

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, July 7, 1987

Flag Salute

9:00 a.m. Public Hearing - Gunderson Road Natural Products Special Use Permit Request #SP-87-013.

MISCELLANEOUS ITEMS

The Skagit County Board of Commissioners met in regular session on Tuesday, July 7, 1987, with Commissioners Walberg and Vaux present. Commissioner Rohrer was absent.

PUBLIC HEARING - GUNDERSON ROAD NATURAL PRODUCTS SPECIAL USE PERMIT REQUEST #SP-87-013.

Chairman Walberg asked Margaret Maxwell, the applicant, if she wished to proceed with the public hearing today, or wait until Commissioner Rohrer could be present.

Ms. Maxwell chose to proceed with the public hearing at this time.

Chairman Walberg waived the reading of the Notice of Public Hearing, as published in the Skagit Argus on June 23, 1987.

Grace Roeder, Associate Planner, presented the following items:

- Exhibit #1: Entire file of Gunderson Road Natural Products Special Use Permit Request #SP-87-013.
- Exhibit #2: Assessor's aerial photos of Sections 13 and 24, Township 34 North, Range 4 East.
- Exhibit #3: Assessor's maps of four-section area in immediate vicinity of Skagit County Development Corporation (S.C.D.C.) or Wilderrest property.
- Exhibit #4: Drainage plan as prepared by Don Semrau, Licensed Surveyor.
- Exhibit #5: Series of staff photos and individual photos taken by staff and applicant.
- Exhibit #6: Chronology of applications and results.
- Exhibit #7: R.C.W. Chapter 78.44 regarding Surface Mining.
- Exhibit #8: Department of Planning and Community Development staff findings #1 through #18.

Ms. Roeder read aloud the staff findings. She also noted receipt of a letter from Bruce W. Novark, M.D., 1600 116th Avenue N.E., Suite 204, Bellevue, Washington 98004, stating that he has no objection whatsoever to the removal of gravel from the Gunderson Road Natural Products gravel quarry. (Exhibit #9).

Ms. Maxwell requested that all persons wishing to speak be required to do so under oath, as would be necessary before the Hearing Examiner.

Chairman Walberg stated that he did not wish to require people to be under oath during this public hearing.

Dan Mitzel, 1642 Gunderson Road, stated that this was his third opportunity to speak on this matter. He stated he had no financial interest in the gravel pit. He commended the County staff for their objectivity with this application. He felt the recommendation of the Planning Commission was correct and based on facts, and approved of the Planning Commission's intent to appoint a review committee to inspect reclamation of the site in 1988.

Ms. Maxwell stated that she was only asking that material purchased from this pit be used in the reconstruction of Gunderson Road. She explained that the property is zoned Forestry, and commercial use of the pit is allowed under this zoning. Although the pit has had permits from the Department of Natural Resources in the past, the pit is currently not used sufficiently to require a bond. She noted that a 10-acre portion of the property is taxed as a commercial pit. Ms. Maxwell submitted Assessor's reports on the 10-acre portion for the record (Exhibit #10).

Ms. Maxwell refuted questions regarding adequate public notice of the hearings, competitive bidding and previous applications. She submitted Page 7 of Resolution #9839, adopting the revised proposed zoning map for Skagit County, dated October 25, 1983 (Exhibit #11). She noted that after that time, the conditions of the rezone were no longer in effect.

Ms. Maxwell also submitted Page 360 from the Washington State Environmental Policy Act, a Legislative Policy Analysis, 1987 (Exhibit #12). She noted the approval her proposal and drainage plan have received from State and County agencies. She stated that on April 23, prior to bidding on the Gunderson Road reconstruction, Dave Sheridan, of the Skagit County Public Works Department, informed her that her pit could be used to supply material if the material met specifications. Bidding of the project was April 27, and the submission of her Special Use Permit Request was May 8, 1987. Ms. Maxwell presented documentation to that effect (Exhibit #13). She also submitted a copy of a letter she wrote to Robert Schofield, Hearing Examiner, requesting her application be heard by a special hearing examiner on June 3, 1987 (Exhibit #14). She stated that no response was made to her request.

Ms. Maxwell also submitted a copy of Resolution #11227, dated June 1, 1987, accepting the Gunderson Road Natural Products as an eligible supplier (Exhibit #15).

Chairman Walberg asked what portion was included for conversion, according to the Forest Practices Act.

Ms. Maxwell responded that the entire parcel of 78 acres was included. Portions of the property are currently growing hay and trees, in addition to the gravel pit area.

Earl Curry, 1504 Gunderson Road, stated he was previously in support of the request, but has changed his mind since. He submitted a topography map showing elevations of the pit in comparison to the ponds in the area (Exhibit #16).

Morris Nilson, 1453 Gunderson Road, submitted a petition signed by 141 residents in opposition to the request by Gunderson Road Natural Products (Exhibit #17). Mr. Nilson explained his opposition to many of the staff findings, including concerns regarding drainage and erosion. He felt that many areas of the findings and recommended conditions were vague and not definitive enough. He requested a buffer around the pit be required. Mr. Nilson also asked who would monitor the conditions placed on the applicant's request.

Mr. Nilson presented a copy of a memo dated June 10, 1982, from Robert Taylor, of the Planning Department, to Steve Wood, Zoning Administrator, showing a lack of compliance with conditions placed on S.C.D.C.'s rezone at that time (Exhibit #18).

Mr. Nilson expressed concern that the drainage district for that area had not been contacted. He submitted sample aggregate test results dated June 23, 1987 (Exhibit #19). He felt the test results were poor and did not meet the County's specifications.

Mr. Nilson submitted a 1987 real estate tax statement (Exhibit #20) and a computer print out from the Assessor's Office (Exhibit #21), showing Open Space taxation on 35.5 acres. Mr. Nilson reminded the Board that this matter has been denied three times in the past.

Dewey Hyatt, 215 North Reed, Sedro-Woolley, spoke regarding unfair bidding practices and the poor reputation of S.C.D.C.

Bruce Erickson, 17610 35th Avenue N.E., Bothell, stated that he was the contractor's representative. He stated that they were only attempting to obtain 10,000 to 15,000 yards of borrow, which has passed the County's specifications.

Clayton Cheek, 1447 Gunderson Road, stated that he was present to represent himself and his daughter, who lives at 1449 Gunderson Road. He felt the road was originally built with inferior materials from the area. He was opposed to Ms. Maxwell's request.

Vivian Vaughn, 1597 Gunderson Road, expressed concern for her water. She felt drainage has been a definite problem in the area. The Health Department has tested water in the area, and found contamination, according to Ms. Vaughn.

She stated that a contractor's employee told her that the equipment being used on the reconstruction project was owned by Bill Thrumer, who does have an interest in S.C.D.C. She noted that the applicant has never watered the road in the past, and there are not many trees between her home and the pit.

Bob VanDenburgh, 1491 Gunderson Road, stated that he owns property adjacent to the applicant. He didn't feel he was allowed adequate time to speak at the Planning Commission's hearing. He believes in the rights of property owners, and noted that the property is zoned Forestry, however the Comprehensive Plan designates the property Agricultural. He felt the use of S.C.D.C.'s property should be compatible with surrounding property. He also expressed concern for his well, which is at a level equal to portions of the gravel pit.

Esther Engstrom, 1472 Gunderson Road, expressed concern for potential contamination of the wells.

Jim Hinton, 1553 Gunderson Road, felt the proponent hasn't tried to get along with the neighbors. Based on his concerns with the Environmental Impact Statement and drainage, he urged the Board to deny the request.

Bruce VandeGrift, 2308 Beaver Lake Road, expressed opposition to the request because he felt the County would not benefit, and the risks have not been resolved.

Bill Nielsen, attorney for some of the neighbors in opposition to the request, urged the Board to visit the site. He felt the drainage plan was quite different from the actual project on the ground. He felt the project has been put together on a piece-meal basis. Mr. Nielsen asked the Board to at least limit the quantity of gravel to be used on Gunderson Road to 10,000 yards, with no rock crusher, as noted by the contractor's representative. He didn't see a purpose to the Planning Department's condition regarding an ad hoc review committee. He was also concerned that no input was received from the drainage district commissioners. He called attention to a memo from Ken Willis, of the Health Department, regarding potential water contamination in the area. Regarding noise, he noted that there are no conditions, except with reference to daylight hours, that limits the number of hours the pit can be in operation.

Jim Hinton, stated that Don Hill, a property owner within 300 feet of the project, did not receive notification of this public hearing.

Grace Roeder explained that a notice was not sent to Don Hill, however, it was because his name was not listed at the Assessor's Office as being a property owner within 300 feet.

John Maxwell, 1600 116th Street, Bellevue, presented a number of correspondence items regarding complaints he made to the Planning and Community Development Department regarding other construction firms in the vicinity of Gunderson Road (Exhibit #22). Mr. Maxwell urged the Board to

have a complete and fair hearing and come to a decision as soon as possible.

Dan Mitzel stated that S.C.D.C. rented some equipment to the Gunderson Road contractor. Bill Thrumer is working on a project in Salem, Oregon, and is not the superintendent on the Gunderson Road project. He noted that drainage appears to be a major issue, and that issue should be addressed. The amount of material needed for the Gunderson Road project is very small compared to the total amount of material in the pit.

Mr. Mitzel requested that testimony from Jim Hinton be struck from the record. He felt people should quit talking about issues which have already been cleared. Mr. Mitzel asked the Board to come to a decision today.

Morris Nilson stated that the comments he made earlier were of importance to him.

Margaret Maxwell asked who Bill Nielsen represented.

Chairman Walberg stated that Mr. Nielsen was not required to answer that question.

Ms. Maxwell explained that this request by S.C.D.C. was a new request, separate from previous requests. The impacts to Gunderson Road will be very minimal. She explained that the drainage system is in place. The Department of Natural Resources' permit is available after the Gunderson Road project is completed. At that time, areas where material was taken will be sloped and re-seeded. She felt the property already had adequate fencing, and noted that many people speaking against her request are her competitors.

Ms. Maxwell entered for the record Commissioners' Resolution #11233, designating eligible equipment rental firms for use on road construction and maintenance projects, as well as drainage projects (Exhibit #23). S.C.D.C. was listed as an eligible equipment rental firm. Ms. Maxwell also noted that S.C.D.C. is certified as a woman-owned business, and she presented a letter from the Office of Minority and Women's Business Enterprises, as proof of that statement (Exhibit #24).

In response to a question from Chairman Walberg, Ms. Maxwell located on an aerial photo exactly where the pit materials would be coming from.

Mr. Nielsen felt not enough specifics were known about this project.

Ms. Vaughn noted that she was not against Ms. Maxwell, but just against the project.

Commissioner Vaux motioned to continue the public hearing until 2:00 p.m., Tuesday, July 7, 1987, at the Gunderson Road Natural Products site. Chairman Walberg seconded the motion. The motion was carried and so ordered.

MISCELLANEOUS ITEMS

1. Commissioner Vaux motioned to approve the Record of the Proceedings for Monday, July 6, 1987. Chairman Walberg seconded the motion. The motion was carried and so ordered.
2. Vouchers audited and certified by the auditing officer as required by R.C.W. 42.24.080, and those expense reimbursement claims certified as required by R.C.W. 42.24.090, have been recorded on a listing which has been made available to the Board.

As of this date, July 7, 1987, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows: Vouchers #46033 through #46095 (Warrants #46033 through #46095) in the total amount of \$381,808.12. (R-17-87)

CONTINUED PUBLIC HEARING - GUNDERSON ROAD NATURAL PRODUCTS SPECIAL USE PERMIT REQUEST #SP-87-013.

The public hearing reconvened at the Gunderson Road Natural Products site. Following a tour of the site, Commissioner Vaux motioned to continue the public hearing until 1:30 p.m., Wednesday, July 8, 1987, in the Commissioners' Hearing Room. Chairman Walberg seconded the motion. The motion was carried and so ordered.

ADJOURNMENT

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



ATTEST:

Megan Cheney
Megan Cheney, Clerk of the
Skagit County Board of Commissioners

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

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W. W. Vaux, Commissioner

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