

SKAGIT COUNTY BOARD OF COMMISSIONERS
RECORD OF THE PROCEEDINGS
Tuesday, November 7, 1995

- 7:30 a.m. - 8:30 a.m. Commissioners' Staff Meeting.
Flag Salute.
- 9:00 a.m. - 10:00 a.m. Planning Department - Dave Hough, Director.
1) Signature - Resolution Remanding Final Plat Approval of Seaview IV to Hearing Examiner Pro Tem.
2) Discussion - Compliance with Growth Management Hearing Board's Order Case No. 95-2-0065 regarding Interim Urban Growth Areas.
3) Discussion - Planning Commission Referral of Preliminary Plat & Final Development Plan for Eagle Crest Planned Unit Development located approximately 1 mile south of SR 20, along Thompson Road, Summit Park.
4) Miscellaneous.
- 10:00 a.m. - 11:00 a.m. Appeal by Friends of Barrel Springs Road of Hearing Examiner's Approval of the Application of Ruth Aven for a Special Use Permit for the Operation of a Rock Quarry located at 275 Barrel Springs Road, Bow, (SPU 92-021.REC).
- 11:00 a.m. - 11:30 a.m. Facilities Projects Update.
- Noon - 1:00 p.m. Farm Bureau Luncheon - Best Western Cottontree Inn & Convention Center, 2300 Market Place, Mount Vernon.
- 2:00 p.m. - 3:00 p.m. Work Session - Drainage Utility Commission.
- 3:00 p.m. - 5:00 p.m. Public Transportation Benefit Area Board (Commissioner's Hearing Room).

The Skagit County Board of Commissioners met in regular session on Tuesday, November 7, 1995, with Commissioners Robert Hart, Harvey Wolden and Ted W. Anderson present.

PLANNING DEPARTMENT - Dave Hough, Director.

1. Signature - Resolution Remanding Final Plat Approval of Seaview IV to Hearing Examiner Pro Tem.

Dave Hough, Planning Director, presented the Resolution for signature only, remanding the final plat of Seaview IV to Hearing Examiner Pro Tem. A brief discussion ensued and the Board signed the Resolution as presented. (Resolution #15940).

2. Discussion - Compliance with Growth Management Hearing Board's Order Case No. 95-2-0065 regarding Interim Urban Growth Areas.

Mr. Hough mentioned the schedule in regard to the Growth Hearings Board and stated that he was bringing this to the Board of Commissioners for their information only and not for specific action at this time in order to develop a Resolution. Mr. Hough presented a letter received from the City of Anacortes requesting continuation of a provision for joint SEPA review in those areas that were part of an Interim Growth Area.

A discussion ensued and Chairman Hart inquired as to the double jeopardy in dealing with two entities (City/County) with equal potential authority.

A discussion ensued.

Mr. Hough stated he would like to meet with the Cities of Mount Vernon and Anacortes as an attempt to develop a process that will satisfy both entities.

Mr. Hough also presented a letter received from the City of Burlington requesting a joint City/County Urban Growth Area in the Western Sewer Service Area.

Chairman Hart expressed his concern that residents in that area receive the necessary services.

Mr. Hough stated that Hough stated that he considers this to be a very positive step and expressed his anticipation of acceptance of this by the Growth Hearings Board.

3. Discussion - Planning Commission Referral of Preliminary Plat & Development located approximately 1 mile south of SR 20, along Thompson Road, Summit Park.

Mr. Hough stated that the Planning Commissioner had approved (8 in favor, 0 against) a seven lot residential subdivision. Mr. Hough announced that a recorded motion will be brought to the Board at a later date in this regard.

4. Miscellaneous.

Staff presented a Resolution remanding Variance #VAR 95-001 for Brian Tweten to Skagit County hearing Examiner for Further Consideration. Commissioner Wolden made a motion to approve the Resolution, as presented. Chairman Hart seconded the motion and it passed unanimously. (Resolution #15941).

APPEAL BY FRIENDS OF BARREL SPRINGS ROAD OF HEARING EXAMINER'S APPROVAL OF THE APPLICATION OF RUTH AVEN FOR A SPECIAL USE PERMIT FOR THE OPERATION OF A ROCK QUARRY LOCATED AT 275 BARREL SPRINGS ROAD, BOW (SPU 92-021.REC).

Jeff Morgan, Planning Department Staff, briefly reviewed the options available to the Board, as follows: 1) Deny the request and allow the Examiner's decision to stand; or, 2) Remand the matter for reconsideration by the Hearing Examiner; or 3) If the Board believes the Hearing Examiner's decision is not supported by substantial evidence, the Board may adopt its own findings, conclusions and decision based upon the record made before the Hearing Examiner.

Mr. Moffat mentioned that public comments should possibly not be labeled as "testimony" and that comments should be evidence showing where the Hearing Examiner erred.

Mr. Morgan reviewed the background of the appeal.

Ranger Kidwell-Ross, 278 Barrel Springs Road, stated that David Bricklin has been retained as the attorney for Friends of Barrel Springs Road and stated that the completed review has shown well documented flaws in the process and that this will be proven in court if the special use permit is granted for the quarry.

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Belinda Chambers, 1511 Lily Lake Trail Road, related several accounts of deaths which have occurred in similar high traffic usage areas, and stated that the Hearing Examiner has not addressed the issue of pedestrian safety. Ms. Chambers reviewed evidence in the file that should prevent the granting of this special use permit.

Ruth Aven, 275 Barrel Springs Road, proponent of the rock quarry, read a statement regarding the scope of the rock quarry proposal.

Ms. Aven stated that substantial evidence has been provided in support of this approval and also read a statement in support of granting this special use permit written by her husband, Mr. Gene Aven.

A discussion ensued and it was determined by the Board that it was not necessary for Ms. Aven to read the entirety of her response into the record. Ms. Aven requested the Board to uphold the Hearing Examiner and stated that the allegations being made are false.

Staff stated for the record that six letters were received on this issue, four in favor of the appeal and two against.

Janet McKinney, 1576 Wood Road, reviewed the nuisance she believed would be caused by the opening of the rock quarry and asked that the Hearing Examiner decision be rejected.

Ken Swedelin, 295 Barrel Springs Road, stated he is adamantly opposed to the quarry due to the very close location of his house to the proposed quarry. Mr. Swedelin stated that there were wetlands previously in this area and questioned what happened to those wetlands.

Michelle VanSlyke, 1151B Regulus Drive, Bow, stated her concern as to why there was not an Environmental Impact Statement done and also expressed her concern with the elected officials not listening to the people who elected them. Ms. VanSlyke reported that she has been forced off the road to some degree by other vehicles and that 99% of the community is against this quarry.

Jamie Lanning, Clear Lake, expressed his concern about the quarry appeal and reviewed the situation in Clear Lake with the quarry there. Mr. Lanning stated that there is a need for the quarry and that the Avens should have the right to use their property in this way. Mr. Lanning stated his support of the quarry.

David Crabb, 264B Barrel Springs Road, stated his concern and mentioned that the Hearing Examiner did not address the fish and wildlife issues and that the Department of Fisheries did not respond in time.

Mark Mixon-Luecke, 264 Barrel Springs Road, stated his concern in regard to the safety issue, noise issue, and that there was no environmental review. Mr. Mixon-Luecke said that most of the residents moved to the area for the rural type quality of life.

Sarah Spence, 198 Barrel Springs Road, Construction Management Consulting Firm, stated that he had urged the Board to re-examine the process, stating that this is the last opportunity to take a reasonable look at this and urged the Board to consider the safety and environmental issue. Ms. Spence stated that this is overwhelmingly opposed by neighbors.

Keith Chambers, 1511 Lily Lake Trail Road, stated that this area should remain peaceful and that the quarry should not go through due to the safety issues on the roadway.

Jim Armstrong, 401 Sweetwater Road, stated that he commutes over these roads and indicated a safety concern exists due to a lot of blind turns, cats, bicycles and kids. Mr. Armstrong urged that the Hearing Examiner look at the traffic and safety issues once again.

There being no further public comment, the options available to the Board were restated by Chairman Hart.

Commissioner Wolden stated that he felt the questions had been answered and made a motion to uphold the Hearing Examiner. Commissioner Anderson seconded the motion.

Commissioner Anderson commented on the fact there were 13 guidelines placed on this project, very stringent regulatory, and that the quarry is an acceptable use in an rural area.

A motion and second on the floor, the Board passed the motion unanimously.

FACILITIES PROJECTS UPDATE.

Roger Howard, Facilities Manager, presented a building lease to for the Riverview Building, extending the current lease.

Commissioner Anderson made a motion to approve the lease agreement. Commissioner Wolden seconded the motion and it passed unanimously. (Contract #02676).

Mr. Howard presented a an amendment to the contract with Swinburnson Enterprises for services of painting the Prosecuting Attorney office and miscellaneous painting. Commissioner Anderson made a motion to approve the amendment, as presented. Commissioner Anderson made a motion to approve the amendment as presented. Commissioner Wolden seconded the motion and it passed unanimously. (Contract #02625).

Mr. Howard presented the following Change Orders:

#15 - In the amount of \$1,350 to revise the CMU shear wall for electrical conduit. Commissioner Wolden made a motion to approve the change order. Commissioner Anderson seconded the motion and it passed unanimously. Mr. Howard stated that the amount has been reduced after negotiating.

#16 - Mr. Howard stated that this was presented previously and recommended not approving the Change Order.

#17 - Mr. Howard stated that this change is in regard to hidden conditions of conduit between administration and juvenile detention facility. Mr. Howard stated that the cost has been negotiated in half to \$7,092.34. Chairman Hart made a motion to approve the Change Order as presented. Commissioner Wolden seconded the motion and it passed unanimously.

#18 - Mr. Howard mentioned that this change is in regard to additional masonry work and recommended not approving this change.

#19 - Mr. Howard stated that this change is in regard to the additional smoke detectors per the fire marshal plan review, in the amount of \$2,804.26. Commissioner Wolden made a motion to approve the Change Order. Chairman Hart seconded the motion and it passed unanimously.

#20 - Mr. Howard did not recommend approval of this change in regard to redesign of clear storage construction on roof.

#21 - Mr. Howard mentioned that this change is in regard to the extra cost in changing two institutional type toilet and sink combos in the amount of \$1,572.05. Commissioner Wolden made a motion to approve the Change Order. Commissioner Anderson seconded the motion and it passed unanimously.

Mr. Howard mentioned that he did not recommend approval of Change Orders #22 - #24.

#25 - Mr. Howard stated that this Change Order is in regard to the first floor construction required to comply with building and fire code requirements. The amount of this change order is \$6,950.97. Commissioner Wolden made a motion to approve the Change Order. Commissioner Anderson seconded the motion and it passed unanimously.

#26 - Mr. Howard recommended not approving this Change Order.

Mr. Howard presented a packet to the Board that included information that was gathered in regard to land purchases/parking lots and parking lot construction. Mr. Howard reviewed various items included in this packet.

Discussion ensued in regard to several new/remodel scenarios, including feasibility, costs involved and long range requirements.

Wes Hagen, Assessors Office, commented on the additional cost of Change Orders on a remodel project and reviewed the new construction scenario from the Assessor's Office standpoint.

Dave Fleming, Risk Manager, expressed his concern in regard to the fourth floor project.

Chairman Hart asked that financial responsibilities be explored and that a long-term facility be considered.

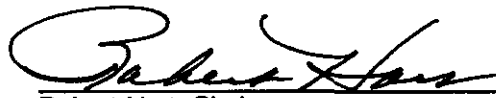
Mr. Howard agreed that costs and other issues should be reviewed with Mike Woodmansee, Budget/Finance Director, and Bob Taylor, Administrative Officer.

Mr. Taylor stated that he was hearing the Boards desire to pursue a new building project on the Blade site. Commissioner Anderson concurred that he would like to look at that site in this regard. Chairman Hart mentioned again that any new space should be more than is necessary right now in anticipation of future growth.

ADJOURNMENT.

Chairman Hart made a motion to adjourn the proceedings. Commissioner Wolden seconded the motion and it was carried unanimously.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



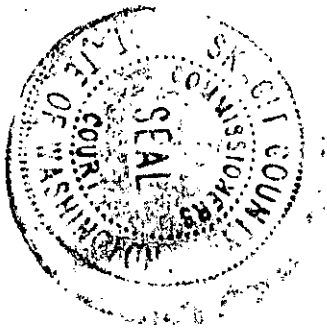
Robert Hart, Chairman



Harvey Wolden, Commissioner



Ted W. Anderson, Commissioner



ATTEST.



Debby Sims, Clerk
Skagit County Commissioners