

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, February 5, 1985

8:30 a.m. Work Session - Road Supervisors - Public Works Department.

Flag Salute

9:00 a.m. Public Works Department - Gene Sampley, Director:

1. Signature - Consultant Agreement for Survey Services.
2. Signature - Resolution Establishing C.R.P. Little Mountain Bike Route.
3. Discussion - "Brisky House" Parks Department.
4. Miscellaneous Items.

MISCELLANEOUS ITEMS

11:00 a.m. Discussion - County Microfilming Project - Phyllis Coole-McKeehen, County Clerk.

1:30 p.m. Public Hearing - Special Use Request #SP-84-026 of Concrete Nor'West for an Asphalt Concrete Plant.

The Skagit County Board of Commissioners met in regular session on Tuesday, February 5, 1985, with Commissioners Vaux, Walberg and Rohrer present.

PUBLIC WORKS DEPARTMENT - Gene Sampley, Director:

1. Signature - Consultant Agreement for Survey Services.

The Board approved for signature a Consultant Agreement for Preliminary Surveying on Lake Cavanaugh Road with Skagit Surveyors, Inc. The maximum amount payable under the Agreement is an amount not to exceed \$28,000.

2. Signature - Resolution Establishing C.R.P. Little Mountain Bike Route.

Commissioner Walberg motioned to adopt the resolution establishing a County road project (C.R.P.) for preliminary engineering in the amount of \$7,000 for the Little Mountain bike route (from Blackburn Road to the city limit). Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #10365)

Louis Regua of Skagit Surveyors was present to thank the Board for the opportunity to work for the County (Lake Cavanaugh Road surveying mentioned in Item #1 above).

3. Discussion - "Brisky House" Parks Department.

This item was discussed following several miscellaneous items.

4. Miscellaneous Items.

Jay Ensley, Assistant Director of the Public Works Department, asked for out-of-state travel authorization for Gene Sampley to attend a committee meeting of the National Association of Counties Research Board in San Diego, on March 5 and 6, 1985. The committee is serving as technical advisors to Planning Research Corporation who is under contract with the Federal Highway Administration for update, revision, and creation of National Association of County Engineers technical and training guides. All expenses for the meeting will be paid by Planning Research Corporation.

Commissioner Walberg motioned to approve the out-of-state travel authorization for Gene Sampley to attend the meeting. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

MISCELLANEOUS ITEMS

The following miscellaneous items were discussed:

1. Commissioner Walberg initiated discussion regarding a letter he drafted to members of the Fair Board.
2. The Board discussed the proposed draft of a resolution designating Skagit County a Nuclear Free Zone. The Board suggested several minor revisions to be made to the draft resolution prior to approval.

(Public Works Department, continued)

3. Discussion - "Brisky House" Parks Department.

The Board instructed Roger Howard to inspect the Brisky house to determine the cost of making the building operable, versus selling it and moving it off the property. The Board was also interested in the cost of filling in the hole which would be left by the basement and converting the property to additional parking.

MISCELLANEOUS ITEMS

The following miscellaneous items were addressed:

1. The Board approved for signature a letter to Don Forquer of the Assessor's Office with best wishes for his retirement.

2. The Board approved for signature a letter to Willis Tucker, Snohomish County Executive, regarding the Board's decision to refrain from participating in the proposed regional pathological services.
3. Commissioner Rohrer motioned to approve Warrants #37089 through #37127 in the amount of \$27,661.69. Commissioner Walberg seconded the motion. The motion was carried unanimously. (R-3)
4. Commissioner Rohrer motioned to approve Warrants #180 through #333 in the amount of \$512,361.83. Commissioner Walberg seconded the motion. The motion was carried unanimously. (C-5)
5. The Board approved for signature the Agreement with Leonard and Boudinot, Inc., for land surveying and aerial topographic mapping services for the Gages Slough area. The cost of this work will be \$8,400.

DISCUSSION - COUNTY MICROFILMING PROJECT - Phyllis Coole-McKeehen, County Clerk.

Phyllis Coole-McKeehen reviewed past efforts to obtain microfilming for the Clerk's civil records.

The Board stated that this project was to be done in 1985 with \$353,000 in Federal Revenue Sharing moneys.

Ms. Coole-McKeehen asked the Board for guidance in preparing the Request for Proposals for the project.

The Board decided that the County will provide additional space for the conversion process, should additional space be needed. The contracted microfilming firm will be required to provide all necessary equipment, including desks, etc. Proposals for the Planning Department and Sheriff's Office records shall be listed as separate proposals. The County will move the files, should that be necessary.

Ms. Coole-McKeehen informed the Board of the process involved in the dismissal of cases which are never finalized. The Board instructed her to begin selection of a staff person to begin the process of dismissing cases which were never finalized since 1978, the last time the process was updated. This staff person would also assist with the conversion process once the microfilming of past records begins.

Ms. Coole-McKeehen stated that she anticipates the deadline for proposals to be the end of March, with the actual conversion process to begin in early May.

Mike Woodmansee, Budget and Finance Director, explained the Federal Revenue Sharing funds available for the project. He pointed out that the Clerk's Office has by far the greatest microfilming needs of the County, although the Planning Department and Sheriff's Office could also benefit.

The Board requested that the Request for Proposals require bids to be made, rather than estimates.

Bob Schofield, Director of the Planning Department, pointed out that anyone who could understand the Court's records could also understand the Planning Department's records.

Ms. Coole-McKeehen will prepare the Request for Proposals for the Board's review in the near future.

PUBLIC HEARING - SPECIAL USE REQUEST #SP-84-026 OF CONCRETE NOR'WEST FOR AN ASPHALT CONCRETE PLANT.

Megan Cheney, on behalf of Jerry McInturff, Skagit County Auditor and Ex-Officio Clerk of the Board, read the Notice of Public Hearing, as published in the Skagit Valley Herald on January 25, and February 1, 1985.

Grace Roeder, of the Permit Center, entered the entire Concrete Nor'West Special Use Request #SP-84-026 file into the record and presented photos, maps, and original staff findings to the Board. She read the section of the Skagit County Code regarding the criteria of approval for such a Special Use Request, and summarized the staff findings. She stated that according to the Skagit County Code, this construction requires a Special Use Permit, and recommended that should the Board approve the request, the conditions previously set by the Hearing Examiner, should also be approved. She read letters from the following people opposing the Special Use Request: Kenneth Rogers, Helen Hjorten, and Larry Hjorten.

John Moffat, Assistant Prosecuting Attorney, reminded the Board of their obligation to list any contact with opponents or proponents of the Special Use Request. Chairman Vaux stated that he toured the site with Mike Crawford of Concrete Nor'West, and Cindy McCartney, a representative of Gary Jones, attorney for the opponents.

Mike Crawford, Vice President and General Manager of Concrete Nor'West, stated that if their request was approved, they intended to follow all conditions previously imposed. He explained the pond flooding incident which occurred in the past.

With regard to on site drainage, John Leonard, of Leonard and Boudinot, Inc., explained how the runoff water would be handled, and the design of dikes to prevent water from running off the property.

For the record, Mr. Crawford pointed out that Tracts 3, 4, 5 and 6 of A. A. & S. L. Moody Tracts are no longer owned by Concrete Nor'West, as erroneously listed in the legal description.

Tom Colson, Manager of Lakeside Industries, introduced Harold Nichol, Production Manager, who explained the specifications of the proposed

asphalt plant. He stated that the proposed plant is planned to be larger than their Anacortes plant.

Mr. Crawford explained that diesel oil and AR 4000W would be stored on the site in addition to materials presently there.

Don Gunn, Sales Manager for Chevron Asphalt Products, presented samples of AR 4000W for the Board's inspection. He explained that the substance solidifies and, therefore, would not penetrate the ground.

Mr. Crawford stated that Concrete Nor'West could abide by the hours stipulated in the Hearing Examiner's decision, specifically 6:30 a.m. to 6:30 p.m. He read a letter from Fisher & Sons, Inc., in support of the proposed asphalt plant. He also read a letter from Gary Jones, attorney for the opponents, in which stringent conditions were recommended for the asphalt plant, should it be approved. He stated that at this time Concrete Nor'West would be hesitant to accept all of the proposed conditions; however, they were willing to meet the conditions previously ordered by the Hearing Examiner.

Gary Jones, attorney for Samish River Park Community Association and Billy R. Smith, spoke with regard to the criteria specified in the Skagit County Code for approving or denying the proposed application.

Donald Easterbrook, Professor of Geology at Western Washington University, stated that he has visited the site and found there to be a potential for leakage of the ponds unless a great deal of care is taken to prevent such leakage.

Billy R. Smith, 713 Butler Hill Road, stated that his property abuts the Concrete Nor'West property. He read letters in opposition to the proposal from the following: Fred and Jean Von Allmen, 661 Driftin Lane, Burlington; Robert E. Gummere, 1705 Dahlstedt Road, Burlington; Phil Johnston, 675 Steelhead Lane, Burlington; Mr. and Mrs. Ralph Hobson, 732 Fisherman's Loop, Burlington; and Olive Cushen (no address). He felt the proposed asphalt plant would deteriorate property owners' health, property and privacy. He presented the Board with copies of a Reader's Digest article entitled "Time Bomb in Our Tap Water," and read portions of it. Mr. Smith reported that P.U.D. estimates of cost for installation of a water pipeline were at least \$250,000.

With regard to the ponds, Mr. Smith felt there should be a better sealant material in the bottom of the ponds to prevent leakage of contaminants.

Mike Brown, owner of Pacific Quarries, encouraged the Board to consider the reputation of the applicant.

Ken Willis, Environmental Health Specialist II, stated that diesel oil would be the most serious contaminant on the site. He recommended that the area be asphalted, to prevent diesel from penetrating the ground. He questioned what would be done with the oil separated from the water, and explained that the ponds represent a recirculation system in which water

is introduced into the ground; therefore, the ponds could not be lined with an impervious material. Mr. Willis pointed out that diesel is not one of the contaminants the Health Department is able to detect in well water.

Mr. Crawford stated that contrary to what Mr. Easterbrook had previously stated, the entire site is out of the 100-year floodplain.

Doug Helde, 664 Driftin Lane, Burlington, stated that he purchased his home in Samish River Park in 1974. He felt the quality of his life would be impacted by the proposed asphalt plant.

Milton Como, 659 Driftin Lane, Burlington, was concerned about his health because of allergies, etc.

Ken Thiesen, who works at the Samish pit, stated that a temporary dike was washed out, causing the previous flooding problem. He stated that the permanent dikes are very substantial, and also noted that Concrete Nor'West has always been very environmentally conscious.

Cathy Patterson, Butler Hill Road, requested that Concrete Nor'West provide free car washes for cars which are sprayed with asphalt.

Mark Schuller, representing the Department of Fisheries, stated that they have two major concerns: the possibility of slides and water quality. He stated that his department is not against anything that won't disrupt the Samish River and destroy the fish. He encouraged the Board to be sure the water quality would not be contaminated. He questioned why the plant at Butler pit is not tested for water contamination.

Jim McRae, 1842 Prairie Road, Sedro Woolley, stated that he owns a farm in the area and had concerns about the proposed plant.

Kathleen Needham, 709 Steelhead Lane, Burlington, who is secretary of the Skagit River Park Community Association, read letters from the following people opposed to the asphalt plant: Tamara L. and Michael R. Shelley, 706 Fisherman's Loop, Burlington; Mr. and Mrs. Roy L. Davis, 702 Steelhead Lane, Burlington; Gilda and John Padden, 698 Steelhead Lane, Burlington; and William D. Wihley (no address), who enclosed photos.

Mrs. Needham stated that the dust created at the present time is a real problem.

In answer to a question from Mrs. Needham, Mr. Crawford stated that another rock crusher is not anticipated at this time.

Mrs. Needham emphasized the tremendous cost for P.U.D. water, should their community well become contaminated. She also showed concern regarding property values.

Mr. Maynard, a neighboring resident, was concerned with air pollution as well as water quality because of health problems.

Ed Ovenell, 675 Old Highway 99, Burlington, stated that he had lived there since 1946 and has seen the gravel pit grow from a part-time business into a full-time operation now trying to add an asphalt plant. He stated that he understood the need for planning to keep industry separate from residential areas, and emphasized that some present residents of the area will be forced to move if the plant is allowed.

Helen Hjorten was concerned with wastewater being disposed of in the Samish River.

Mr. Smith entered the cost estimate for P.U.D. water into the record. He stated that John and Paul Blau, of Blau Oyster Company, Inc., had been contacted and were very concerned about pollution because of their oyster business.

Mr. Smith also noted that Clare Blouin, 708 Old Highway 99 North, Burlington, was considerably inconvenienced because of the slide, which put mud up through the floorboards of her house.

Mr. Crawford pointed out that the Comprehensive Plan designates the property as Industrial. He explained that diesel would be stored above ground, and the oil separator would be maintained for maximum efficiency.

Mr. Jones, attorney, reviewed once again the criteria to be used in the decision, as outlined in the Skagit County Code. He stated that the Comprehensive Plan should maintain compatibility of neighboring uses, which this proposal does not. He listed in detail the problems associated with the proposal:

1. Separation of water and oil;
2. Additional road maintenance due to truck traffic versus car traffic;
3. Noise, odor, heat, vibration, dust and water pollution (both surface and subsurface pollution);
4. Intrusion of privacy;
5. Design of site construction, maximizing the impact of noise and unsightliness;
6. Not essential to providing roads or asphalt to the area; and
7. Overall negative impact because the positive aspects are primarily beneficial to the owners of the property.

If the Board chose to approve the request, Mr. Jones recommended that there be a system to monitor the quality of the groundwater. He described in detail their proposed conditions to be placed on the plant, should it be approved. In conclusion, Mr. Jones pointed out that the present concrete plant on the site was constructed without the proper

permit process. To add the proposed asphalt plant, he submitted, would be unbearable for many neighboring residents.

There being no further input, Commissioner Walberg motioned to close the public hearing. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

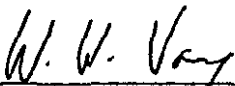
Commissioner Walberg motioned to continue deliberation of the matter until 11:30 a.m., Monday, February 11, 1985. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

ADJOURNMENT

Commissioner Rohrer motioned to adjourn the proceedings. Commissioner Walberg seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

ATTEST:

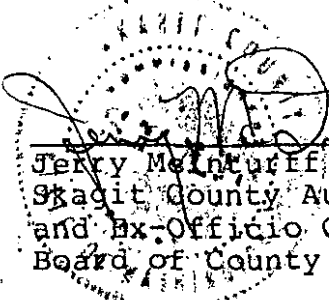



W. W. Vaux, Chairman



Otto M. Walberg, Jr., Commissioner

Dave Rohrer, Commissioner

Jerry McInturf
Skagit County Auditor
and Ex-Officio Clerk of the
Board of County Commissioners