

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Tuesday, September 17, 1996**

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|-------------------------|--|
| 7:30 a.m. - 8:30 a.m.   | Commissioner's Staff Meeting.<br><br>Flag Salute.  |
| 8:30 a.m. - 9:00 a.m.   | Facilities Projects Update.  |
| 9:00 a.m. - 10:00 a.m.  | Planning & Permit Center - Roxanne Michael, Director.<br>1) Signature - Addendum #2 to Consultant Services Agreement with Wheeler Environmental, Inc.<br>2) Miscellaneous.   |
| 10:00 a.m. - 11:00 a.m. | Appeal by Stephen Green of Hearing Examiner's Decision Approving a Special Use Permit for AT&T Wireless Service to Install Cellular Tower at Outlook Lane, North of Highway 20 at the top of Bacus Hill (PL-96-022.SPU & PL-96-021.VAR). |
| 1:30 p.m. - 2:00 p.m.   | Bid Opening - Maintenance Materials.   |
| 2:00 p.m. - 2:30 p.m.   | Parks & Recreation Department - Jon Aarstad, Director.<br>1) Bid Opening - Skagit Valley Playfields Playground Equipment & Materials.<br>2) Miscellaneous.   |

The Skagit County Board of Commissioners met in regular session on Tuesday, September 17, 1996, with Commissioners Robert Hart and Harvey Wolden present. Chairman Ted W. Anderson's absence was excused.

**FACILITIES PROJECTS UPDATE.**

Roger Howard, Facilities Manager, presented information on the Burlington Vehicle Maintenance Facility for Public Works, anticipating construction to begin just after the first of the year. Mr. Howard also reviewed the history of the facility and the need to build this new facility to meet the demands of the County. Mr. Howard mentioned that the possibility of building a joint facility with SKAT has been discussed and continued to review the design and site specifications. Mr. Howard stated that the total budget for equipment is substantially less than anticipated.

A discussion ensued in regard to issues of fueling station and building construction cost estimates.

Mr. Howard presented an update on the Courthouse Foundation System Upgrade and reviewed the background of this project. Mr. Howard stated that an analysis has been completed and reviewed the results of this analysis, which indicated the need to replace the foundation of the courthouse. Mr. Howard continued by explaining the steps involved in resolving this problem and exactly what will take place during the scheduled project during the next six months.

A discussion ensued in regard to the logistics of the construction project, specifically the issue of continued access to the courthouse and it was also mentioned that this project will take place during the evening in order to lessen the disruption to regular courthouse business.

It was reported that this project will cost considerably less than what was originally estimated.

**PLANNING & PERMIT CENTER - Roxanne Michael, Director.**

1. Signature - Addendum #2 to Consultant Services Agreement with Wheeler Environmental, Inc.

Tom Karsh, Assistant Director, presented an addendum to the agreement as referenced above. It was explained that this agreement was to prepare a draft supplement environmental impact statement for the proposed Coyote Ridge Shooting Range to include a new alternative site which is Frailey Mountain, not to exceed \$9.353.

Commissioner Wolden made a motion to approve the Addendum, as presented. Commissioner Hart seconded the motion and it passed unanimously. **(Contract No. 02719).**

2. Consideration of Amendment to Natural Resource Lands Ordinance No. 16287.

Gary Christenson, Planning, explained that it has been determined by staff and legal counsel that it is necessary to amend the previously adopted Natural Resource Lands Ordinance No. 16287, reviewing the changes and stating that the changes are mostly general housekeeping measures. Mr. Christenson discussed the changes and presented a *draft* of the Ordinance as presented to the Board.

Commissioner Hart inquired as to the language changes and to the change referring to lands on the map shown as non-resource to retain their existing zoning designation. Mr. Christenson stated this was merely a technical oversight. Mr. Christenson stated that there were some grammatical errors and renumbering changes and that an *additional Finding of Fact* has been included on Page 4, No. 7, regarding the Swinomish Tribal Community which is now addressed.

Mr. Christenson also reviewed other changes involved, including language changes, deletions, renumbering, and additions.

Mr. Christenson presented to the Board the draft revised Ordinance and map with changes as discussed above for the Board's signature.

Commissioner Wolden made a motion to approve the Ordinance amending Ordinance No. 16287 and adopting Natural Resource Lands Designations for certain lands located in unincorporated Skagit County, amending the official zoning map for Skagit County, amending, repealing and adding new sections to the Skagit County Code, relating to protection of Natural Resource Lands as required by the Growth Management Act. Commissioner Hart *seconded the motion and it passed unanimously*. The Board signed the map and Ordinance as presented. (Ordinance No. 16291).

3. Miscellaneous.

Mr. Karsh presented a brief report on the Planning Commission meeting held Tuesday evening in regard to the Nookachamp Hills issue, with modifications was approved with a 6-0 vote. There was a continuation of the Summitt Park II issue, with the Planning Commission and applicant asking for more time to discuss this issue.

APPEAL BY STEPHEN GREEN OF HEARING EXAMINER'S DECISION APPROVING A SPECIAL USE PERMIT FOR AT&T WIRELESS SERVICE TO INSTALL CELLULAR TOWER AT OUTLOOK LANE, NORTH OF HIGHWAY 20 AT THE TOP OF BACUS HILL (PL-96022.SPU & PL-96-021.VAR).

Grace Roeder, Planning, presented information on the above referenced appeal, reviewing the background of the issue. Commissioner Hart inquired as to what the specifics are of the appeal and the options available to the Board. Ms. Roeder stated that the Board could uphold the *Hearing Examiner's decision*, send it back to the *Hearing Examiner*, or if deemed that Mr. Moser's, the Pro Tem Hearing Examiner, decision was incorrect, the Board could determine its own findings. Ms. Roeder then reviewed the appeal, which states that the approval and cell tower construction will negatively impact Mr. Green and his property.

David Mann, representing Stephen Green, stated that this was originally an application for a tower and that since the tower location has to be relocated, this is not appropriate to review today. Mr. Mann stated that with that reason alone, it should be remanded back to the Hearing Examiner for reconsideration. Mr. Mann stated that the purpose of the special use permit is specified in the Skagit County Code and that this reads as being compatible for the surrounding neighborhood, referring to the Skagit County Code Section 14.04. Mr. Mann also stated that this is zoned forestry and that there is no evidence available that the 200 foot tower is consistent with forestry zoning. Noise, odors, heat and vibration were other elements of concern and intrusion of privacy as outlined by Mr. Mann. Mr. Mann also reviewed other evidence that was submitted to the Hearing Examiner, including a letter from Mr. Green stating the gross impact this would have on his residence and his life as he has post traumatic stress disorder, a war veteran disability. Mr. Mann also read letters from physicians and psychiatrists substantiating the concern that Mr. Green would be unable to live in his residence with the cell tower nearby causing an intrusion. Other letters from realtors regarding the negative impact on value of residences were also referred to by Mr. Mann and he asked the Board to deny this special use permit.

Brent Carson, representing AT & T Wireless, reviewed the Boards options today, specifically the appellate parameters of the Board of Skagit County Commissioners. Mr. Carson stated that there was a determination of non-significance done and that this tower would provide cell service for the Sedro Woolley/Concrete area to meet the demands of the community. Mr. Carson also reviewed the criteria and importance of the location of towers of this type. Mr. Carson stated that there is no pollution or noise intrusions, only a visible intrusion, although this tower would be located above and behind the residences on this hillside., limiting even this visible intrusion.

Mr. Carson stated that this use is very compatible with forestry, as the property can still be logged, and that it is compatible with 20 acre zoning. He stated that this is a quiet facility - much less quiet than the impact of the construction of a new home on the property. Mr. Carson stated that there will be noise during the initial construction of this tower, but that the intrusion on privacy will be limited to the duration of the construction phase. Mr. Carson also addressed Mr. Green's disability, concluding that this should have no bearing on the location of the facility, as Mr. Green could always move. Mr. Carson also stated that the fear of reduced value of residences in the area is not substantiated. Mr. Carson concluded with the fact that the Hearing Examiners decision is based on substantial evidence. Mr. Carson stated that the relocation of the tower will be to a reasonable area and therefore, it is not necessary to remand this back to the Hearing Examiner based on this change. Mr. Carson asked the Board to deny the appeal and help AT & T provide better cell service to the area.

Commissioner Hart asked about the site not being identified at this time and the policy on this issue. Ms. Roeder stated that with the variance being denied, it is assumed that the location will be located on the property in compliance with the setbacks. John Moffat, Chief Civil Deputy, reviewed the site plan request policy and the issue of the proposal of the site the tower is to be located. Mr. Carson responded that wherever the tower is located, the conditions of the Special Use Permit were met and a new site is being developed and that it would not be any closer to Mr. Green's property line. Mr. Moffat stated that the site plan is referenced throughout the findings and that the site plan referenced is not the plan that is now a true site plan thus, this would be invalid. A discussion ensued in regard to the designated area of the relocation of the tower and Commissioner Wolden stated this was a real concern to him.

Mr. Mann stated that this must address existing uses and that Mr. Green's residence in regard to his condition should be an existing use that must be addressed. Mr. Mann also stated that the point of not knowing where the tower is to be located is not acceptable, as this change must be readdressed and reapplied for.

Mr. Carson reiterated the addressing of the Special Use Permit and asked that if the Board thought the change of the location be looked at, to remand it back to the Hearing Examiner with conditions.

Mr. Mann expressed concern that the Board wasn't given the evidence that was given to the Hearing Examiner and asked that the evidence in the record be reviewed before the Board makes a decision as it is an important part in making a determination.

Commissioner Wolden stated that based on the location issue, this should be remanded. Commissioner Hart agreed that the site should be remanded to determine compliance with the permit.

Commissioner Hart made a motion to remand the matter back to the Hearing Examiner to determine appropriateness of the site. Commissioner Wolden seconded the motion and it passed unanimously.

Mr. Carson asked for clarification of remanding this matter back to the Hearing Examiner based on the location of the tower. The Board clarified that this was remanded for reconsideration by the Hearing Examiner.

#### 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, September 17, 1996, by a majority vote, did approve for payment those vouchers included in the above mentioned list and further described as follows:

Vouchers #PDRAWSE10822 through PDRAWSE11000 and Warrants #80182 through #80360 and Warrants #80182 through #80360 in the total amount of \$74,403.40.

2. Staff presented a Resolution Allowing Use of an Alternative Private Water System for a Subdivision for Rory Swedelius on Barrel Springs Road near Alger. Commissioner Hart made a motion to approve the Resolution as presented. Commissioner Wolden seconded the motion and it passed unanimously. (Resolution No. 16292).

**BID OPENING - MAINTENANCE MATERIALS.**

Charlie Sisson, Public Works, opened the maintenance materials bid as attached. Mr. Sisson stated that the bids would be reviewed.

**PARKS & RECREATION DEPARTMENT - Jon Aarstad, Director.**

**1. Bid Opening - Skagit Valley Playfields Playground Equipment & Materials.**

Mr. Aarstad stated that four bids were received and were opened, as follows:

- 1) Miracle West  
\$13,407.11
- 2) Park & Playground Products  
\$16,417.93
- 3) Recreation Resources  
\$28,404.22
- 4) Site Lines Park & Playground Products  
\$16,360.15

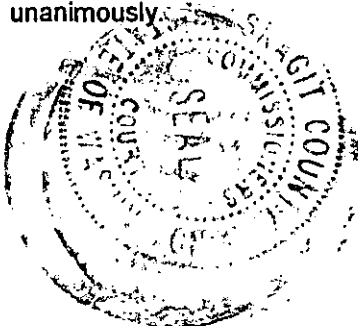
Mr. Aarstad stated that the bids would be reviewed and a bid award recommendation brought back to the Board at a later date. A discussion ensued in regard to the breakdown of the surfacing, curbing and equipment portions of the bids received.

2. Mr. Aarstad discussed the bid that was received from Rick Tingley last week for the Debris Removal on the Highway 9 Bridge did not have a bid bond attached and asked the Board to consider waiving this requirement, based on past good working relations with Mr. Tingley, who was the only one who bid on this project. Mr. Aarstad stated that FEMA will be providing a good portion of the funding for this project. The Board concurred in waiving this, as requested, as long as the Risk Manager has reviewed this request as Mr. Aarstad indicated.

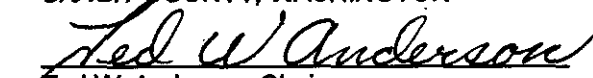
3. Gary Robinson, City of Anacortes, reviewed a few of the projects that Anacortes is currently working on, such as the ball field and the volunteer park venture. Mr. Robinson discussed the conditions of the ball fields and the goals to improve these facilities. Mr. Robinson stated that in order to attain these goals, it is their request that the County provide funding in the amount of \$20,000 towards this effort. Commissioner Hart stated they are trying to make available additional recreational opportunities throughout the County and with the cooperation of other groups, the County has committed real estate excise tax as a funding source for this type of venture. Commissioner Wolden outlined the procedure in requesting these funds and assured Mr. Robinson that the Sedro Woolley Ballfield and the Dreamfield will also be funded in this way. The Board concurred that these types of projects encourage area kids to be involved in athletics and decrease the juvenile detention cases. Mr. Aarstad pointed out that even though this is a specified geographical project, it has County wide impact and provides an opportunity for participation from all area residents.

**ADJOURNMENT.**

Commissioner Hart made a motion to adjourn the proceedings. Commissioner Wolden seconded the motion and it passed unanimously.



BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

  
Ted W. Anderson, Chairman

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Harvey Wolden, Commissioner

  
Robert Hart, Commissioner

ATTEST.

  
Debby Sims, Clerk  
Skagit County Board of Commissioners



10. DIXIE PROCTOR TELEPHONE: 856-1995  
DBA PROCTOR PIT CONTACT: BOB OR DIXIE  
550 BROOKINGS ROAD  
SEDRO WOOLLEY, WA. 98284  
Bid items: Gravel
11. ERICKSON & SVENSEN, INC TELEPHONE: 466-1104  
P.O. BOX 752/1516 WILBUR RD FAX: 424-1667  
LACONNER, WA. 98257 CONTACT: ARNIE  
Bid items: Gravel
12. EVERETT ROCK TELEPHONE: 800-395-9300  
3204 PACIFIC AVENUE CONTACT: PRESIDENT  
EVERETT, WA. 98201  
PIT/QUARRY LOCATION: 909 SR 20, LACONNER  
Bid items: Rock, Gravel
13. H.D. FOWLER CO. TELEPHONE: 360-734-8400  
2165 MIDWAY LANE FAX: 360-734-8653  
BELLINGHAM, WA. 98226 CONTACT: GREG SMITH  
Bid items: Geotextile stablization fabric, Culvert products,  
Concrete catch basins
14. INFRATECH POLYMERS, INC. TELEPHONE: 800-567-4888  
#4-19747 TELEGRAPH TRAIL FAX: 604-888-8191  
LANGLEY, B.C. CANADA CONTACT: JIM SPROUCE  
Bid items: Crack sealer, Mixed asphalt
15. LAKESIDE INDUSTRIES TELEPHONE: 293-2168  
P.O. BOX 729/1165 HAVEKOST FAX: 293-9784  
ANACORTES, WA. 98221 CONTACT: ROD GILMORE  
Bid items: Mixed asphalt, Gravel, Rock
16. LOGGERS AND CONTRACTORS TELEPHONE: 855-0855  
225 STATE STREET CONTACT: CLYDE/PRESIDENT  
SEDRO WOOLLEY, WA. 98284  
Bid items: Grader blades, Sandbags, Crack sealer
17. LUDTKE-PACIFIC TRUCKING, INC. TELEPHONE: 733-6670  
P.O. BOX 32598 CONTACT: LANCE  
BELLINGHAM, WA. 98228  
Bid items: Road salt
18. MACCAFERRI GABIONS, INC. TELEPHONE: 206-445-1050  
1011 E MAIN, SUITE 401 FAX: 206-445-1055  
PUYALLUP, WA. 98372 CONTACT: DAVID STELLA  
Bid items: Gabions

19. MARTIN LUMBER AND HARDWARE TELEPHONE: 206-259-3134  
2730 BROADWAY FAX: 206-252-5371  
EVERETT, WA. 98201 CONTACT: RON OR DAN  
Bid items: Lumber products
20. MERIDIAN AGGREGATES COMPANY TELEPHONE: 424-3441  
1860 HICKOX ROAD FAX: 424-3322  
MOUNT VERNON, WA. 98273 CONTACT: GARY ALBERT  
Bid items: Rock
21. NELSON PETROLEUM (Fiedler) TELEPHONE: 424-1100  
P.O. BOX 1331 CONTACT: GARY FIEDLER  
MOUNT VERNON, WA. 98273  
Bid items: Lubricants
22. NEWMAN SIGNS TELEPHONE: 800-437-9770  
P.O. BOX 1728/1606-6th AVE FAX: 701-252-9213  
JAMESTOWN, ND. 58401 CONTACT: NANCY MILLER  
Bid items: Traffic signs
23. PACIFIC NORTH EQUIPMENT TELEPHONE: 800-669-2425  
22431 - 83rd AVE. SOUTH CONTACT: CHIP DOUD  
KENT, WA. 98032  
Bid items: Grader blades
24. PAT RIMMER TIRE CENTER TELEPHONE: 757-0038  
P.O. BOX 394 CONTACT: SCOTT DAVIS  
903 BURLINGTON BLVD  
BURLINGTON, WA. 98233  
Bid item: Tires
25. RANDY MARTIN CONSTRUCTION TELEPHONE: 873-4771  
P.O. BOX 64 CONTACT: RANDY  
MARBLEMOUNT, WA. 98267  
Bid items: Gravel, Rock
26. ROLLING BAY TIMBER COMPANY TELEPHONE: 206-842-1686  
P.O. BOX 4480 FAX: 206-842-0702  
ROLLING BAY, WA. 98061 CONTACT: ROGER ALLEN  
Bid items: Lumber
27. SIGNS AND BLANKS, INC. TELEPHONE: 800-837-2245  
P.O. BOX 2234 FAX: 330-630-0779  
AKRON, OH. 44309 CONTACT: EDIE TIMBLIN  
Bid items: Traffic signs
28. SKAGIT FARMERS SUPPLY TELEPHONE: 424-4207  
115 E FIR/P.O. BOX 158 FAX: 424-4204  
MOUNT VERNON, WA. 98273 CONTACT: BRAD LUDWIG  
Bid items: Road salt

29. SKAGIT PETROLEUM/DELTA TELEPHONE: 855-1741  
700 BORSETH/P.O. BOX 248 FAX: 855-0911  
SEDRO WOOLLEY, WA. 98284 CONTACT: JOE STANFEL  
Bid items: Lubricants
30. SKAGIT READY MIX TELEPHONE: 856-0422  
P.O. BOX 457/207 JONES RD. FAX: 856-0429  
SEDRO WOOLLEY, WA. 98284 CONTACT: JOEL, SCOTT, KELLY  
Bid items: Gravel, Ready mix cement, Ecology Blocks
31. SMITH TRACTOR AND EQUIPMENT TELEPHONE: 424-3291  
1712 HICKOX ROAD FAX: 424-3296  
MOUNT VERNON, WA. 98273 CONTACT: HAROLD  
Bid items: Grader blades
32. SOUND TIRE TELEPHONE: 800-775-6866  
5915 - 192nd STREET N.E. CONTACT: RICH CETNAROWSKI  
ARLINGTON, WA. 98223  
Bid items: Tires
33. TEAM SUPER-KRETE TELEPHONE: 206-984-1201  
12536 VINE MAPLE DRIVE S.W. FAX: 206-984-0677  
LAKEWOOD, WA. 98499 CONTACT: LES FIHAKI  
Bid items: Crack sealer compound, Ready mix cement-concrete
34. THE BAG LADY TELEPHONE: 206-536-3366  
11122 VALLEY AVENUE EAST CONTACT: VIOLA, PRESIDENT  
PUYALLUP, WA. 98372  
Bid items: Sandbags
35. THUNDERBIRD LUBRICATION TELEPHONE: 800-633-7115  
6405 - 172 N.E. FAX: 206-435-0226  
ARLINGTON, WA. 98223 CONTACT: PAT  
Bid items: Lubricants
36. U.S. OIL & REFINING CO. TELEPHONE: 206-383-1651  
3001 MARSHALL AVENUE FAX: 206-383-9970  
TACOMA, WA. CONTACT: ROB TREECE  
Bid items: Liquid Asphalt
37. UTILITY VAULT COMPANY TELEPHONE: 206-839-3500  
P.O. BOX 588 FAX: 206-735-4201  
AUBURN, WA. 98071 CONTACT: GARY VENN  
Bid items: Jersey Barricades
38. WHATCOM TIRE CENTER TELEPHONE: 855-2311  
210 NORTHERN FAX: 384-5424  
SEDRO WOOLLEY, WA. 98284 CONTACT: SKIP  
Bid items: Tires



39. WILDER CONSTRUCTION CO. TELEPHONE: 206-339-8340  
3315 - 15th STREET FAX: 206-259-1976  
EVERETT, WA. 98201 CONTACT: DAVID GENT  
Bid items: Mixed asphalt products
40. YORKSTON OIL COMPANY, INC. TELEPHONE: 360-734-2201  
2801 ROEDER AVENUE FAX: 360-676-4529  
BELLINGHAM, WA. 98225 CONTACT: RON STEWART  
Bid items: Lubricants
41. ZUMAR INDUSTRIES, INC. TELEPHONE: 800-426-7967  
P.O. BOX 44549 FAX: 206-536-8680  
TACOMA, WA. 98444 CONTACT: LINDA  
Bid items: Traffic signs