

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, May 29, 2001**

- 8:30 a.m. – 9:00 a.m. Work Session – Operations Division Manager/District Maintenance Supervisors.
- 9:00 a.m. – 10:00 a.m. Public Works Department – Chal Martin, Director.
1) Discussion: Overcharge at Sauk and Ovenell Transfer Station
2) Signature: Ordinance Creating Lake Management District No. 3 for Lakes Erie and Campbell
3) Miscellaneous.
- 10:00 a.m. – 11:00 a.m. Planning & Permit Center – Tom Karsh, Director.
1) Discussion and Signature – Keith Morrison Short Plat Natural Resource Land Easement.
2) Discussion and Signature – Resolution re: Temporary Asphalt Crushing Plant at Rockport (3D-H Aggregates).
3) Discussion and Signature – Amendment No. 4 to Personal Services Agreement with Wheeler Consulting Group.
4) Set Date and Time to Review Planning Commission’s Recommendation on Comprehensive Plan Amendments for 2000.
5) Miscellaneous.
- 11:00 a.m. – 11:30 a.m. **Consent Agenda and Miscellaneous Items.**
- 11:30 a.m. – 11:45 a.m. Public Comment Period.
- 1:30 p.m. – 3:30 p.m. Executive Session – Personnel, Litigation and Land Acquisition.

The Skagit County Board of Commissioners met in regular session on Tuesday, May 29, 2001, with Commissioners Ted. W. Anderson, Don Munks and Kenneth A. Dahlstedt present.

PUBLIC WORKS DEPARTMENT – Chal Martin, Director.

1.) **Discussion – Overcharge at Sauk and Ovenell Transfer Station**

Dave Brookings, Public Works Administrator, advised the Commissioners of an overcharging problem at the scale operations located at the Sauk and Ovenell Transfer Stations. He explained that the data entry error was made on January 1, 2000 and affected the commercial and private customers only. It did not create an impact to Rural Skagit or the four cities that deliver to the sites. The overcharge generated \$54,466.29 of which \$14,005.74 will be refunded to the commercial customer base. The remainder of \$42,460.55 will be hard to refund to customers that cannot be identified.

Mr. Brookings continued to inform the Commissioners that representatives of the County and the State Auditor’s Office were notified and their recommendation was to obtain an opinion from the County’s legal counsel. The County’s legal counsel could not find any

RECORD OF THE PROCEEDINGS

Tuesday, May 29, 2001

Page #2

statutory requirement dealing with this subject, thus leaving the matter to the Commissioners for a policy decision. He identified three options for the Board's consideration:

- 1) Reimburse the commercial customers and take no action for private customers.
- 2) Place an ad in local newspapers calling for those who have a receipt to receive a refund.
- 3) Free dump day.

Mr. Brookings went on to say that reimbursement for commercial customers and no action for the private customers was their recommendation. The chance of a customer retaining a receipt from this period is deemed to be poor and a free dump day carries legal ramifications. He explained that the overcharging at the landfill was inadvertent and that measures are being taken to correct the problem so that it doesn't happen again in the future.

Commissioner Anderson suggested that the County reimburse the identifiable commercial customers since there is a record of who they are, and the private customers, if they have a receipt. In this way no one will be left out. Commissioner Munks agreed that this solution should be offered to the private customers. Commissioner Dahlstedt concurred and added that if someone comes forward with a receipt then maybe it would be more cost effective to credit that person at the dumpsite instead of creating a paperwork nightmare that would cost the taxpayers more money.

Commissioner Anderson agreed that it would be a good idea to credit the customers the next time they visited the dumpsite instead of spending thousands of dollars to issue refunds to all 85,000 customers. Also, the option should be left open for someone to come forward with a receipt that would like a refund.

John Moffat added that if the customers don't have a receipt but have a cancelled check that can be tied back to the dumpsite visit, then that would be permissible evidence. Commissioner Anderson asked him if the Board needed to make a formal motion outlining their position on this matter. Mr. Moffat agreed that it would be a good idea.

Commissioner Munks motioned to reimburse the identifiable commercial customers and to reimburse or credit the private customers who produce receipts or cancelled checks. Commissioner Dahlstedt seconded the motion, which passed with a unanimous vote.

2.) **Signature – Ordinance Creating Lake Management District No. 3 for Lakes Erie and Campbell.**

Lee First, Lake Management Technician, presented an Ordinance Creating Lake Management District No. 3 for Lakes Erie and Campbell. She explained to the Commissioners the process that had occurred in creating the lake management district and recommended that the ordinance be approved. The vote did pass with Lake Erie collecting 4,680 votes for the creation of the district and 3,120 votes against. Lake Campbell collected 5,558 yes votes and 3,852 no votes. A simple majority is required for passage.

It was explained that approximately six weeks following the adoption of the Ordinance, the Board would hold a second Public Hearing to listen to any objections from affected property owners to the proposed special assessment roll to fund the District, and to consider making changes to the roll.

RECORD OF THE PROCEEDINGS

Tuesday, May 29, 2001

Page #3

Commissioner Munks motioned to approve the Ordinance Creating Lake Management District No. 3 for Lakes Erie and Campbell. Commissioner Dahlstedt seconded the motion, which passed unanimously.

Lee First also alerted the Commissioners to a recent ruling from the 9th U.S. Circuit Court of Appeals that has probable impacts to lake management districts that apply aquatic herbicides. A Clean Water Act citizens' lawsuit was filed after an irrigation district's use of an aquatic herbicide led to a fish kill. The Court held that irrigation canals are waters of the United States, and that National Pollutant Discharge Elimination System Permits (NPDES) were required for use of herbicides in irrigation systems. The Washington State Department of Ecology, which administers Aquatic Pest Management Permits and NPDES permits, has advised Skagit County that if it proceeds with aquatic herbicide applications, it could be liable to a third party lawsuit. Ecology has delayed issuing the Aquatic Pest Management permits because of this issue, and has stated that grant funds may not be used for chemical applications.

Ms. First added that many Washington counties with lake management districts are planning not to apply herbicides this year. The contractor who has applied these chemicals in the past has not been able to secure insurance for herbicide applications. The Board may elect to not execute contracts with firms that have not secured insurance. There are other aquatic weed management techniques available, some of which are less effective than chemicals.

3). Miscellaneous

- A. Chal Martin, Public Works Director, requested that the Board sign an emergency declaration that would allow the department to go after repair service for the compactor at the transfer station which has developed a crack in the housing.

Commissioner Anderson asked if he understood this matter correctly, that when the compactor breaks down there is no backup.

Mr. Martin said that was correct, and that the resolution will also allow them to go out more quickly for the repair service.

Commissioner Anderson asked if there were any cost estimates. Gary Sorenson, Manager of Solid Waste, replied that an estimate was about \$45,000.

Commissioner Anderson then commented about the frequency of these types of emergency resolutions. He understands the importance of having a backup but feels it is outside the parameters of what is normal procedure.

Mr. Sorenson then advised the Board that this was actually budgeted for, but they held off on the actual repair because of the possibility of upgrades being made. They didn't want to spend the money until the upgrade analysis was made and were hoping this cylinder would last until the upgrades were decided upon. That did not happen.

Commissioner Anderson wanted to know why the decision was made to hold off on the repair and risk having no backup compactor. He felt that it was placing them in a situation where you can't go out for bids because you're under a timeline for repairs. Mr. Martin replied that the department could still do that and he would guess there is only a 10 percent chance of failure before the backup could be ready, but it would still be at least 45 days out.

RECORD OF THE PROCEEDINGS

Tuesday, May 29, 2001

Page #4

Commissioner Dahlstedt agreed with Commissioner Anderson and added that if the system did fail, there would be additional costs in top-loading everything and transporting it.

Mr. Sorenson said there is a problem with going out for bids as the cylinder is in Portland and any company wanting to bid on the repair work would have to go there in order to assess the damage.

Commissioner Munks asked Mr. Sorenson about the additional upgrades. He replied that they are looking at a larger compactor and that even if the present cylinder was rebuilt, they would get credit for it when purchasing the new one.

Commissioner Anderson replied that the next time a decision like this is made, the Board needs to be involved. It should have been presented as an agenda item and, therefore, proper procedures would have been followed.

Commissioner Munks made a motion to approve the emergency declaration to get the compactor cylinder repaired. He also said the old compactor needs to be in operation for a longer period of time in order to recoup the money being spent on the repair work before he would ever give the nod to proceed with upgrades. Commissioner Dahlstedt seconded the motion, which passed unanimously.

- B. Mr. Martin gave the Board a quick update on the Ag Buffer Program. They are still not out in the field collecting baseline monitoring data but the Science Advisory Panel has been working hard to develop the program but it going much slower than the panel had anticipated. Commissioner Munks added that he wasn't even sure there would even be a buffer program.

PLANNING & PERMIT CENTER – Tom Karsh, Director.

1.) **Discussion & Signature – Keith Morrison Short Plat Natural Resource Land Easement**

Commissioner Munks motioned to approve the easement, which was seconded by Commissioner Dahlsted and passed unanimously. **(Contract No. 05307)**

2.) **Discussion & Signature – Resolution re: Temporary Asphalt Crushing Plant at Rockport (3D-H Aggregates)**

Tom Karsh explained that the reason for this request is to expedite the approval of an asphalt batch plant and rock crushing operation to be located within the confines of the existing rock quarry, which has been in business since the mid 1970's as a permitted business. 3D-H Aggregates is interested in having the County approve a temporary operation, however, even though we have a temporary permit classification, there is no mechanism to temporarily approve one of these proposals in our County Code and, in this case, the zoning ordinance. It's an oversight in the relatively new Unified Development Code so temporary permits can be offered. But, there is no way to expedite the application process for them. In order for a company to go through the normal process, they would have to apply for a special use permit, which could take four or more months to obtain. It doesn't make much sense to go through the normal process for a permit that is limited in scope to one year, when the project is of great importance to both the State and County, in that it involves an asphalt overlay project for Highway 20 during the summer months.

The request today is asking for a way to expedite this and to approve it more quickly. A resolution has been created for the Boards' consideration. It points out that in the zoning

RECORD OF THE PROCEEDINGS

Tuesday, May 29, 2001

Page #5

code, the Planning and Permit Center Director, with board concurrence, can suspend certain requirements in the zoning code. In this case, special use permit requirements will be suspended provided a number of conditions are met.

Timing is critical to the State Department of Transportation bidding process. There needs to be a decision within the next week and a half. The consultant, on behalf of his client, has solicited comments from both the DOT and Senator Haugen's office. Senator Haugen is Chairman of the Transportation Committee. The State has urged the County to look for ways to approve this quickly. This is a significant amount of truck hauling that would occur during the summer months.

The Planning Department is recommending that the Commissioners suspend the normal special use permit application process. The project consists of two separate overlay processes that need to be done before the wet season occurs again. They would then go forward and get a permanent special use so they may do it more easily next time a project like this occurs.

Commissioner Anderson wondered about what kind of precedent is being set. If one company is favored over another, how will that affect the County?

Mr. Karsh said they have not used this provision in the code in the past. This is cutting edge, a new procedure.

Commissioner Anderson again asked, if the Commissioners grant this resolution will it be fair and open to everyone should someone else wish to do this. He said he would not like to see heavy traffic on that highway during the tourist season. He would like to see a bidding process.

Mr. Karsh said it has been an oversight in the Development Code that there is no temporary permitting process. This will be corrected and long term there will be a procedure. Short term, the answer would be to look at each proposal individually. Environmentally, in this proposal there are no critical areas. There could, conceivably, be neighbor concerns because of new noise in the area. Relative to the potential for others to come forward requesting the same thing, those applications would be received based on their own merits.

Commissioner Munks asked if everyone would go through the same process.

Mr. Karsh said they would. Nothing is quick, even this type of request. Requirements cannot be waived, but they can be suspended.

Merle Ashe, Consultant representing 3D-H Aggregates, spoke. The first bid is to be opened June 6. The next one is due out sometime next month, and should be about the middle of July for the bid opening. Both have to be completed before the end of the summer season.

Commissioner Anderson expressed concern about the County showing favoritism.

Mr. Karsh advised that others would be able to go through this process. He said he believes that in this case, the traffic will be mitigated. This is an emergency situation. There is no written protocol or criteria that tells us what an emergency is, but each will be handled on a case-by-case basis.

Commissioner Anderson noted that this is not a public hearing, but he did open up the discussion for input from the audience.

RECORD OF THE PROCEEDINGS

Tuesday, May 29, 2001

Page #6

John Parker, representing Cunningham Crushing in Concrete, said he does not see where this is an emergency. His company is permitted and had to go through a lengthy permitting process. Robert Hornbeck was also in the audience and he too already has a permitted asphalt pit. He said he is upset about the fact that they had to go through lengthy channels at a great cost and now someone else is receiving a permit without going through the process.

Commissioner Anderson said he was under the impression there weren't any approved pits in the area.

Merle Ash said it is his understanding there may be a use permit for an asphalt plant, but there is no material in those pits available. He said he was told that both of those pits have been exhausted. They would have to have material trucked to their site if the permits are in order.

Commissioner Anderson said it needs to be determined, before approving the resolution, if there are pits that have already gone through the process. He said he was under the impression there wouldn't be that option. If they went through the formal process then it would be unfair to approve this. He suggested bringing this matter back to the Commissioners after looking at it further. Government has to be impartial and fair in trying to keep truck traffic off the highway.

Mr. Karsh emphasized that timing is critical. Brandon Black will go back to the Planning Department to look for other permits.

Commissioner Dahlstedt was concerned about allowing testimony even though it was not advertised as a public hearing. "Are we sure there aren't other people who would need to speak who have a permit?"

Commissioner Anderson said there should be a record of them.

Mr. Karsh agreed there should be records of every existing pit. He added that one of the reasons it was on the agenda was so the public would have an opportunity be aware of it.

The Commissioners agreed that they would come back in the afternoon after receiving the information requested from Planning.

3.) **Discussion & Signature – Amendment No. 4 to Personal Services Agreement With Wheeler Consulting Group.**

Mr. Karsh presented an Amendment to a Personal Services Agreement with Wheeler Consulting Group. He explained that this consultant is working on the EIS for a project known as the Belleville Pit. This is an old DNR rock quarry along the Samish River. There are a number of sensitive environmental issues, which Mr. Karsh described. The Public Works Department has agreed to drill a couple of test wells. The consultant will be paying the costs.

Commissioner Munks motioned to approve Amendment No. 4 to Personal Services Agreement with Wheeler Consulting Group agreeing to increase the compensation by \$41,070. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Contract No. 04666)**

RECORD OF THE PROCEEDINGS

Tuesday, May 29, 2001

Page #7

4.) **Set Date and Time to Review Planning Commission's Recommendation on Comprehensive Plan Amendments for 2000.**

Gary Christensen, Assistant Planning Director, described the action of the Planning Commission regarding the Comprehensive Plan Amendments for 2000. Unfortunately, some correspondence arrived about two minutes prior to the public hearing and was not made available to the Planning Commission during their deliberations. This was discussed with legal counsel, who says it is important for a procedural matter to be sure the public participation requirements are met.

A letter has been sent to the Planning Commission and the effected property owners and the deliberations on this matter will need to be continued so the Planning Commission can consider all correspondence. This is scheduled for Tuesday, June 5, 2001 with the Planning Commission and will be brought back to the Commissioners after that.

To avoid this in the future, public hearing notices will be sent out requiring that correspondence be sent well in advance of the Planning Commission hearing.

5) **Miscellaneous**

- A. Mr. Christensen reported on a major planning task that has about 8 items associated with it. Staff has reviewed and discussed how to bring it forward to the Commissioners. Rather than starting with item 1, it has been broken down into several groups. Staff is completing the final in-house version and will be able to bring it to the Commissioners next week. A two-hour work-study session will then be scheduled the following week. After the work session any revisions the Commissioners desire can be made. There will be a two-week public notice so the Commissioners can hold a public hearing about these issues.

The Commissioners agreed to move forward with this as recommended by Mr. Christensen.

- B. Mr. Karsh talked about an earlier conversation with the Commissioners when Commissioner Anderson raised some concerns about the fairness of transportation impacts between the County and cities. The focus was a SKAT project that effects the City of Burlington, which generated some impacts which SKAT was asked to mitigate.

This was referred to Public Works and it appears that the flow of information between the City and the County is pretty good, although it has been loosely handled in the last year since Public Works lost their transportation planner. The transportation issues have been delegated to an engineering assistant in Public Works. The Board approved a Transportation Planner for the Planning and Permit Center, a position that is difficult to recruit for. Once that position is filled, there will be an agreement with Public Works to communicate back to the cities, and to work on meeting SEPA needs.

Mr. Christensen said the job was offered two weeks ago, but the person went to work for Bellingham. It would probably be best to open the position up again.

Mr. Karsh said, in the meantime, Kirk Johnson has been acting as the Transportation Planner for the department.

Commissioner Anderson emphasized the importance of staying on top of this.

RECORD OF THE PROCEEDINGS

Tuesday, May 29, 2001

Page #8

- C. Mr. Karsh presented a request from the State Department of Natural Resources that Skagit County consider their request to allow them to continue depositing dredge spoils at a site in the Rosario Strait area. There are relatively few dredge spoil disposal sites in the state. They are required to have a shorelines development permit. They've had that permit, but it has expired and now it is null and void. Similar to the request that was before the Commissioners earlier, this could continue through an emergency resolution. If the Commissioners are amendable, they can be asked to submit a formal petition.

Commissioner Anderson said there needs to be a formal request from DNR to the Commissioners before they can take action.

Mr. Karsh said, historically, those requests have come directly to the Commissioners Office and staff in the Commissioners' Office have written the resolution. The Planning Department can do this.

The Commissioners agreed that the Planning Department should take responsibility for this.

CONSENT AGENDA

Commissioner Munks moved to approve the consent Agenda for Tuesday, May 29, 2001, items 1 through 17. Commissioner Dahlstedt seconded the motion, which passed with a unanimous vote.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, May 14, 2001.
2. Record of the Proceedings for Tuesday, May 15, 2001.
3. Resolution Allowing Purchase of Promotional Materials for Skagit County and Awards for Meritorious Recognition. **(Resolution No. 18251)**
4. Cooperative Agreement with the United States Department of Agriculture Animal and Plant Health Inspection Service – Wildlife Services to conduct wildlife control in Skagit County effective on the date of signature and to continue indefinitely. The cost estimate for such services is \$18,299 from May through October 2001. The primary reason for this revision is to change the reference on the Agreement from Animal Damage Control (ADC) to Wildlife Services (WS). **(Contract No. 05307)**

BEST PLACE:

5. Vendor Services Agreement with Infinite Sound to provide DJ services for a teen dance for Youth Appreciation Day. Compensation shall be \$250. This contract will commence on April 13, 2001 and continue until either party terminates by giving 30 days notice. **(Contract No. 05308)**

RECORD OF THE PROCEEDINGS

Tuesday, May 29, 2001

Page #9

FACILITIES:

6. Resolution approving and Intergovernmental Agreement with the State of Washington Department of Corrections to reimburse qualifying expenditures pursuant to the VOITIS (Violent Offenders Incarceration and Truth-in Sentencing) Incentive Grant Program. The amount of the award is \$200,000 and will be used towards the constructing, developing, expanding, modifying, or improving Skagit County jail facilities. The term of this Agreement shall begin upon full execution of the parties and shall continue through May 31, 2004. **(Resolution No. 18252 and Contract No. 05309)**

HEALTH DEPARTMENT:

7. Resolution modifying and increasing the Health Department Petty Cash Fund from \$500 to \$650. **(Resolution No. 18253)**
8. Interagency Agreement with the State of Washington Department of Health and the Skagit County Health Department to provide for a Joint Plan of Operation which delineates the responsibilities of DOH and SCHD with respect to the enforcement of Chapters 70.119A and 70.116 RCW and Chapters 246-290 and 246-291 WAC. This agreement replaces the Memorandum of Understanding dated August 5, 1986 and shall commence on the date of signing and end December 31, 2006. **(Contract No. 5310)**

SENIOR SERVICES:

9. Amendment No. 1 to the 2001-NUTR/EMP-09 Contract, which provides congregate home delivered nutrition and senior employment services. This amendment includes additional one-time only funds in the amount not to exceed \$12,350. **(Contract No. 05167)**

YOUTH & FAMILY SERVICES:

10. Personal Services Agreement with Alianza Pro-migrante, Eduardo Olguin to provide interpretation services, educational classes and support for community members. Compensation listed under Exhibit "B" is for a variety of rates, depending upon which services are provided. The contract term is May 1, 2001 through April 31, 2002. **(Contract No. 05311)**
11. Personal Services Agreement with The Cambie Group International, Inc. to provide evaluations of project services for the Skagit County Challenge Grant Program. Compensation shall not exceed \$5,782. The contract term will commence on May 1, 2001 and continue until May 30, 2002. **(Contract No. 05312)**

PUBLIC WORKS DEPARTMENT:

12. Resolution for the Denial of a Request for the Vacation of an unopened County right-of-way petitioned by Robert Lakey. This right-of-way is located off of North Shore Drive near Lake Cavanaugh. **(Resolution No. 18254)**
13. Resolution Calling for Bids for the Concrete Sauk Valley Road No. 08000 Project ES8000-5 at Aldon Creek. The bid opening is scheduled for June 19, 2001, at 1:30 p.m. **(Resolution No. 18255)**

RECORD OF THE PROCEEDINGS

Tuesday, May 29, 2001

Page #10

14. Vendor Services Agreement with Pacific Style Lawn Maintenance to perform general lawn, shrub and tree care for the Public Works facility located at 1111 Cleveland Avenue. The contract provides compensation of \$250 per month, not to exceed \$8,000 in total payment. The term of this agreement shall commence on March 1, 2001 and continue until March 1, 2003. **(Contract No. 05313)**
15. Contract amendment No. 4 with Semrau Engineering and surveying. This amendment allows the contractor to subcontract with Geo Engineers, Inc. to perform subsurface exploration and design work for the Snee-Oosh Drainage Improvement Project. The work of the sub consultant will not exceed \$10,000 and the total compensation will remain at \$87,375. The period of performance will remain the same. **(Contract No. 03914)**
16. Personal Services Agreement with Kate McEowen to perform various tasks related to the Shoreline Inventory Project, which involves the collection of shoreline survey data to address the loss of near shore habitat. Compensation shall not exceed \$2,000 and the contract term is March 8, 2001 through October 31, 2001. **(Contract No. 05314)**
17. Local Agency Standard Consultant Agreement with Reid Middleton, Inc. The scope of work will provide preliminary engineering services and construction administrative support for the Goldenrod Bridge and Road Improvement Project. The maximum amount payable is \$140,313.30, to be completed by December 31, 2003. The County through its Public Works Department has agreed to manage this project on the City of Burlington's behalf. **(Contract No. 05315)**

MISCELLANEOUS

1. 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, May 29, 2001, the Board, by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 96750 through 97292 from Clearing Fund 696 in the total dollar amount of \$878,001.32 (Transmittal No. C-34-01); and

Warrant number 97293 from Clearing Fund 696 in the total dollar amount of \$2,347.71 (Transmittal No. C-35-01); and

Warrants numbered 97294 through 97852 from Clearing Fund 696 in the total dollar amount of \$1,316,869.49 (Transmittal No. C-36-01)

Payroll warrants numbered 75037 through 75993 in the total dollar amount of \$891,860.48 (Transmittal No. P-22-01); and

Payroll warrants numbered 955093 through 955190 in the total dollar amount of \$86,199.57 (Transmittal No. P-21-01).

RECORD OF THE PROCEEDINGS

Tuesday, May 29, 2001

Page #11

PUBLIC COMMENT PERIOD

No one was present for the Public Comment Period.

Continuation of Discussion and Signature – Resolution re: Temporary Asphalt Crushing Plant at Rockport (3D-H Aggregates)

Brandon Black reported to the Commissioners about other permits that are on file in the Planning and Permit Center. He stated that there are two permitted sites in that area.

Chal Martin advised that Friday he was in contact with the Mount Baker Region DOT Manager, Paul Johnson. He indicated that regarding the 3D-H request for access on a DOT right of way that the DOT was not willing to give permanent access, but DOT would give 3D-H access as it became necessary on a case-by-case basis. He stated that he has nothing in writing from DOT, but Mr. Johnson has committed DOT. He said, from his perspective that would be adequate should the board decide to grant this temporary permit. 3D-H would probably then immediately contact the state to try to get an access permit through that property.

Mr. Black said that it would be time-consuming to go back in the records further.

Commissioner Anderson felt this was a dilemma for the Commissioners because of the awareness that there are already two permitted sites in the area. If the Commissioners declare an emergency they need to have a good reason since there are already two permitted sites there.

Mr. Ashe said they have also done the same research and were unable to find any other permits. He cited some of the information they were able to find. It appears that not all four criteria are met at the other sites mentioned.

Commissioner Anderson summarized the situation. The Planning and Permit Center has now found that there are two permitted sites, therefore, there are no grounds to declare an emergency. To be fair and impartial to both parties he would recommend that the County double-check everything and talk to the State about their criteria for an approved site.

Brandon Black interjected that one site may not be permitted for crushing as he has not been able to find that permit at this time.

Commissioner Munks motioned to table this matter so the County can gather more information.

Commissioner Anderson requested that Chal Martin, Public Works Director, work with the Planning and Permit Center on this matter so they can come to a decision that is fair and equitable.

Commissioner Dahlsted seconded Commissioner Munks motion, noting that the matter will be heard again on Monday, June 4 at 3:30 p.m. The motion was passed unanimously.

ADJOURNMENT

Chairman Anderson made a motion to adjourn the proceedings. Commissioner Munks seconded the motion and it passed unanimously.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Ted W. Anderson, Chairman

Kenneth A. Dahlstedt, Commissioner

Don Munks, Commissioner

ATTEST:

JoAnne Giesbrecht, Clerk of the Board
Skagit County Board of Commissioners