

**SKAGIT COUNTY  
OFFICE OF THE HEARING EXAMINER**

**re:** The application for a Special Use Permit, Forest Practices Permit, and a SEPA Appeal by Central Samish Valley Neighbors in regard to the application of **Concrete Nor'West/Miles Sand & Gravel**

PL16-0097, Special Use Permit  
PL16-0098, Forest Practices Permit  
PL22-0142, SEPA Appeal

**ORDER ON MOTIONS OF COUGAR PEAK**

The Hearing Examiner having reviewed pleadings filed by Cougar Peak, the Applicant, and the Department, and having held a previously scheduled motions hearing on this date; and with the authority pursuant to the Skagit County Hearing Examiner's Rules of Procedure (SCHE) §§6, 7, and 25; the Hearing Examiner hereby makes the following findings and orders, supplementing or replacing prior orders as appropriate:

**FINDINGS**

**1. Cougar Peak's Motion for Traffic Safety Data**

- a. This motion was orally withdrawn by Cougar Peak at the hearing and is moot.

**2. Cougar Peak's Motion to Confirm Intervenor Status**

- a. In the Post-Conference Order of 6/28/25 the Hearing Examiner noted Cougar Peak LLC and the McLeod Family (Cougar Peak) as an Appellant.
  - i. This was a procedural error; Cougar Peak has never been an Appellant in this matter.
- b. Cougar Peak did not timely appeal the SEPA decision.
- c. Cougar Peak is seeking intervenor status in the SEPA Appeal and the Special Use Permit (SUP) application, but not the Forest Practices permit.

- d. Cougar Peak previously filed a motion to intervene in this matter in 2022,<sup>1</sup> and has filed a new motion to “Confirming Intervenor Status.”<sup>2</sup>
  - i. The Appellant CSVN opposed that motion at that time,<sup>3</sup> they are “agnostic” about the matter at this time.
  - ii. The Department did not oppose the matter at that time,<sup>4</sup> they oppose the matter at this time.<sup>5</sup>
  - iii. The Applicant alleges it objected to intervention in the original motion,<sup>6</sup> which conforms with the finding of HE Reeves,<sup>7</sup> though no Exhibit can be found in the Bates numbered index agreed to by the parties, and maintains its objection to Intervention.<sup>8</sup>
  - iv. Cougar Peak’s arguments are different, but the substance of the issue is essentially the same and that motion was denied.
- e. Intervention in a SEPA appeal after the appeal deadline appears to draw close to nullifying the purpose of the appeal filing deadline in the SEPA process.
- f. It is not clear from the record whether or not Cougar Peak is in fact a property owner of land subject to the land use decisions at issue here.
- g. Even if Cougar Peak could seek intervention under the SCHE §18, it still would not qualify for intervention with the facts as currently represented.
  - i. In regard to the SEPA Appeal, its un-unique interests are already adequately represented by the analogous significant concerns of Appellants CSVN who did timely-appeal the SEPA decision, and the legal and policy criteria taken into consideration by the Department on behalf of the public in this matter.
  - ii. There has been no showing of facts or unique interests demonstrating that an intervention is required in the SUP any more than the rest of the public.

### **ORDER**

Cougar Peak’s motion to be classified as an intervenor is denied without prejudice.

If Cougar Peak is in fact a property owner, and there are decisions being made about their specific land without their input or consent, the door remains open to reconsideration of this matter.

Cougar Peak’s rights as a member of the public are undiminished, and may file or testify at an open public hearing as they wish; limited by any other limitations placed on the public at that time. They

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<sup>1</sup> Ex. P4 (noted as P4 in the index), *filed* 4/12/22

<sup>2</sup> Ex. Remand(“R”)14, *filed* 8/1/25

<sup>3</sup> Ex. P3 (notes as P3 in the Index), *filed* 4/22/22; *contra* Ex. P7 where HE Reeves held they had not responded.

<sup>4</sup> Ex. P5, *filed* 4/22/22

<sup>5</sup> Ex. R19 at 2, *filed* 8/11/25

<sup>6</sup> Ex. R16 at 2 *fn.* 2, *filed* 8/12/25

<sup>7</sup> Ex. P5 at 3, *filed* 4/22/22

<sup>8</sup> *See generally* Ex. R16, *filed* 8/12/25

will not be afforded the right of cross-examination of other witnesses, or procedural objection to evidence outside of their filings or testimony.

**SO ORDERED** this 19<sup>th</sup> day of December 2025.



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Rajeev D. Majumdar  
Skagit County Hearing Examiner