

Exhibit B-20: Letter from John
Cooper, Skagit Planning &
Development Services to Dan
Cox (July 6, 2017)



Planning & Development Services

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July 6, 2017

Via E-mail Only: Dan.Cox@miles.rocks; john@semrau.com; BLynn@gth-law.com

Dan Cox
Concrete Nor'West
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John Semrau, PE & PLS
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William Lynn
1201 Pacific Avenue, Suite 2100
Tacoma, WA 98402

RE: Response to Concrete Nor'West May 15, 2017 Letter (PL16-0097)

Gentlemen:

Thank you for your response letter dated May 15, 2017. Your revised application materials are incomplete, as described below. Accordingly, additional information is necessary before we can continue processing your application.

1. With respect to the proposed hours of operations, SCC 14.16.440 states:
 - (i) Hours of operation **shall vary according to the location of the site as stated below and may be shortened by the Hearing Examiner based on site-specific circumstances:**
 - (i) Within designated natural resource lands, the hours of operation ***may be*** unlimited. **The Hearing Examiner may limit hours of operation to daylight hours or to such other reasonable limitation deemed necessary to address potential significant adverse impacts to existing adjacent land uses**, on any portion of the mining site where mining activity is proposed to occur less than 1/4 mile from existing Rural Intermediate, Rural Village, or Urban Growth Area designated lands[.]

While the Hearing Examiner is the decision-maker with respect to the hours of operation, Planning & Development Services (PDS) provides the Hearing Examiner with recommendations based on its review and analysis of the proposed project and its potential impacts. Based on the limited information received to date from Concrete Nor'West, we initially recommended that operations be limited to Monday through Friday, 7:00 a.m. to 5:00 p.m. (except holidays). It is unclear what evidence Concrete Nor'West relies on to support its position of unlimited operations pursuant to SCC 14.16.440.

2. Furthermore, there are additional general special use permit criteria that Concrete Nor'West must comply with as set forth in SCC 14.16.900(1)(b)(v). To date, Concrete Nor'West's application materials have failed to provide sufficient evidence to support the following criteria in SCC 14.16.900(1)(b)(v):

- (A) The proposed use will be compatible with existing and planned land use and comply with the Comprehensive Plan.
- (B) The proposed use complies with the Skagit County Code.
- (C) The proposed use will not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.
- (D) The proposed use will not generate intrusions on privacy of surrounding uses.
- (E) The proposed use will not cause potential adverse effects on the general public health, safety, and welfare.
- (F) For special uses in Industrial Forest—Natural Resource Lands, Secondary Forest—Natural Resource Lands, Agricultural—Natural Resource Lands, and Rural Resource—Natural Resource Lands, the impacts on long-term natural resource management and production will be minimized.
- (G) The proposed use is not in conflict with the health and safety of the community.
- (H) The proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.
- (I) The proposed use will maintain the character, landscape and lifestyle of the rural area. For new uses, proximity to existing businesses operating via special use permit shall be reviewed and considered for cumulative impacts.

To show compliance with the above criteria, a noise and vibration study should be conducted and your application materials should be updated to include all supporting evidence. This type of assessment will identify any potential noise and vibration impacts to the surrounding community and will support a final determination on the proposed hours of operations and any limitations to address potential impacts.

3. Concrete Nor'West's proposed operation includes an average of 46 truck trips per day, with a potential maximum limit of 720 truck trips per day. These figures have resulted in significant public concern about traffic and noise impacts to local residents. Per SCC 14.16.900 (Special Use Permit Requirements), the proposed use shall "not create undue noise, odor, heat, vibration, air or water pollution impacts" to its surroundings and shall "not cause potential adverse effects on the general public health, safety and welfare." As previously noted, to achieve compliance with Skagit County Code, we initially recommended that the number of truck trips be limited to 46 per day based on the information provided by Concrete Nor'West to date. Based on the results

of the additional traffic study that will be conducted as described below, we may revisit this proposed limitation.

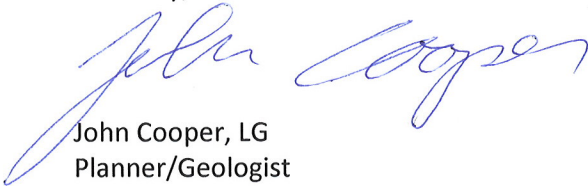
Additionally, existing traffic reports from DN Traffic Consultants have not alleviated public concern. As a result, Skagit County Public Works is in the process of retaining a third party traffic consultant to further evaluate potential traffic impacts of the proposed project, including safety concerns relating to pedestrians, bicycle riders, and school bus stops. Pursuant to SCC 14.16.440(8)(i), the consultant will also determine whether the “roads or bridges are capable of sustaining the necessary traffic for the proposed mineral extraction operation, and that the proposed operation meets level-of-service, safety, and other standards as outlined in the Skagit County Transportation Systems Plan, the Skagit County Comprehensive Plan, and applicable State and local regulations.” Finally, the consultant will evaluate the sufficiency of the proposed mitigation and may propose additional mitigation if necessary to reduce or eliminate potential traffic impacts.

4. While the access road is currently being used for forest practice activities, the road will need to be upgraded to Skagit County private road standards to accommodate the commercial gravel operations pursuant to SCC 14.36.010, the County Road Standards adopted by Resolution 17930, and the Fire Marshal Standards set forth in SCC 15.04.030(2)(f) (Section D103.2 Fire Dept. Vehicle Access Roads). Accordingly, **please amend your application to ensure compliance with these requirements.** In the event that the improvements to the access road are required within 200 feet of Swede Creek or other critical areas, additional critical areas review may be necessary.
5. Thank you for confirming that your proposal includes the potential of storing a 2,000 gallon fuel tank on-site. Your application will be processed reflecting the possibility of potential fuel, hydraulic fluid, and oil spills on-site and potential impacts to water quality. You have indicated that you will include this mining location into Miles’ Sand and Gravel General Permit and will apply certain provisions of the Sand and Gravel General Permit as your procedures for managing fuel and other hazardous materials onsite. It is our understanding that the Sand and Gravel General Permit does not include a site-specific Spill Control Plan for the proposed operations. Accordingly, **please submit a copy of your site-specific Spill Control Plan.**
6. The Fish and Wildlife Site Assessment prepared by Graham Bunting and Associates discusses land use impacts in Section 5.2.2 and concludes that the gravel mining operation is a moderate impact land use, thus a 200-foot buffer is adequate to protect the Samish River and associated wetlands. However, comment letters received from the Washington Department of Ecology (dated June 1, 2016 and December 27, 2016) and other local wetland professionals conclude that the gravel mining operation is a high impact land use and will require a 300-foot buffer from the edge of the wetland to the gravel mine. SCC 14.04 defines High Impact Land Use as *“land uses which are associated with high levels of human disturbance or substantial habitat impacts including, but not limited to, medium- and high-density residential (more than one home per five acres), multifamily residential, some agricultural practices, and commercial and industrial land uses.”* Since your proposal is both a commercial and industrial land use that involves the extraction of approximately 4,280,000 cubic yards of material over 20 years, the proposed operations are a high impact land use. **Please amend your application and plans to indicate a 300-foot buffer from the edge of the wetlands to the gravel mining operation.**

7. Although the information you provided included many supporting documents, your submittal did not include updated application materials, as requested in our March 14, 2017 letter, resolving the numerous factual discrepancies in your Application, Project Description, and SEPA Checklist. **Please update these materials to include the supplemental information requested and to ensure consistency with your current project plans.**

After receiving your updated materials, the County will determine if your application is complete and proceed accordingly. Thank you for your patience in this matter. If you have any questions, please contact my office at (360) 416-1334.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Cooper".

John Cooper, LG
Planner/Geologist