

OFFICE: 360.757.3121  
FAX: 360.757.3816

PO Box 280  
Mount Vernon, WA 98273-0280

September 20, 2017

Via E-mail: [Johnc@co.skagit.wa.us](mailto:Johnc@co.skagit.wa.us)

Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273  
Attn: John Cooper, Planner/Geologist

RE: Replying to July 6, 2017 Skagit County Response (PL16-0097)

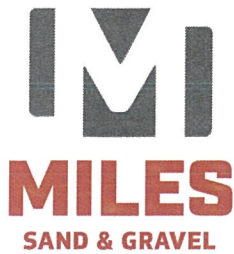
Dear Mr. Cooper,

Thank you for your July 6, 2017 letter requesting additional information in order to continue processing our application. I will respond in the order of the items listed in your letter.

1. With regard to the proposed hours of operation, we understand the County's recommendation was for Monday through Friday, 7:00 a.m. to 5:00 p.m. We presented our rationale for unlimited hours in our application and in our July 6, 2017 letter. We are unclear what information the County relied on to recommend the Examiner restrict our hours from what is allowed by SCC 14.16.440(10)(i). Certainly the staff recommendations should be based on evidence and not unsupported public sentiment. Regardless, we are comfortable discussing the County's recommendation with the Hearing Examiner at the Public Hearing.
2. The County states our application fails to provide sufficient evidence to support the special use criteria of SCC 14.16.900(1)(b)(v). We find this confusing since the County had already found we meet this criteria, as documented in the September 12, 2016 Staff Report to the Hearing Examiner. You are now asking for a noise and vibration study. The site is very isolated and no processing is proposed. I am sure your research and experience confirm that the processing equipment is the biggest noise source at other mines. The activities here will be comparable to those at any site where construction earthwork is underway. What evidence is there to support a change in the County's position and request for a noise study?
3. With regard to truck trips, the County's letter does not accurately represent what we have proposed. Our proposal is clearly presented in the reports by DN Traffic Consultants, which again have previously been approved by Public Works and the conclusions of those approvals were conditions in the September 12, 2016 Staff Report to the Hearing Examiner. The County states "public concern" as the reason for the County to retain a third party traffic consultant. That is of course your discretion and requires no action on our part.

Miles Sand & Gravel Company

[WWW.MILES.ROCKS](http://WWW.MILES.ROCKS)



4. We continue to disagree that the private road standards are appropriate for our project for reasons previously stated. We do however understand the County's need to ensure emergency vehicle access which of course we support. For that reason we are comfortable with a reasonable performance standard that requires the access road be maintained to private road standards (except as constrained by the existing approach and bridge over Swede Creek) as a condition of project approval.
5. I have enclosed an example of our Environmental Protection Plan, with Section 4 (starting at page 8) being the Spill Control Plan that would be implemented upon coverage under the Sand & Gravel General Permit through the Washington State Department of Ecology.
6. With regard to the appropriate land use intensity rating and buffer requirement, this issue has already been decided and approved by the County through its subject matter experts. The County has already issued a development permit associated with this application predicated on medium intensity use as described in our application and a 200' buffer. Public comment regarding the appropriate land use intensity can be presented to the Hearing Examiner, where we will have an opportunity to respond.
7. Please describe, specifically, the "numerous factual discrepancies" in our application so that we may correct them.

Finally, you state that after our response you will determine if our application is complete. If by complete you mean that you are comfortable re-scheduling the Public Hearing we'd prefer you use that language for clarity. As you know this application was deemed complete by the County on March 22, 2016.

We are looking forward to working with the County to move this project back to the Hearing Examiner so that a decision can be made. Please contact me to discuss any additional issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Cox', written over a light blue horizontal line.

Dan Cox

General Manger

encl:

Spill Control Plan