

**A SUPPLEMENTAL BRIEF  
PREPARED BY  
A CONCERNED RESIDENT OF  
PORT LUDLOW**

**TO BE SUBMITTED TO**

**MR. STEPHEN K. CAUSSAUX,  
HEARING EXAMINER**

**ON THE APPEAL OF  
IRON MOUNTAIN QUARRY  
FROM A DETERMINATION  
THAT PROJECT # MLA 0600699  
REQUIRES A CONDITIONAL USE PERMIT**

## HISTORY

**4/10/08** A determination that the application of Iron Mountain Quarry, LLC for a rock mine of 142 acres at parcel #281291002 in Jefferson County was approved as a nonconforming use.

**6/11/08** An administrative determination that the Iron Mountain mining operation at Parcel # 281291002 in Jefferson County requires a conditional use permit.

**6/23/08** Receipt of Iron Mountain's appeal of the above requirement.

**7/25/08** Date of public hearing before Mr. Stephen K. Causseaux, Jr., Hearing Examiner.

**8/9/08** Last day to submit additional information to the Hearing Examiner.

**IN THE CURRENT CASE,  
THE CONDITIONAL USE  
PERMITTING PROCESS  
PROVIDES CRITICAL  
PROTECTION TO THE  
RESIDENTS OF PORT  
LUDLOW.**

**Although we are not satisfied with the approval of this project, the fact remains that the project has been approved. Appellant Iron Mountain is free to mine the 142 acres approved.**

**However that does not mean that other provisions of the JCC do not apply to its operation. Jefferson County has adopted a comprehensive conditional use permitting process that allows the county to protect the rights of parties who may be adversely affected by the operation of an approved project. (JCC 18.15.040 (3)).**

**Rock mining is, by its nature, an intense, noisy, dusty business. Yet controls are possible. If mining activities affect adjoining property or communities, action can be taken to ameliorate the problem.**

**JCC 18.20.240 (2)(g) specifically recognizes the above possibility in the need for a conditional use permit for a rock crusher. Rock crushers can be extremely noisy and dusty, yet steps can be taken to reduce the noise and dust.**

**The conditional use provision process does not deny appellate privilege of mining. It relates to an entirely different section of the Code, 18.15.040. This section allows the County to control mining activities throughout the mining process that may have an adverse impact upon**

**property owners or communities in the vicinity of the proposed mine.**

**For example, if a mine stored explosives in an unlocked wooden storage shed, the conditional use process would authorize the county to step in and require secure storage. It cannot be presumed, as appellant's counsel argues, that an approved activity will continuously remain in a state of approval.**

## **II**

### **TRAFFIC TO AND FROM THE PROPOSED MINE**

**The proposed mining operation of Iron Mountain Quarry may well produce a large quantity of rock fill and other grades of crushed rock. There is little need for such quantities of rock on the Olympic Peninsula. The only large market available is the Puget Sound basin, particularly the City of Seattle. The most efficient method of transporting large quantities of crushed rock to Seattle is initially by an 80-foot-long truck and dump trailer, and then by barge.**

**The nearest route to a barge dock is through the middle of Port Ludlow to a dock at Mats Mats Bay.**

**Please note the Seattle Times article concerning another Iron Mountain project in Granite Falls, Snohomish County, Washington, found in APPENDIX A at the end of this brief.**

**A conditional use permit would be the ideal vehicle to prevent what happened in Granite Falls.**

### III

#### WIND, NOISE AND DUST

For major portions of the year, the prevailing wind for Port Ludlow is from the southwest to the northeast, (ie, through the valley from the quarry area directly to Port Ludlow). The village has been fortunate to have had a tree-covered rock monolith acting as a barrier protecting the village from the sounds from Shine quarry and Highway 104. Otherwise, the natural terrain would act as a funnel, allowing storms, dust and noise to sweep through, on southern winds and breezes, directly into Port Ludlow. It is this protecting monolith that Iron Mountain intends to mine.

Mining will chew away the protecting monolith and eventually it will be gone. In the meantime, the machinery sounds and dust from the current Shine mine, together with traffic noise on Highway 104, and the additional dust and sounds from the presumed larger mining operation of the monolith, will sweep directly into the Village of Port Ludlow.

Again, a conditional use permit can address this problem and set standards that may reduce the impact on Port Ludlow.

### IV

#### DANGEROUS ACTIVITIES

##### TRAFFIC INJURY HAZARDS

Eighty-foot-long truck and dump trailers always present a traffic hazard. The greater the number, the greater the hazard. Many village residents exercise in the morning by walking village streets as the hiking trails may be too long, wet or slippery. If the village of Port Ludlow is on the transportation route for hauling Iron Mountain mine products to market,

**an immediate and serious personal injury hazard would be presented to the residents of the village.**

**In the alternative, if the stream of truck and dump trailers travels Highway 104, they, in addition to those from the Shine quarry, would also present a serious personal injury hazard at the intersection of the Paradise Bay road and Highway 104 near the Hood Canal Bridge. Most residents of Port Ludlow travel the Paradise Bay route to cross the bridge for medical care and shopping in Poulsbo, Silverdale, Bremerton and Seattle.**

**Again, a conditional use permit may be able to establish some limitations that would greatly reduce the danger to elderly Port Ludlow residents.**

**Furthermore, a serious hazard would be presented to traffic on Highway 104. The truck and dump trailers would be making a left turn onto Highway 104. There are no turning lanes at the junction of Highways 104 and 19. Cars traveling east at 60 miles-per-hour would be confronted with a slow-moving truck and dump trailer making a turn onto Highway 104 and slowly gaining speed with a load of perhaps 50 tons of rock.**

## **V**

### **EXPLOSIVES**

**Mining operations involve explosives. We expect any mining operation to exercise great caution in the handling and using of explosives.**

**However, Port Ludlow homes are within 1800 feet from the proposed rock mine. One of the Port Ludlow golf courses is located nearby. Additionally, there is a hiking trail within 1,250 feet of the mine.**

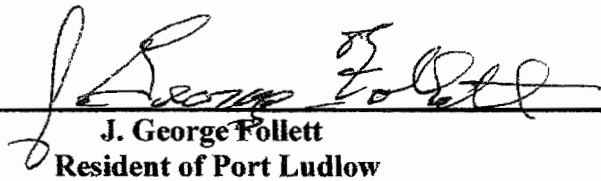
**Even with great care, accidents do happen. This is a further reason the Department of**

**Community Development is right in its request for a Conditional Use Permit. It is the duty of that agency to establish standards appropriate for this particular mine in order that nearby residences can be reasonably assured that no mishap will occur.**

### **CONCLUSION**

**For all of the foregoing reasons the appeal of Iron Mountain Quarry should be dismissed.**

**Respectfully submitted,**

  
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**J. George Follett**  
**Resident of Port Ludlow**

## APPENDIX A

### The Seattle Times

Red emphasis added.

"Wednesday, February 5, 2003 -Page updated at 12:00 AM

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Quarries, city clash over plans for detour By Peyton Whitely  
*Times Snohomish County bureau*

Making repairs on Granite Falls' main drag is expected to cost a half-million dollars and could take months. Repairing relations between the city and nearby gravel-mining operations could take even longer. That was made clear during a meeting last week to discuss an improvement project for East Stanley Street, the main east-west road through Granite Falls. The project likely will require rerouting more than **1,000 gravel trucks that drive through the city daily**.  
Therein lies the rub.

Granite Falls officials want to close the street completely, to finish the (repair) project as soon as possible, and reroute the trucks out of the city. The gravel quarries would prefer an alternate route that traveled through the city over several residential streets.

The disagreement sparked a heated exchange between Granite Falls officials and quarry representatives at last week's meeting. About 30 representatives from the city, Snohomish County, the state and trucking and quarry companies attended the session at the county Administration Building in Everett.

Granite Falls Mayor Floyd "Butch" DeRosia said the quarries' preferred route would disrupt neighborhoods and represented an unwillingness to compromise.

"I don't feel the city should take the full brunt of this project," DeRosia said. "I think everyone should join in and not completely choke off Granite Falls."

City Councilman Matt Hartman said the city was being asked to do too much.

"I have not heard one thing from the quarries that might consider reduced output" to cut traffic loads, Hartman said. "Is this a compromise from that standpoint?"

But Jim Burnett, owner of the Iron Mountain quarry, said such restrictions would be unacceptable.

"No, those kinds of constraints shackle our business," he said. "We're going to eat thousands of dollars a day as an industry."

"Given that, I'm really curious as to how you expect us to compromise," Hartman said. "It's your project," said Burnett.

"It's not my problem how you get your product to market," Hartman responded. "We have to accommodate an industry that over the past five years has done absolutely nothing."

Eventually, the give-and-take did result in possible solutions, but the exchange illustrated what meeting participants described as years of ill will that has developed over gravel trucks in Granite Falls.

**More than 1,000 trucks from quarries outside the city — about one every 30 seconds on average — go through Granite Falls every day, using the only allowable route along Stanley Street.**