



# Appeal or Request for Reconsideration

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273  
voice 360-416-1320 · inspections 360-416-1330 · [www.skagitcounty.net/planning](http://www.skagitcounty.net/planning)

File #: <b>PL24-0198</b>
<b>06.05.2024</b>
<b>NS</b>
Received by:

**Appeal**

What are you appealing?

- Appeal of an Administrative Interpretation/Decision/Action to the Hearing Examiner
- Appeal of an Administrative Order to Abate (code enforcement order) to the Hearing Examiner
- Appeal of Impact Fees to the Hearing Examiner (impact fees must be paid) (SCC 14.30.070)
- Appeal of Hearing Examiner Decision/Action to the Board of County Commissioners
- Request for Reconsideration of a Hearing Examiner Decision (SCC 14.06.180)

File # of Appealed Decision or Permit	#PL16-0556	Appeal Fee	\$	PDS will calculate
Date of Appealed Decision or Permit	MAY 22, 2024	Publication Fee	\$	PDS will calculate

PDS staff: do not accept appeal form without full payment of fees

## Appellant

Standing to appeal	<input checked="" type="checkbox"/> Permit applicant <input type="checkbox"/> Party of Record <input type="checkbox"/> Party subject to code enforcement order <input type="checkbox"/> Other			
Name	BILL WOODING			
Address	13540 ROSARIO ROAD			
City, State	ANACORTES	Zip	WA	Phone (360) 708-8559
Email	bwooding31@comcast.net	Signature		

## Attorney or Representative

None

Name		
Address		
City, State	Zip	Phone
Email		

## Attachments

For any of the appeals listed above, please attach a concise statement with numbered responses to the following questions.

1. What is your interest in this decision?
2. How are you aggrieved by the decision you are appealing?
3. What are the specific reasons you believe the decision is wrong?  
e.g. erroneous procedures, error in law, error in judgment, discovery of new evidence
4. Describe any new evidence.
5. List relevant sections of Skagit County Code.
6. Describe your desired outcome or changes to the decision.

For a request for reconsideration of a Hearing Examiner decision, attach a statement identifying the specific errors alleged.

**William Wooding**  
DBA Pit One, LLC/Lake Erie Trucking  
13540 Rosario Road . Anacortes, WA 98221 . 360.708.8559

4 June 2024

Kevin Cricchio, AICP, ISA, Senior Planner  
Skagit County Planning & Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

RE: Appeal of Hearing Examiner Decision PL16-0556

Mr. Cricchio,

I have to admit we didn't follow through like we should have on the additional Geological Hazardous Site Assessment. We thought boring additional wells and doing water analytical studies on the water quality and moisture of the soils while doing the borings we would have a better idea of what the soil conditions are. We had a hydrologist on site testing at different elevations checking types of soils, moisture content and gradation. We felt we were doing the best we could within the area we had available to us without going offsite to private adjoining properties.

In the Hearing Examiner's Report, he misquoted Tom Mullens where he details Tom said there was glacial till on the west side of the pit. Mr. Mullen and Mr. Wald agreed there is no glacial till on the west side of the pit. With no glacial till the water flow does not change. I confirm this as well.

Although the Summary of Record in the Summary of Decision prepared the Hearing Examiner favors the studies and assessments prepared by the hydrogeologist of record and is upheld by Skagit County Planning and their third-party geologist, the Conclusions Based on Findings by the Hearing Examiner deviates from the Summary of Record and favors the opinions of the appellants geologist. The appellant's geologist is not a licensed hydrogeologist and has not performed any in-depth assessments or studies. Therefore, the Appellants

geologist has provided nothing more than an unsubstantiated opinion. The Hearing Examiner's decision is supported only by this unsubstantiated opinion and dismisses the studies and assessments performed by qualified professionals. It is our opinion that the decision is inconsistent with the rule of law.

We are requesting more time for all parties to provide complete information and respectfully appeal the Hearing Examiner's decision to allow for this time. In the event you do not grant me another chance to investigate further, we will have to start over and re-apply, which we are prepared to do.

If all of this is about safety and slides, we are never going to convince the property owners, who built or bought on unstable ground forty years after the gravel pit was first opened, that the gravel pit is not the problem. This objection to the pit started out

being: "We thought the pit was not in operation. We don't want all the truck traffic in our neighborhood, it's a terrible place for a gravel pit."

Once the people were told the pit would still be operational, they switched strategies to slope erosion caused by the gravel pit. A geologist and hydrologist testified the bluff blowout probably happened one thousand years ago – 900 years before the gravel pit was opened.

We propose, rather than spending more time and resources on additional explorations (that you will never be able to prove beyond a shadow of a doubt), moving forward to do away with any question of which direction or who is creating the water issue. We propose that moving forward with every new acre exposed in the pit, we will pave one acre of the existing pit starting at the north (closest to the slide area). This should end any question as to where or who is creating the issue. We own property from the pit to Deane Drive where there is drainage into Lake Erie. We have the ability to direct all surface water to the lake.

If this is about closing the pit, then there is nothing we can do to satisfy the property owners. There is a very limited amount of sand and gravel in Skagit County and there will never be a substitute for gravel. We need to save and preserve our mineral resources in Skagit County.

The Hearing Examiner found in his conclusion "that each experts' evidence on all sides is poor". Also, it appears to him that "each expert only investigated until

he uncovered the first fact that would support his position, and then stopped investigating before he could uncover any other facts that would tend to support or undermine his position. *(Page 24 of Decision)*.

Due to the level of incompleteness in the reporting by both sides as found by Hearing Examiner and that this could have been caught at the staff/third-party review level and more time allowed in accordance with review procedures in chapter 14.06 of Skagit County Code, we respectfully appeal this Denial.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bill Wooding", with a stylized, cursive script.

Bill Wooding