow mining within 50 feet from the property line as long as the mining did not encroach within 400 feet from the house and peak particle velocity would not exceed .35 inches per second.

On September 5, 2012 the LMC modified the condition regarding peak particle velocity for the blasts. The peak particle velocity was raised from .35 to .50. It was stated that the low peak particle velocity makes it more difficult to blast the rock as it gets closer to the Sylla's structure. The higher peak particle velocity will allow the blasters to obtain a higher frequency in the blast and utilize electronic detonators with proper timing to get better results for both the operators and the Syllas.

A signature hole blast was completed on August 5, 2013. An analysis was done of the wave form to determine the optimum blast timing utilizing electronic detonators. Since then, there have been two production blasts. Each blast was designed to remove the top half of the mine wall.

The previous operator was instructed to report back to the LMC after the next full-face production blast with the Peak particle velocity limit of .50 to determine if any modifications to the permit are necessary. To date there has not been a full-face production blast with a peak particle velocity limit of .50.

The Sylla's continue to want the peak particle velocity limit to be set at .35. They are concerned about the effects of the blasts to them as well as their structures. As the blasting gets closer to their residence they believe that higher peak particle velocity will make the blasting less tolerable to them.

Issues Pertaining to the Request:

- The legal description for this property is in the SW 1/4 of the SE ¼ in Section 15, T26N, R15W in the Town of Rock Elm. The property is zoned Agriculture- Residential.
- The mining site has approximately 10 unreclaimed acres. Access to the mine is off of County Road S.
- Mining activity has been significantly less since County Materials lease expired.
- Previously most of the processing of materials was done at the County Materials Spring Lake Quarry. With new operator(s) more processing may have to be conducted onsite.
- B.S. Construction intends to mine one additional acre, towards Co. Rd. S, and then close and reclaim the mine.
- The future production needs of any potential operator(s) cannot be known at this time. The LMC directed County Materials to conduct a full-face blast with a peak particle velocity of .50 and to then

appear before that LMC to review impacts; this may not be acceptable for the next operator. Therefore, modifications to Conditions #6 and 13 may be warranted. Staff suggests that it may be appropriate to enable the operator to eliminate the need for a signature blast/full face blast and the subsequent LMC review by limiting peak particle velocity to .35 inches per second. A condition that would enable this has been proposed for LMC consideration (#14).

- In addition to concerns about blasting near the residence, the Sylla's have concerns about well testing and dust control. The well was last checked in 2014 and dust issues come up during certain conditions (strong north winds).
- Staff contacted the Town of Rock Elm regarding this renewal. No response was received at the time this report was sent.
- The existing conditions are:
 1. Hours of operation shall remain consistent daylight hours Monday through Friday, 6:00am - 9:00pm during the construction season with an occasional Saturday, 6:00 am to 6:00 pm, property owners within 300 ft and Mr. Huebel shall be notified in advance of Saturday operation hours. .
 2. Applicant shall receive all necessary permits from other agencies.
 3. The reclamation financial assurance information shall be kept current and approved by Corporation Counsel.
 4. Applicant shall comply with DNR NR 135 Annual Reclamation Permits (Ch 241 PCC).
 5. Applicant shall identify blasting frequency and all blasting shall be done by a certified state licensed blaster.
 6. Property owners located within 1000 feet shall be given adequate notice (48 hours) of any planned blasting. Peak particle velocity shall not exceed 0.50 inches per second. A signature hole process will be conducted to minimize vibrations.
 7. Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all existing wells within 1000 feet of the proposed mining operation to establish a baseline. This shall be completed prior to blasting and every two years thereafter.
 8. Dust control measures shall be implemented when necessary. The operator will water when necessary.
 9. This CUP shall be renewed every two years.
 10. 50 foot setback shall be maintained from all property lines and a 400 foot setback shall be maintained from all existing dwellings.
 11. A vegetative buffer shall be established to screen adjacent residences.
 12. Operator shall ensure that fly-rock does not negatively impact adjacent properties.
 13. The operator shall come back before the Land Management Committee as soon as possible after the next production blast for a status report and to review conditions.

Recommendation:

Applicant: B.S. Construction
Status Report of conditional use permit for Nonmetallic Mining
September 20, 2017

Staff recommends that the Land Management Committee consider whether established conditions continue to be adequate to protect the public interest, public health and safety, and the character of the area and determine if any modifications are necessary. If no additions or modifications are necessary staff recommends the LMC renew this permit with the following conditions:






1. Hours of operation shall remain consistent with daylight hours or Monday through Friday, 6:00am - 9:00pm during the construction season with an occasional Saturday, 6:00 am to 6:00 pm, property owners within 300 ft and Mr. Huebel shall be notified in advance of Saturday operation hours. .
2. Applicant shall receive all necessary permits from other agencies.
3. The reclamation financial assurance information shall be kept current and approved by Corporation Counsel.
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8. Dust control measures shall be implemented when necessary. The operator will water when necessary.
9. This CUP shall be renewed every two years.
10. 50 foot setback shall be maintained from all property lines and a 400 foot setback shall be maintained from all existing dwellings.
11. A vegetative buffer shall be established to screen adjacent residences.
12. Operator shall ensure that fly-rock does not negatively impact adjacent properties.
13. The operator shall come back before the Land Management Committee as soon as possible after the next production blast for a status report and to review conditions.
14. The need to conduct a full face blast/signature hole and to appear before the LMC to review conditions may be eliminated by limiting peak particle velocity to .35 inches per second.

Submitted By: Brad Roy
Zoning Administrator

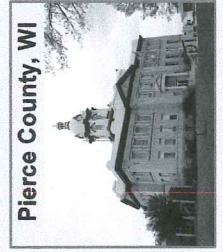
Land Management Committee

B.S. Construction Mining
(September 20, 2017)
CUP Renewal

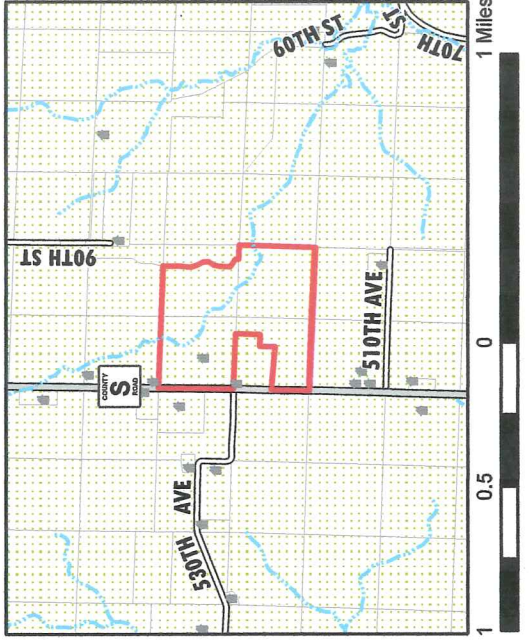
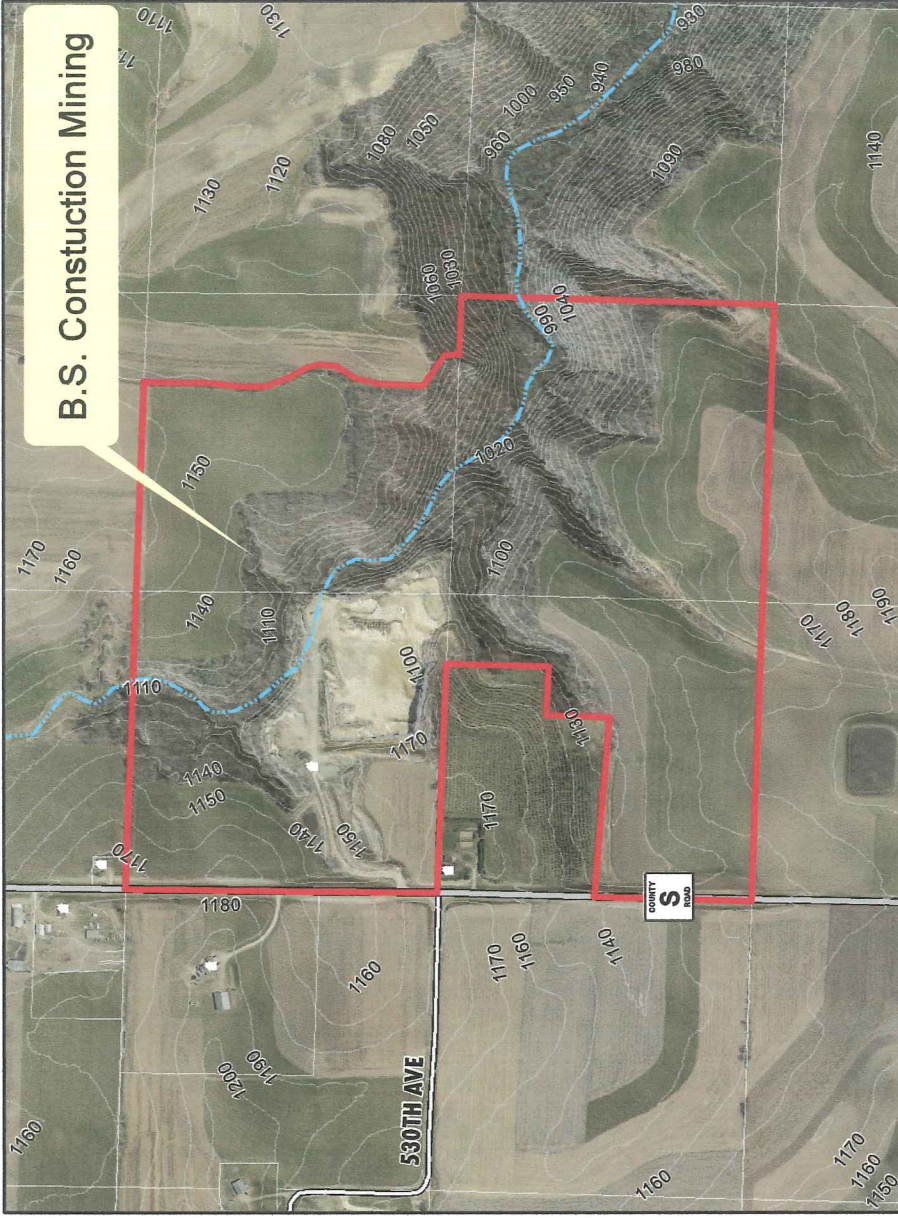
Legend

-  Dwellings
-  B.S. Construction
-  Parcels
-  Primary Intermittent Stream
- Zoning**
-  Agriculture - Residential

Orthophotography - 2015 Pierce County



Prepared by the Department of Land Management



Site Location
T-26 R-15 SEC. 15, 22
Town of Rock Elm

