

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS**

Tuesday, September 1, 1992

9:00 a.m. - 10:00 a.m. Department of Planning and Community Development - Scott Kirkpatrick, Director:

- 1) Review - Watershed Management Committee for Padilla Bay/Bayview Watershed Action Plan.
- 2) Code Enforcement Activity Report.
- 3) Miscellaneous.

10:00 a.m. - 10:30 a.m. Presentation of Preliminary Budget - Jerry McInturff, County Auditor

1:30 p.m. - 2:00 p.m. Bid Opening - Courthouse Parapet Remodel.

2:00 p.m. - 2:30 p.m. Hearing Examiner's Recommendation - Approval of Agricultural Variance for Jerry Edson, T Loop Road, Bow.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT - SCOTTKIRKPATRICK, DIRECTOR:

- 1) Review - Watershed Management Committee for Padilla Bay/Bayview Watershed Action Plan.

Jim Freeman reviewed with the Board the proposed process for establishing a Watershed Management Committee for the Padilla Bay/Bayview Watershed Action Plan. The review included a proposed timeline for the committee formation, and membership requirements.

- 2) Code Enforcement Activity Report.

The Code Enforcement Activity Report was presented to the Board.

- 3) Miscellaneous

No miscellaneous items were presented at this time.

MISCELLANEOUS.

- A) 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, September 1, 1992, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants #86428 through 86459 (Vouchers #42001, 53001, 90001, 91001 through 41014, 43003, 90033, and 91002) in the amount of \$905,483.22. Transmittal Number C33-92.

PRESENTATION OF PRELIMINARY BUDGET - JERRY MCINTURFF, COUNTY AUDITOR.

Jerry McInturff, Kathy Longfellow, and Mike Woodmansee participated in presenting the Preliminary Budget to the Board.

The 1993 revenues are projected to be \$51.1 million, a \$2.8 million increase for 1992. The River Improvement Fund, and County Road Funds show decreases. Expenditures reflect \$61.9 million, an \$8.9

million increase from the adopted 1992 Budget. Mr. Woodmansee stated that if all the expenditure requests were adopted and forecasted revenues received the County would need \$10.8 million in reserve. The General, Facilities Acquisition, and Insurance Reserve items are the largest. Eight departments exceeded their 1992 operating budget, 6 of which were in the criminal justice area. Additional personnel requests in the criminal justice areas, most of which were for the Sheriff's Department, contributed to a substantial amount of the Budget overages. There were a total of 36 new positions requested.

Mr. Woodmansee stated that the Operating Reserve Fund is sufficient to carry through the 1992 year, and the reserves have maintained a decent balance. He stated that more one-time events in smaller funds create the fluctuations.

Mr. McInturff stated that an extra worksheet that was included in the budget packets enabled departments to accurately account for all costs of creating a new position rather than just payroll and benefit dollar amounts as had been done in the past.

An Economic Indicator Report was included with the Preliminary Budget Report that showed the budget trends of the last six years.

Mr. Woodmansee stated he will work with the departments to come up with a financially sound proposal to present to the Board and then have individual departmental budget meetings.

The 1993 Budget will be adopted the first week of December.

BID OPENING - COURTHOUSE PARAPET REMODEL.

Chairman Robinson was excused from this item.

Five Bids were received and opened.

1. Eldred & Essex Construction
P.O. Box 308
Bellingham, Washington 98227

Base Bid:	\$289,000.00
Additive Alternate	<u>76,800.00</u>
Total:	\$365,800.00

2. Quantum Construction
P.O. Box 998
719 28th Street
Anacortes, Washington 98221

Base Bid:	\$328,881.00
Additive Alternate	<u>60,395.00</u>
Total:	\$389,276.00

3. Crest, Inc.
P.O. Box 976
800 Pearle Jensen Way
LaConner, Washington 98257

Base Bid:	\$346,661.00
Additive Alternate	<u>79,000.00</u>
Total:	\$425,661.00

4. Schuchart Corporation
1164 Thomas Street
Seattle, Washington 98109

Base Bid:	\$402,487.00
Additive Alternate	<u>49,280.00</u>
Total:	\$451,767.00

5. Dramco Corporation
P.O. Box 1168
Oak Harbor, Washington 98277

Base Bid:	\$451,900.00
Additive Alternate	<u>69,000.00</u>
Total:	\$365,800.00

The Facilities Department will review the bids received and return at a later date to recommend a bid award to the Board.

HEARING EXAMINER'S RECOMMENDATION - APPROVAL OF AGRICULTURAL VARIANCE FOR JERRY EDSON, T LOOP ROAD, BOW.

Jeff Morgan, Assistant Planner presented an Assessor's Map of the subject property to the Board. He reviewed for the Board that the recommendation from the Hearing Examiner was to approve the variance. The applicants' plan is to subdivide 5 acres from the agricultural zoned land in order to build a residence suitable for his disabled children. It would not be economically feasible for Mr. Edson to remodel his existing home. The bank will not lend against more than five acres, therefore making it necessary for him to divide the property.

Commissioner Vaux asked whether it would be allowable for another residence to be constructed on the subject property if it was financially feasible.

Mr. Morgan replied that the property size is large enough for 2 residences in the current zoning.

Commissioner Wylie motion to uphold the Hearing Examiner's recommendation to approve the Agricultural Variance for Jerry Edson, T Loop Road, Bow, Washington.

Commissioner Vaux seconded the motion, which carried and was so ordered. (Resolution #14468).

CONTINUATION - PUBLIC HEARING - APPEAL OF DECISION TO ISSUE MITIGATED DECLARATION OF NON-SIGNIFICANCE FOR ROCK QUARRY OPERATION BY TEWALT, INC., LOCATED ON BEAVER LAKE ROAD, MOUNT VERNON.

Chairman Robinson called for the public hearing to continue.

- Connie Carter, Clerk of the Board, read a letter into record from Margaret Maxwell, President of Skagit County Development Corporation, requesting that the County considered their commercial quarry site as another source for rock.

- Scott Herr, 2297 Elk Drive, Clear Lake addressed the Board. Mr. Herr stated that he was not for or against the quarry, but felt that an EIS was necessary. He said that the deep, private wells in the area and the potential noise were his main concerns. Mr. Herr said that in 1985, Skagit County Development Corporation (SCDC) was denied a permit for various reasons, three of which are the same types of issues that would be created by the proposed Tewalt quarry. He said that the proposed Tewalt operation would be substantially larger than the SCDC operation. He felt that the trucks will not be able to navigate the roads safely. Mr. Herr stated that Hayes Well Drilling felt that the blasting at the quarry could negatively impact the wells in the area. He said that the Land Technologies report did not address possible affects to wells.

- Don Austin, 1381 Austin Road, addressed the Board. Mr. Austin stated that it would be costly to require an EIS, and it would duplicate the information that has already been provided by the Land Technology Report. He stated that his property borders the proposed Tewalt quarry property, he has lived there for several years, and is in favor of the proposed quarry. He said that after previous blasting there is still water in the creek, otters living, and fish spawning in it. Mr. Austin stated that there was a need for the rock during the last major flood event, and there will continue to be flooding problems requiring rock.

- Dale Lanning, 22 Old Day Creek Road, addressed the Board. Mr. Lanning stated that he had been in a wheelchair for five years and never had any problems with the truck traffic when he pushed himself down Beaver Lake Road. He stated that the cars on the road were the discourteous vehicles. He said that once a week he has passed a jogger or bicyclist. He said that there are 78 to 80 log trucks, gravel trucks, and lowboys that travel Old Day Creek Road daily and it is a public road just as Beaver Lake Road is. He said that the area has been hunted for the last 30 years and the waterfowl keeps returning to the area due to the corn that is planted by the Christoffersons to feed them. Mr. Lanning said that he had never seen the eagle that other people had spoken of.

- Merle Ash, Land Technologies, addressed the Board and reviewed the course of events leading to the public hearing. He emphasized that the additional information requested by the Planning Department was sufficiently covered by the MDNS. He stated that the concerns of the appellants regarding the environmental impact have been adequately addressed. He stated that the written requests and verbal request for information were complied with.

Mr. Ash stated that the "rock" has no historical value as it is not in any local history books, nor has it been named. Lawrence D. Rygg, who has a Master's Degree in Anthropology, researched the rock's history further and found that there was no cultural value to the Upper Skagit Indians, it just happens to be located in their region. He said that the noise levels were measured by Towns, Richard, & Chaudierre. A sound measuring instrument was used on a day of operation at the quarry and the levels recorded were below 50 decibels with two excavators operating. He stated that peak noise levels were recorded at 3:00 a.m. that originated from vacuum pumps at a local dairy farm. He stated that the total ambient noise levels approach 50 decibels, similar to the levels emitting from the quarry during production. He said that on the

last day of noise level testing the levels exceeded 60 decibels, presumably due to the Northwest Pipeline turbines. Mr. Ash submitted an updated copy of the report to the Board.

Mr. Ash felt that the appellant's fears of 100 trucks per day on Beaver Lake Road were exaggerated. At full production 50,000 to 100,000 tons will be sold per year. This works out to 2,000 to 4,000 tons a day or 12 to 20 loads per day. This could increase during a flood or emergency situation, but would still be under the capacity of the road. He felt that traffic was not an issue, that the significant issues were addressed in the report. He stated that the water quality issues had already been addressed and that by controlling the run-off, etc., the water quality will be improved.

Mr. Ash stated that the blasting report submitted as requested by the Planning Department, addresses the vibration problem. Vibration damage can be stopped within 100 yards and fly rock can be controlled. The Department of Wildlife and Fisheries received a copy of his report and after reviewing it the Fisheries Department requested upstream improvements. The Wildlife Department had no problem with the report as the rock is not accessible to wildlife other than rodents. He felt that the waterfowl would remain in the area due to the reclamation plan that will eventually create a lake and waterfowl habitat. The technical data and research reviewed showed no significant impact to the area, and the additional information served to enforce the original determination. He felt that the report was equivalent to an EIS. He also felt that the Appellants had not provided significant information to require an EIS. Mr. Ash stated that the Tewalt's have been fair to the County and the appellants.

- Ted Maloney readdressed the Board. He said that the reason for the appeal was to look at the original decision from the Planning Department, to review the Hearing Examiner's decision, and to take new evidence. It needed to be determined whether there was significant information for the Planning Department to make the determination that they did. The report did not include the chart on ambient noise levels that Mr. Ash presented. He stated that the Board's responsibility is to determine whether a mistake in applying facts of law have been made and remand to the Planning Department. He stated that the aesthetics are affected. Typical quarries are screened from view and in the ground. The proposed Tewalt quarry is above ground, and different from all the others. He stated that the ambient noise levels were not included in the original report and he would like an opportunity to have the appellants' consultant review them. Mr. Maloney felt that a qualified sound study was necessary to determine significant impacts to the area. Mr. Maloney read a portion of a letter to the editor from a Eugene Knott of Concrete, regarding the noise of production and trucks from Valley Ready Mix next door to where he lives, and the frustration of daily noise.

Mr. Maloney stated that the traffic volume of 100 trucks per day referred to earlier was extracted from the report. It said that in an emergency situation or in the case of a large project there could be that volume of traffic. The appellants are concerned that there is nothing restricting how many large construction projects can take place. He felt that the report is fine for the most part, but doesn't cover enough. He felt limited site distance from the fishing access, and the sharp corners on Beaver Lake Road were not addressed.

Mr. Maloney referenced the SCDC request for permit for a commercial quarry that was denied due to testimony regarding noise and traffic conditions on Gunderson and Beaver Lake Roads. He felt that if the information submitted was sufficient to deny SCDC a commercial permit, then the testimony given regarding the Tewalt quarry should be sufficient to deny a permit also.

Mr. Maloney felt that the information provided by the applicants regarding the wildlife in the area was not prepared by a recognized expert in the field.

Mr. Maloney submitted for the record information regarding Veazy Quarry in King County that was denied a permit. This proposed quarry was a vertical rock wall in a farming community.

Mr. Maloney voiced concerns regarding the possibility of rock from the quarry falling into Thomas Creek or fissures being created.

In closing, Mr. Maloney stated that the report submitted by the Tewelts is not an EIS, but would be if it addressed more issues in detail. He said that the law refers to including alternatives. He said that he received no response from Rich Medved after requesting the Geo-Engineers Survey for possible future quarry sites. He felt that the proposed quarry would be a win/win situation if an EIS was done. Mr. Maloney stated that if an EIS was not done, the issue could be tied up in the Court system for years just to possibly end up back in front of the Board at square one.

- Geneva Sasnett, 1180 D'Arcy Road, Bow addressed the Board. Ms. Sasnett stated that she has been fortunate to live next to the Inman Landfill, formerly Inman Gravel Pit. No one asked her if she wanted it there, or for it to be turned into a landfill. She felt that the appellants were luck to have a future lake site rather than garbage to live next to.

- Bud Norris, 3780 College Way, Mount Vernon, addressed the Board. Mr. Norris stated that his brother lives across Highway 9 from the proposed quarry and supports the project. He felt that it would be utilizing the information presented and common sense to grant the permit. He felt that the issue of the quarry possibly being unsightly could be dealt with by planting trees close to the appellants homes. Then the quarry would be hidden from their sight. It would take 220 foot Sequoias planted next to the quarry to provide a barrier. He requested on behalf of his brother that the Board use the information already presented to them to approve the proposed Tewart quarry.

- Charlie Tewart readdressed the Board. He stated that there was no need for any trees to hide the view of the quarry. He presented a video of the area for the audience that he had referred to the day before. The video was made on August 31, 1992, following a VandeGrift truck and trailer rig. He stated that he had requested the driver to go slow, purposely. The truck/trailer combinations are designed for the trailer to track behind the truck at higher road speeds. The tape showed that the truck could navigate Beaver Lake Road staying in the appropriate lane even though going at a reduced speed. Mr. Tewart felt that with the appellants having problems with the present documentation, they will have problems with future ones also.

- Mr. Maloney readdressed the Board. He felt that any truck that knew it was being followed and video taped would be sure to drive in a more cautious and law-abiding fashion. He felt that his video showed a more realistic view of the way the trucks travel on the road. He also stated that Mr. Tewart's video was shown traveling from the quarry, whereas his video was shown traveling to the quarry site which provides less sight distance and more difficulty in navigating the curves. He agreed with Mr. Norris that common sense should be used, but used to require an EIS.

- Charlie Tewart readdressed the Board. He stated in response to Ms. Gruber's concerns about leaving the area decent for our children, that the quarry will provide quality rock for dikes, and create a lake for wildlife habitat, which the rock does not provide. He stated that the Veazy Quarry was not a fair comparison to the proposed Tewart quarry as Veazy is 100 times larger. He said that the two eagle nests that used to be in snags one and a half or two miles away from the quarry site are gone now. He felt that Mr. Maloney's video of other quarries was misleading. He said that the Concrete Northwest quarry on Kelleher Road will probably be turned into a landfill or garbage dump, and the Samish pit on Old 99 is opposite a residential area. He said that Mr. Maloney's video was taken from one or two miles away from the quarry site, the

quarry can only be seen from one side, and most residents do not have a direct view of it. He said that the quarry and the noise it will produce will not be forever, and when it is finished there will be an improved area. Farming noises will continue on. He felt that the appellants will still find something to argue against the proposed quarry, even if an EIS was required. He said that the information he had provided was accurate and thorough, and felt that the appellants were trying to delay things further by requesting time to review the new information presented.

Merle Ash readdressed the Board. He stated that the new information was provided for the benefit of the appellants. Other agencies had reviewed the document objectively, as a whole, not pulling out points to support a cause.

Mr. Maloney stated that there was a strong likelihood that the rock is an archeological site. He stated that this opinion was based on information that is only available through information from the University of Washington archives that was loaned to him.

Charlie Tewalt stated that Mr. Maloney's video was taken through trees and brush from the edges of property not the homesites. He said that the homes cannot be seen from the rock, making it doubtful that the rock can be seen from the homes.

Seeing and hearing no further comment from the audience, Commissioner Vaux motioned to close the public hearing.

Commissioner Wylie seconded the motion, which carried unanimously.

Commissioner Vaux motioned to meet for deliberation on Wednesday, September 2, 1992, at 2:00.

Commissioner Wylie seconded the motion, which carried unanimously.


ADJOURNMENT

Commissioner Wylie motioned to close the proceedings, Commissioner Vaux seconded the motion which carried unanimously.


BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON


Robby Robinson, Chairman


Ruth Wylie, Commissioner


W. W. Vaux, Commissioner

ATTEST:


Connie Carter, Clerk
Skagit County Board of Commissioners