

RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS

Wednesday, July 8, 1987

Flag Salute

1:30 a.m. Continuation of Public Hearing - Gunderson Road Natural Products Special Use Permit Request #SP-87-013.

The Skagit County Board of Commissioners met in session on Wednesday, July 8, 1987, with Commissioners Walberg and Vaux present. Commissioner Rohrer was absent.

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

Chairman Walberg stated the public hearing was still open and invited Margaret Maxwell to speak first if she wished to do so.

Margaret Maxwell stated she felt the Commissioners' site visit the previous day was done in a thorough manner. She then requested that Bill Nielsen, Attorney, reveal who he was representing in this matter.

Chairman Walberg stated he did not have to reveal this information.

Ms. Maxwell repudiated accusations made by Mr. Dewey Hyatt regarding several incidents her company was involved with in the past. She felt Mr. Hyatt's remarks were slanderous.

Morris Nilson, a resident on Gunderson Road, stated he still had a lot of questions regarding the pit boundaries, delineation lines on the soil map and the amount of yards that were going to be taken out of the pit. He was also concerned about the borrow not meeting the specifications.

Vivian Vaughan, a resident on Gunderson Road, stated she was concerned about exactly which Section was going to be used - 13 or 17. She also expressed concern about spots of "dark stuff" she saw at the pit site.

Margaret Maxwell responded to Mr. Nilson by stating that it is not her intention to work the entire 74 acres and that there were three possible sites to work on the property. She stated that the borrow did meet specifications.

Ms. Maxwell responded to Ms. Vaughn by stating that she never mentioned Section 17 and had only spoken about Section 13. She stated the "dark stuff" found on the ground was probably from a rotting stump.

Mark Nilson, who lives in Issaquah, but used to live on Gunderson Road, stated the Commissioners in their decision in this matter would set the "tone" for the future in situations similar to this one. He urged the Board to pay attention to the history of this situation.

Commissioner Vaux motioned to close the public hearing. Chairman Walberg

seconded the motion. The motion was carried and so ordered.

Chairman Walberg asked Mr. Erickson, the contractor for the road project, about the amount of borrow he anticipated he needed from the pit and an approximate time table to get it out.

Mr. Erickson responded the need was anticipated at approximately 15,000 yards. He stated, depending on weather conditions, it would take about two weeks to get the gravel out.

Chairman Walberg inquired about the date of completion and Mr. Erickson stated approximately the middle of August.

Chairman Walberg requested Margaret Maxwell to mark on the map the specific area where the gravel would be excavated so it would be clear just where the reclamation was to be done, as this is a part of the requirements by the Department of Natural Resources. Ms. Maxwell indicated that area in red on Exhibit #4.

Commissioner Vaux read a list of what he felt were concerns and should be part of the criteria of review of the operation, which included the following:

1. Any permit issued with regard to drainage has to incorporate a "tight" plan for drainage.
2. No crusher will be used at the site.
3. The quality of rock/gravel is not a concern of the Commissioners. This decision comes from the staff of the Public Works Department who will monitor the operation.
4. An environmental checklist has been issued. If any future use of the pit was considered, an environmental impact statement would be required.
5. Regarding notification, the hearing taking place at present was providing for adequate discussion.
6. Concerning need, it is not Commissioner business. The applicant takes all the risks.
7. Regarding noise, it has been decided no crusher would be used at the site.
8. Regarding a loop road for getting in and out of the pit, from what he observed the road as it is appeared adequate.
9. Regarding the importance of this decision, he felt that temporary does not necessarily lead to permanent and an EIS would be required for future use.
10. Regarding water contamination, he felt that testing sporadically during the operation should be done.
11. The nature of this operation is compatible with the area.
12. The operating hours should match the general contractor's.
13. The buffer that existed appeared adequate, however, the fence was inadequate.
14. Blasting has been eliminated.

15. Reclamation must be clearly defined and executed.
16. Precise area of operation should be delineated, a limit should be placed on the number of yards extracted and the project should be done in a timely manner.

Chairman Walberg stated it is difficult not to reference past experience, however, the issue before the Board today was making a decision on a very specific request. With regard to rumors of special treatment because this was related to a county road project, he felt the Board had expedited matters as much as possible and that no special treatment was given. He agreed that not having an EIS was a concern, but the phased review that transpired in the past was adequate for this proposal.

Chairman Walberg expressed concerns over reclamation and drainage. He felt that the area had been marked quite clearly and consequently, reclamation should be easier to deal with. He stated that the County Public Works Department approved the drainage as set forth and feels that inspections during the operation should be made.

Regarding material, he stated that in matters such as this, the burden of proof is on the applicant and it is not a decision for the Board to judge quality of rock or gravel.

Concerning setting a precedent, he agreed with Commissioner Vaux, that this was a temporary operation and any future requests would require separate consideration. This project is limited in time, scope, area and material.

Discussion ensued between Grace Roeder and Chairman Walberg regarding notification proceedings and Chairman Walberg was satisfied that all possible steps had been taken for proper notification of property owners.

Discussion ensued between Mr. Erickson, Chairman Walberg and Mary Cherberg, of the County Public Works Department, regarding the need and amount of crushed rock and borrow for the proposed additional road area to be accomplished by change order or contract amendment. Ms Cherberg estimated an additional amount of borrow at 7000 yards and rock material at 700 yards.

Further discussion followed as to the boundaries of the project in regard to the upcoming contract amendment. The Board felt the project boundaries of the Gunderson Road Project would be extended north to the Hinton/Curry line for the purposes of this permit.

Commissioner Vaux motioned to approved the Gunderson Road Natural Products Special Use Permit #87-013 with the following conditions:

1. The operation shall be limited to that necessary to support the current Gunderson Road improvement project. No material will be supplied to any other project under this permit.

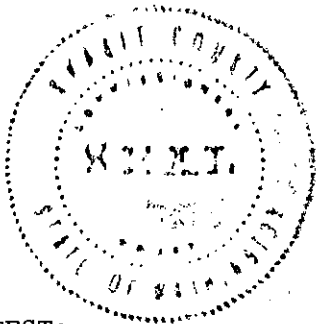
2. The amount of material to be removed under this application shall be limited to 15,000 cubic yards of "borrow" material, and, 2,000 cubic yards of rock material for road construction purposes. Any additional quantities shall be approved by the Board of Commissioners.
3. The area of operation subject to this application is delineated on the drainage map (exhibit #4) as outlined in red.
4. The access haul road:
  - a. shall be maintained in a one-way direction, where divided, with directional arrows installed, prior to the start of hauling operations;
  - b. shall be subject to appropriate dust suppression techniques to prevent fugitive dust emissions. Special attention shall be given to the southerly access portions intersecting with Gunderson Road;
  - c. shall have a lockable "crash-gate" installed. That gate shall be secured at all times when the pit is not in operation.
5. The drainage improvements constructed on-site and maintenance as required by Skagit County Drainage Ordinance, Chapter 14.36 shall be approved by the Department of Public Works prior to operation. The applicant shall comply with all provisions of the drainage plan as submitted and any additional improvements required by the Public Works Department.
6. The applicant shall comply with Skagit County Code Section 14.04.100, Performance Standards.
7. The hours of operation shall be limited to Monday through Friday, 6:30 a.m. to 6:30 p.m.
8. Adequate truck and equipment storage area, and any necessary employee parking shall be provided on-site.
9. Fencing and signing shall comply with the Department of Natural Resources requirements.
10. Reclamation of the site:
  - a. shall commence immediately upon completion of the extraction of the borrow material;
  - b. shall be in compliance with the plan submitted to the Department of Natural Resources;
  - c. shall be completed by December 31, 1987;
  - d. shall encompass that area outlined in red on Exhibit #4.
11. There shall be no blasting or rock crushing on the site during this permit operation.

12. By December 31, 1987, or before, the Planning and Public Works Departments shall inspect and review the site for compliance with the required conditions.

Chairman Walberg seconded the motion. The motion was carried and so ordered.

ADJOURNMENT

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



ATTEST:

Diane Baker  
Diane Baker, Clerk  
Skagit County Board of Commissioners

BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

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Otto M. Walberg, Jr., Chairman

W. W. Vaux  
W. W. Vaux, Commissioner

Dave Rohrer  
Dave Rohrer, Commissioner