



Planning & Development Services

1800 Continental Place ▪ Mount Vernon, Washington 98273
office 360-416-1320 ▪ pds@co.skagit.wa.us ▪ www.skagitcounty.net/planning

February 1, 2023

Skagit Aggregates
c/o Steven Dahl
P.O. Box 2497
Mount Vernon, WA 98273

Re: Letter requesting additional information for Special Use Permit (SUP) File #PL20-0507/Forest Practice Conversion (FPC) File #PL22-0453

Dear Steven:

The public comment period has closed on the Notice of Development Application for SUP #PL20-0507 and FPC #PL22-0435. At this time, our department would like to request that you submit the following additional information to continue review of your application:

1. **Public Comment** - PDS received one comment letter (see attached) during the public comment period expressing concern with the proposal. We are requesting that you review the attached public comment and submit a response addressing the concerns in the letter.
2. **Critical Areas** - Review of site from 2001 found no indicators other than potential geologic hazards. Assessments submitted with this application verify those findings. However, please have the Stratum Group confirm the conclusions of their report include analysis of slope stability along western portion of site following complete excavation of materials.
3. **Fugitive Dust** – Please provide a fugitive dust control plan (or similar document). What is the source of water for dust control? See SCC 14.16.440(8)(e) *An on-site study to determine appropriate mitigation requirements for noise, vibration and dust levels. The study should specify what levels the applicant deems satisfactory to mitigate off-site disturbances.*
4. **WSDOT Access Permit** – Please work with WSDOT to apply for an updated Access Connection Permit (see attached) to address bringing the radius and any other WSDOT requirements up to current standards. Please provide a copy of the approved WSDOT access permit and any associated documentation.
5. **Water** – Please confirm there is not an existing well onsite.
6. **Noise & Vibration** –

Noise - Per Skagit County Code (SCC) SCC 14.16.900(1)(b)(v)(C) Special Use Criteria and SCC 14.16.840 Performance Standards:

(5) Noise. Unless additional regulations are adopted by Skagit County pertaining to noise emissions, the maximum permissible environmental noise levels to be emitted to adjacent properties are not to exceed levels of the environmental designations for noise abatement (EDNA) as established by the State of Washington, Department of Ecology as now exist in Chapter 173-60 WAC, or as hereafter amended; provided, that EDNA classifications will conform to certain zone designations established under this Title as follows:

- (a) *Class A EDNA: Residential Use Zones (RI, RVR, RRv, R, URR);*
- (b) *Class B EDNA: Commercial Zones (RVC, RC, RFS, SRT, SSB, RB, BR-LI, AVR, URC-I), Public Use Zones OSRSI and URP-OS; and*
- (c) *Class C EDNA: Industrial Zones (NRI, RMI, BR-HI), Forestry Zones (IF-NRL, SF-NRL, RRc-NRL), Agricultural Zone (Ag-NRL). (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)*

Per SCC 14.16.840(5)(a), properties zoned Rural Reserve (RRv) are classified as Class A EDNA. However, on Figure 1. Project Location and Nearby EDNAs, it appears that some properties zoned RRv are designated as Class C EDNA. Please review and update any relevant sections of the Noise Study (Figure 1, Table 4., etc.), to include the requirements of SCC 14.16.840(5)(A).

Vibration - The SEPA checklist (#7 Environmental Health (b) Noise) refers to the Sound and Vibration Analysis by The Greenbusch Group, Inc., dated November 5, 2020. However, this report (Noise Study?) does not appear to include information about vibration.

The SUP narrative item #18 - "Describe any vibrations your operation will generate," references prior studies by The Greenbusch Group that address vibration at other Skagit Aggregates locations.

The SUP narrative item G-3 refers to a Greenbusch Group, Inc. August 9, 2021 study, but we don't have this report on file. Please provide the latter or clarify and include vibration information to satisfy SCC 14.16.440(8)(e) *An on-site study to determine appropriate mitigation requirements for noise, vibration and dust levels. The study should specify what levels the applicant deems satisfactory to mitigate off-site disturbances.* This could be done by addressing vibration in the November 5, 2020 Greenbush Group Noise Study.

7. Departmental or Agency Comments - Below are the departmental or agency comments received thus far. You may receive additional comments or requirements during the permitting process:

- a. **Public Works** - Staff Contact: Joe Amaro; jamaro@co.skagit.wa.us; (360) 416-1435
 - See attached memo.
- b. **Fire Marshal** - Staff Contact: Bonnie LaCount; bonniel@co.skagit.wa.us; (360) 416-1842
 - See attached memo.
- c. **Critical Areas** - Staff Contact: Leah Forbes; leahf@co.skagit.wa.us; (360) 416-1337
 - See comment on page 1 above - Review of site from 2001 found no indicators other than potential geologic hazards. Assessments submitted with this application verify those findings. However, please have the Stratum Group confirm the conclusions of their report include analysis of slope stability along western portion of site following complete excavation of materials.
- d. **PDS Water Resources** - Brannon McNellis; brannonm@co.skagit.wa.us; (360) 416-1398

- No new ground or surface water use proposed. Trucked water to be used for dust control. Bottled water to be used for employees. No new structures proposed.
 - HG report reviewed and approved. Per the Stratum report, dated 12/20/2019, No hazardous materials or organic wastes shall be used as backfill soils.
- e. **Environmental Health** - Staff Contact: Greg Geleynse; gregg@co.skagit.wa.us; (360) 416-1556, Britt Pfaff-Dunton; brittp@co.skagit.wa.us; (360) 416-1562
- Water (SCC 12.48) review - Approval is only for use of bottled water for employees; plumbing is not proposed. A plumbed proposal would require an approved public water system.
 - Septic (12.05) review - Approved if no structure with plumbing is proposed. If there is a plumbing structure, approved sewage disposal will be required.
- f. **Building** – Staff Contact: Randy Johnson; randyj@co.skagit.wa.us; (360) 416-1321
- Any existing structure on site after July 1, 1989 would be require a building permit. That would include any portable buildings over 200 S.F.
 - Structures over 200 S.F. that are going to be relocated in a different area would require a building permit.
 - Water Vessel/Tanks over 500 gal would require a permit. Please provide engineering for seismic and wind.
 - Permanent office structures for full time employees would require a restroom. IBC 2902
 - Please contact Randy Johnson, Plans Examiner, if you have questions.
- g. **Stormwater** – Staff Contact: Shawn Christensen; shawnc@co.skagit.wa.us; (360) 416-1327; Andy Wargo; awargo@co.skagit.wa.us; (360) 416-1319

PL20-0507 SUP

- All recommendations and requirements listed in the special reports (geologic assessment, hydrologic assessment, etc.) shall be considered conditions of the permit.
- The project shall comply with all requirements of all applicable Department of Ecology (DOE) industrial and/or sand/gravel permits.

PL22-0435 FPC

- Per SCC14.22.020 a land disturbance\grading permit is required. Due to proposed extent of work the plans\documents shall be prepared by a civil engineer licensed in the State of Washington.
- All applicable requirements of SCC 14.22 and 14.32 shall be met.

- h. **Current Planning** – Staff Contact: Brandon Black; brandonb@co.skagit.wa.us; (360) 416-1326
- Current planning has no comments on this proposal.

- i. **WSDOT** – Staff Contact: Roland Storme; stormer@wsdot.wa.gov; (360) 757-5961; Cori Fahrni; FahrnCR@wsdot.wa.gov
- Apply for an updated Access Connection Permit (see attached) to address bringing the radius and any other WSDOT requirements up to current standards.

The requested information needs to be received by our department within 120 days of the date of this letter as required by Skagit County Code 14.06.105. Once our department receives the above referenced information review of this project will continue. Please submit all requested information at one time in a single packet (no piece-mealing) to avoid further delays. Please note that additional correspondence may be received from other departmental reviewing disciplines based on individual staff reviews in other areas of expertise.

Sincerely,

Alli Sanders

Alli Sanders
(360) 416-1331; asanders@co.skagit.wa.us

Allison Sanders

From: Planning & Development Services
Sent: Tuesday, December 27, 2022 3:43 PM
To: Allison Sanders
Subject: FW: PDS Comments

From dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Thursday, December 22, 2022 5:35 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Steve Hatt

Address : 80852 St. Route 20

City : Concrete

State : WA

Zip : 98237

email : sombreroesteban@gmail.com

PermitProposal : PL20-0507 and PL22-0435

Comments : I have concerns regarding the impact this project may have on the surrounding forests, river, and the water table. I reside on a property adjacent to the proposed site and am concerned about noise pollution we will have to endure as well. My wife and I purchased our property knowing it bordered a designated natural resource land area. We are not happy about any adjustments made to that land and how it might impact our quality of life and potential resale value. We do not agree with any approvals given to expand the mining operations being proposed.

From Host Address: 136.226.56.107

Date and time received: 12/22/2022 5:34:29 PM



Address of Parcel(s) to be served				City		State	Zip
State Route	Mile Post	County			Primary Tax Parcel Number		
Subdivision or Short Plat Name			Lot#	Gov. Lot#	Additional Parcel Numbers <i>(if applicable)</i>		
Public Land Survey System (PLSS) _____ 1/4 of the _____ 1/4 of Section _____ Township _____ N, Range _____ E W							
Access will be used to serve (describe ultimate access use): 							
<p>Is this an existing access? Yes No If Yes, what year was it established? _____</p> <p>Is this, or will this be, a joint use connection? Yes No If Yes, how many parcels? _____</p> <p>Does this access meet intersection Corner Clearance* criteria? Yes No Unknown (If no, a Deviation or Design Exception may be required)</p> <p>What is the estimated Average Weekday Vehicle Trip Ends (AWDVTE)** that will use this access? _____</p> <p>*WAC458-52-040(6). **A trip end occurs each time a vehicle either enters the state highway or leaves the state highway.</p>							
Category I - Minimum Connection		Field (Agricultural), Forest Lands, Utility Operation and Maintenance (\$50) Each Residential Dwelling Unit (up to 10 units) utilizing a single connection point (\$50each) Other, with 100 AWDVTE or less (\$500) Fee per additional connection point (\$50)					
Category II - Minor Connection		Less than 1,000 AWDVTE (\$1,000) 1,000 to 1,500 AWDVTE (\$1,500) Fee per additional connection point (\$250)					
Category III - Major Connection		1,500 to 2,500 AWDVTE (\$2,500) Over 2,500 AWDVTE (\$4,000) Fee per additional connection point (\$1,000)					
Category IV - Temporary Connection		Base Fee per connection (\$100)					
Nonrefundable fees per the schedule above shall be paid by check or money order made payable to the "Washington State Department of Transportation" to cover the actual direct and related indirect costs incurred by WSDOT in the application processing, review, and inspection of the work related to this access connection, as allowed by WAC468-51-070. Additional fees may be charged if the costs exceed the base fees. Fees being submitted with this application are: \$ _____							
If the Applicant is not the legal owner of the property, then this application must also be signed by the Property Owner or their Legal Representative. Please include documentation that verifies the Legal Representative may act on behalf of the Property Owner.							
Property Owner (Permit Holder) or Legal Representative				Applicant (If different from the Property Owner or Legal Representative)			
Mailing Address				Mailing Address			
City		State	Zip	City		State	Zip
Telephone				Telephone			
Email				Email			
Print Name and Title				Print Name and Title			
Signature			Date	Signature			Date

To help expedite the processing of this access connection permit, please provide the following information on separate sheets:

1. Site plan showing ultimate development of site.
2. Show proposed access location.
 - a. Show property lines.
 - b. Show the closest distance of the intersections and accesses on both sides of the highway including access to/from any adjacent driveways.
 - c. Show wetlands, if any, in the vicinity of the proposed access location.
3. Land use restriction, or stipulations, if any, and agency involved.
4. Hydraulic Report or Stormwater Plan may be required for commercial and multiple residences.
5. Landscape Plan, if applicable.
6. If this is a shared use access, provide:
 - a. Number of other users.
 - b. Name and address of all users.
 - c. Any recorded easements or other legal documents authorizing use, if applicable.
7. Name, email address, and telephone number of the local government representative responsible for processing the development's approval, if applicable.
8. Traffic Control Plan, if required.

Other General Access Connection Information and Potential Additional Document Requirements:

1. The Permit Holder shall be responsible for obtaining all necessary Federal, State, and Local Permits including, but not limited to, Washington State Department of Ecology, Washington State Department of Fish and Wildlife, Washington State Department of Natural Resources, and U.S. Army Corps of Engineers permits or other approvals required prior to beginning any of the work. Copies of such permits shall be provided to WSDOT office issuing the permit, if requested.
2. To ensure proper compliance with all terms and conditions, a surety amount in the form of a Bond, Assignment of Escrow, Certificate of Deposit, Irrevocable Letter of Credit, Check or Money Order may be required by WSDOT. If a bond is provided, it shall be written by a surety company authorized to do business in the State of Washington.
3. Generally, WSDOT requires that no direct access to the state highway be provided if the property has access to another public road. RCW 47.50.010(3)(b); WAC 468-51-030(1)]. Per WAC 468-51-060, WSDOT encourages adjacent properties to obtain a joint use permit for an access connection to a common point.
4. No work is authorized on the state highway right of way until a permit is approved and fully executed by WSDOT. RCW 47.32.150. If the Permit Applicant is not the property owner, the property owner's signature is required before the permit application will be processed.
5. Permit holder is responsible for maintaining the access connection and related appurtenances between the state highway edge of shoulder and the state highway right-of-way line, including but not limited to, maintaining sight distance as only authorized by WSDOT, cleaning of culverts, etc.
6. If the parcel(s) served by this permit do not abut the state highway, it is the Permit Holder's responsibility to ensure that all necessary legal documentation, e.g. access easements, are obtained that provide the parcel(s) to be served by this permit the legal right to have a continuous right of access between this parcel(s) and the state highway. The Permit Holder shall provide these documents to WSDOT. WAC 468-51-030(2).

Here are the basics to Permit Processing,

1. I will need information on what the planned use is.
2. I will mail you an access application packet.
3. You will need to send in an access permit application signed by the property owner(s), nonrefundable permit fee (residential) and a site plan either to scale or with measurements to immovable features showing the planned layout. The location of the intended access must be marked in the field.
4. We will need a financial document to authorize billing for the inspection and administration costs by WSDOT. The Federal ID number or Social Security number on this form must match the person taking responsibility for paying these bills. Those costs can be kept to a minimum by communicating well with your inspector (named in Exhibit A of the permit) carry out a preconstruction meeting before beginning work and moving the project forward at a reasonable pace.
5. If an easement is needed to obtain legal access, we will need the recorded easement in hand before continuing and it will be a part of the permit
6. Next - We will do a site review to make sure the access location has adequate drainage and sight distance and to determine the size and configuration needed and whether a drainage culvert is required.
7. At this point I will send you permits to sign and forms (described below) to fill out. Along with signing the permit (two originals) there will be a need for you to obtain assignment of savings from the bank, which sets aside funds in case of default (this works similar to an escrow account - costs you nothing unless the State is forced to restore the site due to default or damage), and is typically held until the work has been accepted and holding up for at least a year.
8. You send back the signed permits and forms described above.
9. I arrange for the permit execution and send you back a fully executed permit. No access or work on WSDOT right of way is allowed until you have completed these steps and have a fully executed permit in hand.
10. You arrange a preconstruction meeting for yourself, the contractor and the inspector listed in your permit to meet on site.
11. Your contractor does the work as specified in the permit, to WSDOT standards and following the permit requirements and inspector's instructions, including material approvals. The existing access in its entirety will have to be closed and removed – we cannot grant a new one without removing the existing one as this is a class 3 managed access highway.

Feel free to call me at any time with any questions. (360) 946-1882, Cori



SKAGIT COUNTY PUBLIC WORKS DEPARTMENT

1800 Continental Place, Mount Vernon, WA 98273-5625
(360) 416-1400 FAX (360) 416-1405

MEMORANDUM

TO: Allison Sanders, Planning and Development Services
FROM: Joey Amaro, Engineering Technician
RE: PL20-0507 & PL22-0435 – Special Use Permit
DATE: January 23, 2023

Parcel #'s P44865

Skagit County Public Works has reviewed the above referenced Special Use Permit application and offers the following comments:

1. A written private road maintenance agreement addressing the rights and responsibilities of all benefited property (Skagit County & Skagit Aggregates) will be required.
2. The Private access road currently is in need of maintenance, Skagit Aggregates and Skagit County will be obligated to work together and decide what necessary road maintenance is needed .

If you have any questions, please feel free to contact Joey Amaro at (360) 416-1435 or e-mail jamaro@co.skagit.wa.us.



Office of the Fire Marshal

Planning & Development Services ▪ 1800 Continental Place ▪ Mount Vernon WA 98273
office 360-416-1842 ▪ pds@co.skagit.wa.us ▪ www.skagitcounty.net/firemarshal

Date: January 12, 2023

Project: Skagit Aggregates Rockport Mine

Address: Skagit Aggregates LLC

Fire Marshal Conditions:

- 1) Install fire extinguishers in any buildings or adjacent to any fuel storage, or dispensing tanks. They shall comply with the 2018 IFC, Section 906 Standards.
- 2) A separate fire code permit is required for any permanent fuel dispensing on site and shall comply with the 2018 IFC, Chapter 5706.2.1 through 5706.2.8.1
- 3) Any blasting or storage of explosives shall comply with the 2018 IFC, Chapter 56
- 4) Gated entrances on the property shall have emergency access with a KNOX lock or gate switch installed along with 24-hour emergency contact posted.
- 5) Annual fire life safety inspection shall be conducted and coordinated with the Skagit County Fire Marshal Office.
- 6) Emergency access road shall be maintained and provided for the proposed mine at all times.

Sincerely,

Bonnie LaCount
Deputy Fire Marshal

Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273
Direct 360-416-1842

