

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

Tuesday, March 24, 1992:

- 8:30 a.m. - 9:00 a.m. Work Session - Operations Division Manager/Road Supervisors.

 Flag Salute.
- 9:00 a.m. - 10:00 a.m. Department of Planning and Community Development - Scott Kirkpatrick, Director:
- 1) Signature - Contract Extensions - Lower Skagit River Basin Monitoring Project.
 - 2) Approval - Policy Amendments - Deeding of additional Road Right-of-Way for Short Subdivisions in the Agricultural Zone.
 - 3) Signature Ordinance #14555 Amendments - Due to Typographical Errors.
 - 4) Signature - Regional Transportation Planning Organization Agreement.
 - 5) Code Enforcement.
 - 6) Miscellaneous.
- 10:00 a.m. - 11:00 a.m. Public Hearing - Karen Sloss Variance Application #V-91-033, Property East of Chuckanut Drive on Chuckanut Mountain.
- 11:00 a.m. - 11:30 a.m. Hearing Examiner Recommendation - Approval - Stanton Olson Agricultural Variance #AGV-02-002, 1686 Britt Slough Road.
- 1:30 p.m. - 2:00 p.m. Bid Openings:
- 1) One New One-Ton Cab and Chassis.
 - 2) Four New 1992 Half-Ton Pickup Trucks.
 - 3) Purchase of Road Maintenance Materials.
 - 4) Rental of Road Maintenance Equipment.
- 2:00 p.m. - 2:30 p.m. Deliberation and Decision - Review of Special Use Permit #SPU-89-032 of CM Trucking and Construction, 2062 F & S Grade Road, Sedro Woolley, Washington.
- 7:00 p.m. Public Transportation Community Meeting.
 (Hearing Room "A" - County Administration Building).

The Skagit County Board of Commissioners met in regular session on Tuesday, March 23, 1992, with Commissioners Robby Robinson, Ruth Wylie, and W. W. Vaux present.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT - SCOTT KIRKPATRICK, DIRECTOR:

- 1) Signature - Contract Extensions - Lower Skagit River Basin Monitoring Project.

Jim Freeman, Senior Watershed Planner, presented proposed contract extensions for three projects being conducted under the watershed planning program.

Mr. Freeman stated that the contract extensions with Skagit Systems Cooperative and Entranco Engineers, Inc., are for time extensions for the project work to be completed only. Work products and contract amounts will not change.

Skagit Systems Cooperative's part in the Lower Skagit River Basin Monitoring Project is to collect samples during four storm events from the surface waters of the Nookachamps Watershed. The recent weather conditions have not produced storm events of a significant size for sampling. Mr. Freeman stated that the last sampling period for this task will be rescheduled for the first major storm event in the fall of 1992, allowing enough time for the project work to be completed and all invoices to be processed for this contract.

Entranco Engineers, Inc., part in the Lower Skagit River Basin Monitoring Project is to prepare a variety of reports and perform technical review and analysis of the water quality data collected for the project. One of the tasks of the contract requires final analysis of all water quality data collected, including the storm events as discussed, and preparation of the final project report. Because the sampling of storm events cannot be made until next fall, there will not be data for Entranco to analyze until after the existing contract end date.

Mr. Freeman stated that the third contract proposed for extension is with Ms. Anna Trombley, who was contracted to prepare a series of computer generated maps and databases for the Nookachamps Watershed Action Plan. All the maps were prepared on schedule within the time frame of the contract. There is one last invoice to pay that has not been submitted for processing. Approval of this extension will allow final payment to be made to Ms. Trombley, finalizing the contract.

The Board expressed concern over the extension of the Skagit System Cooperative and Entranco Engineers, Inc., contracts and shall review these contracts further with Mr. Kirkpatrick.

Commissioner Wylie motioned to approved the extension of the contract for Ms. Anna Trombley. Commissioner Vaux seconded the motion, which carried unanimously. (Contract #00830).

2) Approval - Policy Amendments - Deeding of Additional Road Right-of-Way for Short Subdivisions in the Agricultural Zone.

Mr. Kirkpatrick reviewed with the Board a draft policy regarding the deeding of additional right-of-way in short subdivisions. This policy would clarify when the additional right of way would be required in the agricultural zoned districts. A list of roads was included which reflect those roads that have a potential of being widened sometime in the future. The Public Works Department has reviewed the policy and has recommended the list of roads as follows: Avon-Allen Road, Bay View-Edison Road, Best Road, Bow Hill Road, Cedardale Road, Chilberg Road, Collins Road, Conway Road, Cook Road, Fir Island Road, F & S Grade Road, Hickox Road, La Conner/Whitney Road, McLean Road, Old Highway 99, Peterson Road, Prairie Road, South Skagit Highway, Stackpole Road, and Wilson Road.

The Board directed Mr. Kirkpatrick to reschedule for further discussion on this item.

3) Signature Ordinance #14255 Amendments - Due to Typographical Errors.

Mr. Kirkpatrick presented to the Board, amendments to Skagit County Code 14.08 and 14.12 as adopted by Ordinance No. 14255. Mr. Kirkpatrick stated that these amendments are necessary, as discussed with John Moffat, Chief Civil Deputy Prosecuting Attorney, due to typographical errors that render the language incorrect.

Commissioner Vaux introduced Bruce Lisser and Don Semrau; of Semrau, Lisser, and Skodje, giving them the floor to state concerns previously expressed to him regarding major policy changes.

Mr. Lisser addressed the Board stating that sometimes when there are major changes in policy, there is a lag time from when the changes are signed by the Board and when they are effective in order to educate those affected by the changes. He stated that there were substantial changes in the Subdivision Ordinance that they were not aware of. Mr. Lisser's company had written a legal description for a client in February and the transaction on the property had not taken place yet. This transaction would have been allowable by the old subdivision ordinance and cannot be allowed now. Mr. Lisser stated that his request is that before major changes go into effect, allow a lag time from the day of signing a major policy change and the effective date of the policy. This will allow firms to get projects that are in process that would be affected into compliance. He stated that they thought that the ordinance changes were making sure no one builds outside of the fire districts. They were not aware that the lot size requirement was changing from 20 acres to 40 acres. Mr. Lisser stated that he does not have a problem with the ordinance, he was just caught off guard.

Mr. Semrau addressed the Board, stating that he did not understand what the intent of the ordinance was going to be and that it is a substantial change in the subdivision ordinance.

Mr. Kirkpatrick addressed the Board, stating that typically when ordinances are assigned it is standard practice that the ordinance is effective on the day it is signed, not the day it is adopted.

Mr. Kirkpatrick stated that the issue of the subdivision revision has been evolving for some time. There was a public hearing on November 18, 1991, and at least three public meetings regarding these changes, plus remands to the Planning Commission and back again to the Board of Commissioners. Mr. Kirkpatrick was at a loss as to why anyone in the industry would not be following the meetings and know the changes and evolvment of the changes in this ordinance. Mr. Kirkpatrick stated that his purpose for being present was to get approval to correct the typographical errors to the Amended Ordinance #14255.

Commissioner Vaux stated that Mr. Lisser has a valid issue, not one that will be resolved this day, but one that needs to be discussed at another time. When there are large changes in ordinances the engineering community needs to be notified. There needs to be a grace period between the signing and the effective date of implementation in some circumstances.

Commissioner Wylie stated that a length of grace period between signing and ordinance and effective date needs to be decided.

Commissioner Vaux motioned to approve the typographical corrections to Ordinance Revisions #14255. Commissioner Wylie seconded the motion, which carried unanimously.

Commissioner Vaux stated that discussion with Mr. Moffat is necessary to determine time a lapse allowable from the time an ordinance is signed and implementation.

4) Signature - Regional Transportation Planning Organization Agreement.

This item has been postponed until next week.

5) Code Enforcement.

The Code Enforcement report was presented to the Board.

6) Miscellaneous.

A) Gary Christensen, Senior Planner, reviewed with the Board the results of the Planning Commission meeting held regarding a request for rezone for William Youngsman, REZ-91-004. The Board set a public meeting time to review the recorded motion and recommendations for April 21, 1992, at 10:00 a.m., in the Commissioner's Hearing Room, 202A, 700 South Second, Mount Vernon.

B) Mr. Christensen presented to the Board the Declaration of Non-Significance (DNS) for Keith Johnson. The proposal is to annex 100 acres of forested property adjacent to the existing Plat of Cascade Ridge into Fire District #3. Mr. Christensen stated that there are issues not properly addressed in the Environmental Checklist. Mr. Christensen reviewed with the Board a draft of a letter addressed to Betsy Stevenson, who has been listed as the contact person for Fire Protection District No. 3, the lead agency requesting the DNS. The letter is requesting the withdrawal of the DNS based on the proposal's significant adverse impacts and non-disclosure of their intentions to the lead agency. With significant new information and stated public policy it is apparent that there are probable significant adverse environmental impacts which need to be addressed through an expanded environmental checklist. The letter states that Skagit County is prepared to assist Fire Protection District No. 3 in selecting a suitable third party consultant to provide a new environmental checklist should they withdraw the DNS as requested.

The Board directed the letter be sent to Ms. Stevenson.

PUBLIC HEARING - KAREN SLOSS VARIANCE APPLICATION #V-91-033, PROPERTY EAST OF CHUCKANUT DRIVE ON CHUCKANUT MOUNTAIN.

Jeff Morgan, Assistant Planner, addressed the Board, stating that a site plan has been submitted, a letter from the Department of Natural Resources (DNR) explaining the reason for the 100 foot setback, and a letter from Mr. Zender in response to the Hearing Examiner's request to negotiate with DNR.

Chairman Robinson waived the notice of public hearing, as published in The Skagit Argus.

Mr. Morgan submitted a site plan of the property and summarized for the Board: The original application was requesting to build a single family residence within five feet of the rear property line which has been revised to be 20 feet. The property is located within Skagit Fire District #5, the applicant was to provide a geotechnical study. The Hearing Examiner denied the request, Ms. Sloss asked for a reconsideration, which yielded an affirmation of the original decision from the Hearing Examiner. This brings the variance request before the Board.

Chairman Robinson called for public testimony.

- Phillip Serka, 400 N. Commercial, Bellingham, Washington, representing the sellers of the property to Ms. Sloss, addressed the Board.

Mr. Serka stated that the property was zoned forestry and was purchased for the purpose of placing one home on the 20 acre plot. There are requirements for a 100 foot setback which Ms. Sloss originally believed she could meet. The initial request was for a five foot setback variance, which has been amended to 20 feet. A survey performed subsequent to the sale of the property indicates that Ms. Sloss will be unable to meet the 100 foot setback requirement. Mr. Serka believes that the Hearing Examiners' decision to deny the variance request was incorrectly based on a letter and testimony from a representative of the DNR who was concerned about potential liability arising from fires and blow downs of DNR timber. Mr. Serka felt that the Hearing Examiner made a mistake in saying that the request did not meet the criteria necessary, and based his denial on that statement. Mr. Serka said that the findings show that it did meet the criteria and that the Planning Department supports and evaluated the criteria and added conditions. There have been efforts to mitigate risks. The access road will be one to service the Sloss property, and others as well as DNR property. The property site is cleared, and the DNR land adjacent is cleared, so at this time there is no forest canopy causing a hazard. There will be a water reservoir on the property site. Mr. Serka stated that with the conditions recommended by the Planning Department, the location for the home will be much safer. Mr. Serka stated that most of the site is unstable with the exception of the house site. This is the only site available, and nothing in the records say it isn't. Mr. Serka continued, stating that the Planning Department acknowledges that it is the only buildable site. All the testimony in the transcripts states that denying the variance would prohibit building Ms. Sloss's home on the site. The purpose for the purchase of the property was to build a home. There is no commercial timber, and even if there was, it would be unsuitable due to the slope and erosion risks. The property would be useless if not used for a residence. Mr. Serka continued, saying that the Hearing Examiner found that the project is not in conformance with variance standards. No one testified supporting this. The variance is needed due to topography. There was a survey done prior to the closing of the sale showing the building site 100 feet from the property line. When another tract was being surveyed, it was found that an error had been made. He stated that Ms. Sloss did not create the problem. There is enough evidence to show there are special circumstances. If the request were denied, she would be denied rights enjoyed by others. Granting the variance does not give her a special privilege, it is a permitted use everyone has in the Forestry designated areas. The Hearing Examiner's conclusions show no evidence to the contrary. Ms. Sloss is taking risks, but is also willing to abide by the Planning staff's conditions, and will provide approved fire prevention protection. Mr. Serka felt that the conditions recommended by the Planning Department are reasonable and liveable. In conclusion Mr. Serka requested that the Board find that there is no alternate site to build Ms. Sloss's home and approve the variance request.

- Willard Purnell, President, W.D.Purnell and Associates, Inc., 2131 Humboldt Street, Bellingham, addressed the Board.

Mr. Purnell stated that his company's study of the property found that the site selected for Ms. Sloss's house is the only site available for building. Much of the slopes are 100% slopes. He stated that Dr. Hong, Rock Mechanics Engineer, found no other site stable enough to build. Mr. Purnell felt that unless logging was done very carefully and expensively, this property would not be suitable to log. Clear cutting would create erosion problems. Ms. Sloss did not take action to cause the problem.

- Ms. Karen Sloss, 523 12th Street, Bellingham, addressed the Board.

Ms. Sloss stated that the access road to the property is on the steep slope. The site is in the in clearest area. She said that she is willing to do what is necessary to satisfy the fire safety issues, but is not willing to take total responsibility for the entire area should a fire occur. Ms. Sloss submitted photographs of the property into evidence.

- Mr. Dick Olson, District Manager, Department of Natural Resources, 919 N. Township, Sedro Woolley, addressed the Board.

Mr. Olson stated that the Sloss north property line borders DNR land. Mr. Olson feels that the variance is predominantly a safety concern. The timber on the DNR land bordering the Sloss property has been harvested, but is now growing 12 - 24 inches per year. There will be forest activities even if there is no intent to harvest. He continued, saying that there is no guarantee that fires won't start from the DNR land or from landowners and spread. The timber will reach 100 - 150 feet in height. With a house 20 feet within reach, it will be difficult to not sweep the house when falling trees. Mr. Olson felt that if a road can be built to the property, then a foot print of a house should be able to be built near the road bed. Mr. Olson stated that he has seen other houses on the same rock formation and slope that are bolted to the sandstone. He stated that the proposed hold harmless agreement is fine until someone moves. The person moving in may not be aware of all the agreements. Mr. Olson feels that the 100 foot minimum setback is necessary in this environment.

- Mr. Phil Schmidt, Resource Protection Manager, DNR, addressed the Board.

Mr. Schmidt stated that he receives inquiries regarding logging adjacent to homes and the noise involved. He stated that the adjacent land owner could have wind fall from a cleared area. People fear the herbicides that DNR uses. When there is a setback it gives room to operate.

- Mr. Dan Zender, 1700 'D' Street, P. O. Box 226, Bellingham, Ms. Sloss's Personal Attorney, addressed the Board.

Mr. Zender stated that the building site issue is not whether it can be affixed to the slope. This is a flat rock site, nothing will push it down. The road was built long ago and is stable. Mr. Zender stated that an attempt had been made to acquire a strip of land from DNR in order to comply with the 100 foot setback but they were not willing to do so. Mr. Scofield agreed that the planned site is the only site to build on, everyone does except DNR. Under ideal conditions the 100 foot setback would be no problem. Mr. Zender stated that Ms. Sloss is willing to satisfy the conditions recommended. The rocky area is cleared, there is no substantial fire hazard.

Mr. Zender presented proposed changes to the staff recommendations:

- * 1. The applicant shall record a Hold Harmless agreement with the Skagit County Auditor agreeing to hold all adjacent property owners harmless in the event a blow down tree from adjacent property damages the applicant.

Mr. Zender would like this to read:

- 1. The applicant shall record a release of claims with the Skagit County Auditor agreeing to release DNR from property damage claims in the event a blown down tree from adjacent property damages the applicant.
- * 3. The applicant shall agree to pay all costs of fighting a forest fire should a fire escape from the applicant's property onto any adjacent property.

Mr. Zender would like this to be replaced with R.C.W.76.04-495, Negligent Starting of Fires - Existence of Extreme Fire Hazard or Forest Debris-Liability for Costs-Recovery, in its entirety.

Mr. Zender stated that the concern of transfer of property could be covered in a covenant with the land sale.

- Willard Purnell readdressed the Board.

Mr. Purnell stated that regarding Mr. Olson's suggestion of bolting the house to the sandstone, when using rock bolts, the strata needs to be parallel to the land. Rock bolting cannot be done on this property due to the tipping and rolling nature of the rock. Mr. Purnell stated that the risk of tree blow down onto the Sloss property would be rare as the winds come from the North of the property and it is protected on that side.

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

After determining that Ms. Sloss was not aware that she would need a variance when she purchased the property, Commissioner Vaux directed his comments to Ms Sloss stating that he was sorry she had to be going through these proceedings. He stated that she and the Board did not make the mistake, but now they are being asked to compromise safety issues. The DNR does not want to stop her from having a home, just from building it so close to their timer land.

Commissioner Vaux motioned to approve the variance for Karen Sloss. Commissioner Wylie requested that the motion be withdrawn for further time to consider. Commissioner Vaux rescinded his motion. The meeting time for deliberation will be April 21, 1992, 8:30 a.m., in the Commissioner's Hearing Room, 202A, 700 South Second Street, Mount Vernon.

Hearing Examiner Recommendation - Approval - Stanton Olson Agricultural Variance #AGV-02-002, 1686 Britt Slough Road.

Grace Roeder presented assessors maps, vicinity maps, and photographs of the Olson properties. Mr. Stanton Olson has applied for three separate variances as follows:

1. Variance to allow the subdivision of two acres from a total of 38 acres.
2. Variance to exempt applicant from completing a short plat for the division of the two acres in (1) above.
3. Variance to allow construction of a single family residence about 400 feet from the front property line (Britt Slough Road) instead of the required 200 feet.

The property is approximately 38 acres and is located at 1686 Britt Slough Road. Mr. Rodney Olson, the applicants father, purchased about 40 acres prior to 1943. He inherited 37 acres from his parents in 1973. In 1977 he conveyed 20 acres to his four children. In 1981, he received a variance to divide and dispose of an existing house located on the north-east corner (approximately two acres) of the remaining 17 acres of inherited land. He also short platted this two acre piece as a condition of the variance. In 1985, he conveyed the remaining 17 acres of inherited land, plus another small portion of his original land that extends behind the 17 acre portion, to his four children. Stanton Olson currently farms the total acreage of his father's land and the jointly owned Olson children's land.

Stanton Olson desires to build a residence on the inherited property. The Planning Department determined that one residence could be built, but the one building site available on the property is in the middle of active row crop production and is more than 200 feet from the front property line.

An alternative was proposed that a boundary adjustment be made in the form of a trade of about two acres between Stanton and Rodney Olson to give Stanton a building site out of crop production area. The parcels would remain the same size. The site would still be more than 200 feet from the front property line.

At this point, Stanton Olson need only apply for a variance from the 200 foot setback ordinance, but lending institutions have informed him that they will not accept the total acreage as security for new home construction. In order to apply for funding, he would need to subdivide the 2 acres on which the home will be built from the rest of the property.

The Planning Department recommendations are as follows:

1. Subdivision of 2 acres: Denial - constitutes an economic hardship, not a hardship on the land.
2. Exemption from short plat requirement: Approval - monuments have been set on two corners on the west line of the two acre parcel from the short platting of the inherited 17 acre area in 1981, and the Britt Slough Road and Britt Slough from another property line.
3. Construction 400 feet from front property line instead of required 200 feet: Approval - Minimizes impact on active farm production area, and is the only alternative because of the presence of the Slough.

The Hearing Examiner recommends approval of all three requests, believing that each of these is the minimum needed to allow the reasonable use of the land. Also indicated is that Stanton Olson has agreed that no residential construction will occur on the remaining acreage.

The options for consideration are:

- a) to summarily approve the Hearing Examiner's recommendation; or
- b) to remand it back to the Hearing Examiner for further discussion; or
- c) hold a public hearing and adopt findings of fact if the Board deems a change in the Hearing Examiner's recommendation.

Commissioner Wylie motioned to uphold the Hearing Examiner's decision to approve all three variance requests. Commissioner Vaux seconded the motion, which carried and was so ordered. (Resolution #14269).

BID OPENINGS:

1) One New One-Ton Cab and Chassis.

The following bids were received and opened for one new one-ton cab and chassis:

1. **Skagit Ford**
P. O. Box 1377
Mount Vernon, WA

Bid Item: 1992 Ford F350
Bid Amount: \$16,628.10

2. **Frontier Ford**
1710 Commercial Avenue
Anacortes, WA

Bid Item: First Proposal - 1992 Ford F350
Bid Amount: \$14,987.00

Second Proposal - 1992 Ford F350
Bid Amount: \$15,116.00

3. **Greg Hinton Oldsmobile Cadillac GMC, Inc.**
2400 Riverside Drive
Mount Vernon, WA

Bid Item: First Proposal - 1992 GMC TC31403
Bid Amount: \$15,669.83

Second Proposal - 1992 GMC TC31403 HD
Bid Amount: \$18,068.49

4. **Blade Chevrolet**
1100 Freeway Drive
Mount Vernon, WA

Bid Item: First Proposal - 1992 Chev CC31403, 11,000 GVW
Bid Amount: \$16,997.56

Second Proposal - 1992 Chev CC31403, 15,000 GVW
Bid Amount: \$18,741.47

The Public Works Department will review these bids and return at a later date to recommend an award.

2) Four New 1992 Half-Ton Pickup Trucks.

The following bids were received and opened for four new half-ton pickup trucks:

1. **Skagit Ford**
P. O. Box 1377
Mount Vernon, WA

Bid Item: Four - 1992 Ford F150
Bid Amount: \$56,213.90

2. **Frontier Ford**
1710 Commercial Avenue
Anacortes, WA

Bid Item: Four - 1992 Ford F150
Bid Amount: \$48,362.00

3. **Greg Hinton Oldsmobile Cadillac GMC, Inc.**
2400 Riverside Drive
Mount Vernon, WA

Bid Item: Four - 1992 GMC TC10903
Bid Amount: \$54,583.29

4. **Blade Chevrolet**
1100 Freeway Drive
Mount Vernon, WA

Bid Item: Four - 1992 Chev CC10903
Bid Amount: \$58,050.00

The Public Works Department will review these bids and return at a later date to recommend an award.

3) Purchase of Road Maintenance Materials.

Bids were received and opened from the following to determine an eligibility list for Maintenance Materials suppliers throughout the 1992 year:

1. Advanced Drainage Systems
2. Agrichem
3. Al Bolser Tire Company
4. Amsoil
5. Ash Grove Cement Company
6. Associated Sand and Gravel
7. Atlas Northwest
8. Beaver Lake Quarry
9. Boral Cascade
10. Charles R. Watts Company
11. Chevron U.S.A
12. Concrete Norwest
13. Coral Sales Company
14. Future Way Enviro Technologies Ltd.
15. Georgia-Pacific Corporation

16. Golden Harvest
17. H.D. Fowler Company
18. Hilfiker Retaining Walls
19. J/Pat Inc.
20. L. G. Cunningham
21. LaFarge Corporation
22. Lakeside Industries
23. Maccaferri Gabions
24. Martin Oil Company
25. Meridian Aggregates
26. Pat Rimmer/Les Schwab Tire Center
27. Potters Industries Inc.
28. Randy Martin Construction
29. Reisner Distributor
30. Skagit Farmers Supply
31. Skagit Petroleum Inc.
32. Tilbury Cement Company
33. Tom Dyksterhuis
34. U.S. Pro-Tec
35. U.W. Oil & Refining Company
36. Unocal/DBA Fiedler Oil Company
37. Vandegrift, B.A.
38. Whatcom Skagit Tire Company
39. Wilbur Ellis Company
40. Woods Logging Supply
41. Zumar

A list of eligible suppliers will be compiled and presented to the Board at a later date.

See attachment "A" complete information regarding bids submitted.

4) Rental of Road Maintenance Equipment.

Bids were received and opened from the following to determine an eligibility list for Rental Equipment suppliers throughout the 1992 year:

1. A & C Striping
2. AF&S, Inc.
3. Alpine Equipment Rentals
4. Arnie Svenson
5. Beaver Lake Quarry
6. Birch Equipment Company
7. C. M. Trucking
8. C. R. Trucking
9. Callem Construction Company
10. Casade Excavating
11. Case Power & Equipment
12. Clyde/West, Inc.
13. Coast Crane Company of Washington
14. Louis Doherty
15. E/S Allison
16. Earl Dralle Trucking
17. Excavating Northwest
18. Fray Equipment Company
19. George Brown Trucking

20. Hanson Trucking
21. Hawkings Construction
22. Jim Hinton
23. Industrial Mowing and spraying
24. Janicki Logging Company
25. Jarmin Enterprises
26. Jim Clark and Sons
27. John Osgood
28. Kelly Dozing & Aggregate
29. Lake Erie Trucking
30. Lakeside Industries
31. Lee Newmans Backhoe Service
32. Steven G. Lightburn
33. Ludke Pacific Trucking
34. Mount Vernon Towing
35. Marr's Hauling and Excavation
36. McDonald Industries
37. N.C. Machinery Company
38. N. W. Heavy Dozing
39. Nelson Construction
40. Norm Zachary Trucking
41. Pacific Utility Equipment Company
42. Peterson Repair and Trucking
43. RACO Construction
44. Randy Martin Construction
45. Ricks Quality Works
46. Roadrunner Striping
47. Roadside Attraction
48. Robert Briggs Trucking
49. Schmidt Brothers
50. Smith Tractor & Equipment Company
51. Special Asphalt Products
52. Steve Sauer Trucking
53. Sweetwater Trucking
54. Timberline Road Construction
55. Tod Schols
56. Unlimited Landscape Supply
57. Vandegrift, B.A.
58. Vans Equipment Rentals
59. Wayne McCann Trucking
60. Welch Logging, Inc.

A list of eligible suppliers will be compiled and presented to the Board at a later date.

See attachment "B" for additional information regarding bids submitted.

Deliberation and Decision - Review of Special Use Permit #SPU-89-032 of CM Trucking and Construction, 2062 F & S Grade Road, Sedro Woolley, Washington.

Commissioner Wylie questioned whether the Conditions of the Hearing Examiner had been met. Grace Roeder, Associate Planner, stated that the Department of Ecology plan has been submitted and reviewed by Steve Winter and there are no problems.

Commissioner Wylie motioned to approve the Special Use Permit #SPU-89-032 of CM Trucking and Construction upholding the original conditions as recommended and listed in the Hearing Examiner findings October, 1989, as well as the additional

conditions recommended. In the event these conditions were not met, the permit would be revoked. Chairman Robinson seconded the motion providing the additional conditions recommended be modified as follows:

1. The F & S Grade Road should not be used for parking or for turning the trucks except when entering or exiting the premises.
2. Shop work should be confined to trucks and equipment owned or operated by CM Trucking and Construction.
3. Work in the shall be allowed to be performed with the doors open from the hours of 8:00 a.m. to 6:00 p.m. Shop doors are to remain closed after 6:00 p.m.
4. All trucks and equipment shall be parked behind the shop (south of the shop). No parking shall be allowed in front or north of the shop.
5. Maintenance shall be programmed and shall be accomplished between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and shall not be permitted on weekends.

Commissioner Vaux directed his comments to Ms. Martin stating that a special use permit is different than a Commercial, Light Industrial zoning. It is a special privilege. If it was zoned Commercial, Light Industrial rather than given a special use in an agricultural zone, there would be reason to reconsider. The complaints submitted were that CM Trucking was not in compliance with the original conditions. Commissioner Vaux stated that no one wants to close Ms. Martin's business down, but she cannot be permitted to infringe on the neighbors just because she was issued a special permit. The neighbors are in compliance. It will benefit Ms. Martin live up to the conditions applied. She has the right to apply for a rezone, but right now she has special conditions applied so that she does not interrupt your neighbor's quality of life. The business can operate under the special conditions.

Chairman Robinson directed his comments to Ms. Martin, stating that if light maintenance is to be done in the evenings, the doors are to be closed after 8:00 p.m. Chairman Robinson stated that it is not the desire of the Board to close down CM Trucking and that will not happen if they live within the recommended conditions.

The motion and second carried unanimously.

Ms. Roeder will create a resolution for the Board's signature, which will clarify the conditions as originally existed and still apply, as well as the additional conditions that apply to the CM Trucking Special Use Permit #SPU-89-032, and return for their signature.

MISCELLANEOUS

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.

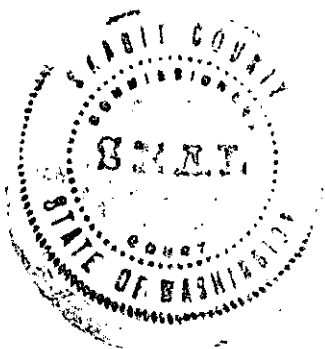
As of this date, March 24, 1992, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants #90483 through #90656 (Vouchers #98483 through #90656) in the amount of \$244,862.85. Transmittal #R6-90.

ADJOURNMENT

Commissioner Wylie motioned to adjourn the proceedings. Commissioner Vaux seconded the motion. The motion carried and was so ordered.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Robby Robinson
Robby Robinson, Chairman

Ruth Wylie
Ruth Wylie, Commissioner

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

ATTEST:

Connie Carter
Connie Carter, Clerk
Skagit County Board of Commissioners