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May 17, 2019

Wick Dufford
Skagit County Hearing Examiner
1800 Continental Place
Mount Vernon, WA 98273

RE: Concrete Nor'west/Miles Sand & Gravel
PC16-0097 – County Decision to Deny Application dated April 5, 2018

Dear Examiner Dufford:

I am writing again on behalf of Concrete Nor'West/Miles Sand & Gravel (Miles) regarding this Application. We have received Ms. Nicoll's letter dated May 15, 2019, purporting to respond to your Order of March 29, 2019. In your order, you directed the County to provide a

“formal written request to the Applicant stating the “specific requirements” still needed for a complete application.”

We have not received that written request, though we have continued to request it since your order was issued. See my April 25, 2019 letter attached, which was the most formal of our requests. We do not believe Ms. Nicoll's letter complies with your Order. In fact, it relies for compliance on a letter (February 22, 2019) that we had in hand when we requested your intervention in the first place. And, you had it in hand when you wrote your Order requiring a more clear written statement from the County. Had the February 22, 2019 letter been sufficient, we would not have written our letter and the Examiner likely would not have issued the Order.

Nonetheless, in the interests of avoiding further delay, we will accept the February 22, 2019 letter as being the County's “best effort” to explain what it is looking for and will respond accordingly. We request two things. First, we ask for the 30 days provided by your Order in which to respond to the County's “written request.” We ask that the Prehearing Conference be scheduled at least 30 days after May 15, 2019, which was the date of the County's statement.

Second, we request that the Miles representatives be permitted to communicate with the County Staff directly. In recent times, there has apparently been some kind of roadblock as routine calls are not returned. This is essential to our ability to respond. For example, there was an onsite

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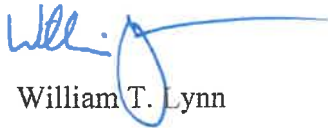
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meeting with County and Miles representatives to discuss the road. At that meeting, Miles understood that it would be a relatively simple matter to process a variance to modify County road requirements to avoid critical areas impacts that all agreed were unnecessary. However, in the County's May 15 letter, the County attorney simply asserts that the road fails to meet private road standards. We hope that by allowing the normal kinds of staff-to-staff communications that predominate in normal application review these discrepancies can be quickly resolved.

Again, we are frustrated by not receiving what we believe the Hearing Examiner clearly ordered. Nonetheless, we believe the path described presents some hope for getting all information the County needs to make its recommendation to the Hearing Examiner.

If you think a telephone conference would help bring any of these items into greater clarity, we would be happy to make the necessary arrangements. We are also willing to mediate should this effort be unsuccessful.

Very truly yours,



William T. Lynn

WTL:lb
Enclosures

cc: Julie Nicoll
Brad Barton
Dan Cox
Mike Schuh
Hal Hart
John Cooper
Betsy Stevenson
Paul Randall-Grutter
Martha Bray
John Day
Jon Sitkin