

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Wednesday, February 22, 1989

Flag Salute

9:00 a.m. Consideration of Charlotte Clizbe Appeal of Hearing Examiner's Decision on Special Use Request #SP-88-049.

MISCELLANEOUS ITEMS

10:00 a.m. Executive Session - Litigation.

MISCELLANEOUS ITEMS

The Skagit County Board of Commissioners met in regular session on Wednesday, February 22, 1989, with Commissioners Dave Rohrer and Ruth Wylie present. Commissioner Vaux's absence was excused.

CONSIDERATION OF CHARLOTTE CLIZBE APPEAL OF HEARING EXAMINER'S DECISION ON SPECIAL USE REQUEST #SP-88-049.

Grace Roeder, Associate Planner, presented photos, maps and findings of fact as determined by the Hearing Examiner regarding this appeal.

Ms. Roeder explained Charlotte Clizbe is appealing the decision of the Hearing Examiner to grant Special Use Request #SP-88-049. This request would allow the construction of a duplex on each of two adjacent parcels in Moore's Garden Plat near the intersection of Moore's Garden Road and Memorial Highway, subject to two conditions.

Chairman Rohrer explained Commissioner Vaux's family was associated with property in the area of this request, so he declined to be present for this item.

In answer to a question from Commissioner Wylie, Ms. Roeder explained she had reviewed the list of property owners in the vicinity, and felt all owners within 300 feet were notified of the public hearing before the Hearing Examiner.

In answer to a question from Chairman Rohrer, Ms. Roeder stated the applicant, James Koetje, proposed the duplexes would be rented to retired people, and therefore, a minimal amount of additional traffic would be generated.

Bill Nielsen, attorney for the appellant, explained he actually represents many neighbors in the Moore's Garden Plat. He presented letters from the following persons who expressed opposition to the proposed duplexes:

1. Arlene Miller, 1620 Moore's Garden Road, Mount Vernon.

2. Mary Hamel, 1121 South Lawson Road, Camano Island.
3. Margaret and Lee Moores, P.O. Box 645, Mount Vernon.

Mr. Nielsen stated he felt the Hearing Examiner failed to adequately take into account the restrictive covenants which are applicable to the entire plat.

Dick Ziegler, 1623 Moore's Garden Road, expressed concern regarding increased traffic and drainage problems.

Carol Anderson, who owns property adjacent to the subject property, concurred with Mr. Ziegler, and requested the Board hold their own public hearing to address these concerns.

Don Burger, 1620 Moore's Garden Road, requested a fair hearing.

Gordon Crawford, 1619 Moore's Garden Road, concurred.

Don Pierce, expressed concern regarding seepage from four additional septic systems.

Carol McManus, 1624 Moore's Garden Road, requested the Board hold their own public hearing.

Steve Kahns, 1629 Moore's Garden Road, stated he has two young children and is concerned with additional traffic.

Charlotte Clizbe, 1626 Moore's Garden Road, stated she was against the Hearing Examiner's decision due to increased traffic.

Jim Koetje, applicant, explained the duplexes would be located on the first two lots on Moore's Garden Road, thus additional traffic wouldn't travel past most of the homes on the road. He plans to build high quality homes, which will attract more responsible tenants. Mr. Koetje explained any drainage concerns could be addressed as necessary.

Mr. Nielsen requested the Board hold a new public hearing to allow citizens to express their concerns.

In response to a question from Commissioner Wylie, Ms. Roeder stated the Public Works Department received a copy of the special use request application, however, no response was received back regarding this. Ms. Roeder noted specifically that Don Nelson, Flood Control Engineer, did not respond.

Ms. Roeder also presented a copy of the restrictive covenants for the Moore's Garden Plat.

Mr. Nielsen advised the Board to seek the Prosecuting Attorney's advice regarding the Hearing Examiner's ability to overrule existing restrictive

covenants. Mr. Nielsen also requested the Board require a response from Don Nelson regarding drainage.

Commissioner Wylie motioned to remand Special Use Request #SP-88-049 back to the Hearing Examiner for further consideration regarding drainage concerns. Commissioner Wylie also requested the Board be provided with copies of the County policy allowing the placement of duplexes in previously established plats. Chairman Rohrer seconded the motion. The motion was carried and so ordered.

Steve Wood, Director of the Department of Planning and Community Development, explained the Hearing Examiner's reconsideration will require a public hearing at which additional testimony may be given.

MISCELLANEOUS ITEMS

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, February 22, 1989, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

- a. Warrants #41691 through #41692 in the total amount of \$103,401.42. (C-8-89)
- b. Warrant #41693 in the total amount of \$4,457.71. (C-9-89)

Commissioners Wylie and Vaux were present for the following item. Chairman Rohrer's absence was excused.

2. Commissioner Vaux motioned to award the bid for the purchase of one new Ford Aerostar XL to Skagit Ford for the bid price of \$14,180.33. Commissioner Wylie seconded the motion. The motion was carried and so ordered.


Commissioners Rohrer and Wylie were present for the following item. Commissioner Vaux's absence was excused.

3. Commissioner Wylie motioned to award the bid for the purchase of one used 1988 Chevrolet Corsica to Seaside Chevrolet for the bid price of \$9,057.12. Chairman Rohrer seconded the motion. The motion was carried and so ordered.

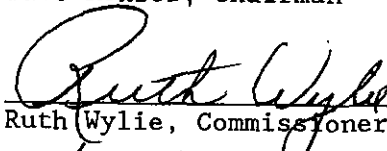
ADJOURNMENT

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


BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Dave Rohrer, Chairman



Ruth Wylie, Commissioner



W. W. Vaux, Commissioner





Megan Cheney, Clerk
Skagit County Board of Commissioners