

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, May 11, 1998**

- *T 9:00 a.m. – 10:00 a.m. Public Hearing –To Consider Testimony and Possibly Adopt Findings of Fact in Support of Interim Ordinance No. 16919 which revised Skagit County Code Chapter 14.04 (Zoning Ordinance) by Establishing New Requirements for “Personal Wireless Service Facilities.”
- 10:00 a.m. – 10:15 a.m. Public Comment Period.
- CONSENT AGENDA
MISCELLANEOUS**
- 11:00 a.m. – Noon Groundbreaking Ceremony for the Skagit Transit Maintenance and Operations Center, 600 Walnut Street, Burlington.

The Skagit County Board of Commissioners met in regular session on Monday, May 11, 1998, with Commissioners Ted W. Anderson and Harvey Wolden present. Chairman Robert Hart’s absence was excused.

PUBLIC HEARING – TO CONSIDER TESTIMONY AND POSSIBLY ADOPT FINDINGS OF FACT IN SUPPORT OF INTERIM ORDINANCE NO. 16919 WHICH REVISED SKAGIT COUNTY CODE CHAPTER 14.04 (ZONING ORDINANCE) BY ESTABLISHING NEW REQUIREMENTS FOR “PERSONAL WIRELESS SERVICE FACILITIES.”

Commissioner Wolden opened the public hearing.

Tom Karsh, Planning & Permit Center Co-Director, advised the Board that the public hearing is to consider comments and testimony regarding an interim ordinance that was passed previously regarding the siting of personal wireless service facilities. He reviewed the background of the interim ordinance. Mr. Karsh advised that local governments have been affected by both Federal and State laws. In Skagit County previously, these facilities were handled through the Special Use Permit process. Mr. Karsh stated that the County is not allowed to prohibit location of these facilities due to potential health concerns according to the Federal Government. Mr. Karsh stated that the previous zoning ordinance had no criteria to evaluate a personal wireless service facility including the impact on views, noise, or other detriments. Mr. Karsh explained that the reason the Federal Government passed the Telecommunications Act was that they were anticipating more activity in this regard. To assist the County to come to grips with this, the County passed a moratorium for six months to give staff time to develop criteria regarding these issues. In that regard, a Telecommunications Coordinating Committee was formed consisting of personnel from public works and planning. An ordinance was created and routed to a Citizen Advisory Committee that consisted of interested individuals and industry representatives. That committee met for several months finetuning the ordinance. As a result of these efforts, the Board directed staff to prepare the interim ordinance, which was adopted on March 17, 1998. Upon its adoption, the ordinance required this public hearing to be held within 60 days, and directed staff to make sure that this interim ordinance became part of the new County Development Code as a permanent regulation this fall.

Mr. Karsh advised that public comments have been minimal, and included a letter received this morning from a consultant for Western Wireless. He suggested that the Board consider leaving the written comment period open for a few days following the hearing to gather additional testimony.

Steve Green, 29000 Outlook Lane, Sedro Woolley, stated that he was on the Citizen Advisory Committee, but feels that there needs to be some improvement on some items. He commented on the inability to consider related health issues. He reviewed specific areas of the ordinance including setbacks, fencing, and landscaping that he noted should have increased minimum heights. He also stated that the fine of \$500 per day should be increased to \$1,000 per day.

Patty Christison at 29248 Outlook Lane, Sedro Woolley, recognized that much work has gone into this Ordinance, and that citizens are fortunate to have some protection, but that the ordinance falls far short of what is truly needed. She commented that the adverse affects of future facilities are not mitigated enough by the screening proposed. She showed examples of the situation involving Mr. Green's property. She indicated that there is no way for Mr. Green to camouflage this tower and the blinking lights required by FAA. She stated that the visual impact is her main concern.

Don Christison, 2724 Outlook Lane, Sedro Woolley, commented on the former feeling of adversarial roles on behalf of citizens and industry representatives, but that the Citizens Advisory Committee was a good committee. He stated that the 1996 Federal Communications Ordinance was negative to the community, but contained language indicating that a local jurisdiction could control the location and size of these towers. Mr. Christison stated that we cannot bring up health issues and cannot discriminate against towers, but counties and local government has the total ability to restrict these towers. He indicated that towers can be placed on the side of a hill so they don't infringe on air transportation. He asked why can't we be ingenious and come up with a plan to place these towers before we have the industry coming to us with the least expensive sites. He gave several examples of scenarios that would be appropriate locales in his opinion. He stated that additional restrictions would not be harmful to the cell industry and would not infringe on the neighbors. Mr. Christison indicated that the degradation of the property is more than equal to the benefit to the community. He further stated that the sound level issue needs to be addressed, and reduced to negligible.

Esther Finzel, 28890 Outlook Lane, Sedro Woolley, indicated that after reviewing the ordinance, she feels that several areas need further study and consideration. These include the need to define what "non-residential" and "significant adverse impact" mean, further explanation of what would constitute a waiver, and increased tower setbacks from neighboring property lines.

Monica Olson, Western Wireless Consultant, PO Box 1387, Mill Creek, reviewed specific points contained in a written letter from Western Wireless.

Hank Cramer, County 911 Director, stated that for sometime it has been the goal of State, Local and Federal authorities to deliver the same service as regular phones, i.e., cellular number and location indicated when a call is received by the 911 Center. He advised that the FCC has given a directive to wireless providers that they must provide a cellular call-back number and some means of locating the caller. The issue has generated concern and a majority of wireless providers in Washington State have indicated that they are working with the State law and Federal directive. Mr. Cramer indicated that State law is the more restrictive of the two. Mr. Cramer offered to provide Staff with copies of both the Federal and State laws in this regard. He recommended that wireless carriers attest to the fact that they are in compliance with FCC law and State directives.

There being no further public comment forthcoming, Commissioner Anderson moved to close the public hearing. Commissioner Wolden seconded the motion, which passed unanimously. The Board stated that written testimony would be accepted through 4:30 p.m. on Wednesday, May 13, 1998.

Mr. Karsh advised that the written comments would be reviewed and that the Board would deliberate and possibly take action on this matter on May 26th.

PUBLIC COMMENT PERIOD.

There were no citizens present for the Public Comment Period.

CONSENT AGENDA.

Commissioner Anderson moved to approve the Consent Agenda for Monday, May 11, 1998. Commissioner Wolden seconded the motion, which passed unanimously.

• COMMISSIONERS' OFFICE:

1. Record of the Proceedings of Monday, May 4, 1998.

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2. Record of the Proceedings of Tuesday, May 5, 1998.
3. Call for Public Hearing to establish a Horticultural Pest and Disease Board. The public hearing will be held on Tuesday, May 26, 1998, at 10:00 a.m. (Resolution No. 16986)
- PUBLIC WORKS DEPARTMENT:
4. Resolution Calling for Public Hearing to Consider Vacation of a Portion of Unused County Right-of-Way known as Robertson Road #582 (Public Hearing: June 2, 1998, 9:00 a.m.) (Resolution No. 16987)
5. Supplement No. 2 to Personal Services Agreement with O'Brien-Kreitzberg, Inc. for an additional \$5,000 to cover the costs of increased construction inspection services. The contract maximum amount will increase to \$50,000. (Contract No. 03651)
6. Resolution reallocating \$200,000 budgeted for the Flood Control Assistance Program for the fiscal year 1998 towards the costs incurred by the Skagit River Feasibility Study. (Resolution No. 16988)
7. Personal Services Agreement with Skagit Surveyors and Engineers for the resetting of a property corner at the intersection of Ervine Road and Langley Lane. This is in conjunction with the Burrows Bay project where County crews prepared the route by grading Langley Lane and widening its intersection with Ervine Road. The grader damaged a property corner. Total compensation is not to exceed \$700, and the contract term is May 1, 1998 through July 1, 1998. (Contract No. 03948)
- SENIOR SERVICES:
8. Amendment #1 to Contract with Northwest Regional Council adding one-time-only funds of \$7,781 to the contract for the purchase of two refrigerators and one freezer (Contract No. 03775).
- PLANNING & PERMIT CENTER:
9. Contract with Wedco Construction, Inc. to removing residential structures and accessory appurtenances from the flood hazard areas under the provisions of the Hazard Mitigation Grant Agreement #EM997027. The contract price is \$58,600. (Contract No. 03949)
- HEARING EXAMINER:
10. Personal Services Agreement with C. Thomas Moser to serve as Hearing Examiner Pro Tem from time to time as requested by Skagit County at the rate of \$75 per hour. (Contract No. 03950)
11. Personal Services Agreement with Bradford E. Furlong to serve as Hearing Examiner Pro Tem from time to time as requested by Skagit County at the rate of \$75 per hour. (Contract No. 03951)
- ARIS/BEST SELF:
12. Interlocal Cooperative Agreement with the Mount Vernon School District #320 concerning the program curriculum for and management of the 1998 Best SELF program. (Contract No. 03952)

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 11, 1998, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 19990 through 20439 from Clearing Fund 696 in the total dollar amount of \$696,037.32 (Transmittal No. C-29-98); and

Payroll warrants numbered 14713 through 15348 in the total dollar amount of \$544,916.67 (Transmittal No. P-22-98).

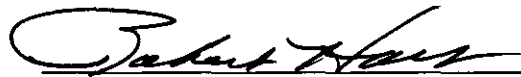
2. Donna Sitts, Senior Services, asked the Board to sign a Grant Application for additional federal funds for the RSVP program. She explained that the additional funds would be used to augment an existing volunteer program assisting with developing reading skills in local schools. She discussed the details of the program. Commissioner Anderson moved to approve the grant application as presented. Commissioner Wolden seconded the motion, which passed unanimously. The Board signed the Grant Application.

3. Staff presented a Resolution granting the Authority to Pay Travel Related Expenses for Volunteers. Staff indicated that certain conditions would have to be met for such reimbursement. These include that the volunteer must be associated with a recognized, legitimate program, department or service administered by the County, and the request must be approved by the Board of County Commissioners prior to the travel or training. All expenses must be pre-approved by the department and must relate direct to the program in which the volunteer participates. Further, departmental budgets must be able to accommodate the approved expense. Commissioner Wolden moved to approve the Resolution as presented by Staff. Commissioner Wolden seconded the motion, which passed unanimously. **(Resolution No. 16989)**

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**



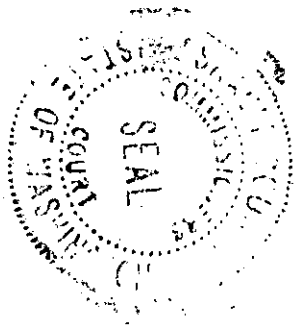
Robert Hart, Chairman




Ted W. Anderson, Commissioner



Harvey Wolden, Commissioner



ATTEST:



Patti J. Chambers, Clerk of the Board
Skagit County Board of Commissioners