

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, June 6, 1989

10:00 a.m. Charlotte Clizbe Appeal of Hearing Examiner's Approval of Special Use Permit #SP-88-049 of Jim Koetje.

MISCELLANEOUS ITEMS.

1:30 p.m. Bid Opening - Concrete Senior Services Energy Conservation Indoor and Outdoor Lighting.

2:00 p.m. Facilities Department: Request for Letters of Interest and Statements of Qualification - Architects.

2:30 p.m. Washington Rivers Coalition: Discussion - River Use.

3:30 p.m. Parks and Recreation Department:

1. Discussion and Proposal - Real Estate Excise Tax.
2. Contract Signature - Fair Activities.
3. Miscellaneous.

The Skagit County Board of Commissioners met in regular session on Tuesday, June 6, 1989, with Commissioners Dave Rohrer and Ruth Wylie present. Commissioner Vaux's absence was excused for the first item due to voluntary exclusion from the discussion; however, Commissioner Vaux was present for all subsequent items.

CHARLOTTE CLIZBE APPEAL OF HEARING EXAMINER'S APPROVAL OF SPECIAL USE PERMIT #SP-88-049 OF JIM KOETJE.

Grace Roeder, Associate Planner, submitted site photographs and an assessor's map of Moore's Garden Plat, as well as copies of the Hearing Examiner's Findings of Fact and Planning Department Staff Findings, regarding Special Use Permit #SP-88-049. Ms. Roeder summarized the events leading up to Ms. Clizbe's most recent appeal. She stated that the Hearing Examiner granted a special use permit to Mr. Jim Koetje for construction of a duplex on each of two adjacent lots on Moore's Garden Road in February of 1989. An appeal of this decision was filed, and the Board of Commissioners subsequently remanded the matter back to the Hearing Examiner for further consideration regarding surface water drainage on the lots. On May 15, 1989, the Hearing Examiner upheld his original decision. An appeal of the Hearing Examiner's second decision affirming the granting of the special use permit was received from Ms. Charlotte Clizbe, dated May 23, 1989, via her attorney, William H. Nielsen.

Ms. Roeder reviewed the Board's options as follows:

- 1) Remand the matter back to the Hearing Examiner for further consideration.
- 2) Uphold the decision of the Hearing Examiner.
- 3) Hold a Public Hearing to consider public testimony on the matter.

Mr. Jim Koetje was called upon for a statement, which he declined, stating he had nothing new to add to his position.

Mr. William Nielson, attorney for the appellant, stated that he represents virtually all of the neighbors on Moore's Garden Road, and asserted that some 18 families are unanimous in their opposition to Mr. Koetje's construction scheme. He gave the following reasons for the neighbors' belief that the Hearing Examiner did not give proper consideration to the facts of the case:

- 1) There was no indication of a drainage plan submitted at the original Public Hearing,
- 2) Traffic patterns were not properly addressed in that the nature of the access road, being a cul de sac, would lead to additional cars using the area for a turn-around, and
- 3) A covenant exists in the Plat, restricting property owners to one family residences. Although the neighbors acede to the fact that Mr. Koetje's lots are not a part of that covenant, the neighbors have an expectation of one family residences only, and adequate consideration was not given to the fundamental changes multiple family units would cause in the neighborhood.

Mr. Nielson went on to state that the worst option available to the Board, in the opinion of the neighbors, would be to remand the matter back to the Hearing Examiner, as they have no confidence in his decisions or abilities to consider the facts. They would therefore request that the Board opt to hold a Public Hearing where they could testify to the validity of their claims.

Mr. Koetje then gave a rebuttal statement. He indicated his understanding for the neighbors' concerns; however, maintained that under the current zoning, a more undesirable residence, such as a trailer house, could be introduced onto the property, making duplexes a preferable alternative. Mr. Koetje refuted Mr. Nielson's suggestion that the street would be used as a turn-around, and promised to meet all of the requirements set forth in the approved drainage plan.

Dick Sager, Moores Garden Road resident, referenced a statement made in the last report of the Hearing Examiner that the current septic system will improve the drainage of the land, and asked how that was possible.

Ms. Roeder stated that a drainage system plan was prepared and submitted by Mr. Don Semrau, and was approved by Don Nelson, Flood Control Section Manager. Discussion ensued on the drainage plan.

Chairman Rohrer stated that Commissioner Vaux has voluntarily absented himself from these proceedings, as he feels there is a conflict of interest present because of his brother's involvement in the proposed construction.

Commissioner Wylie professed that she saw no reason why traffic patterns would be effected by the construction. She further declared that there is an approved drainage plan for the residences. Commissioner Wylie explained that the legality of the neighbors' covenant cannot be addressed by the Board.

Chairman Rohrer asked to review the approved drainage plan, and received a copy from Ms. Roeder.

Commissioner Wylie then motioned to uphold the decision of the Hearing Examiner regarding Special Use Permit #SP-88-049.

Arlene Miller, a neighbor, questioned why the Board continues to rule in favor of one individual in the face of so much opposition.

Chairman Rohrer stated his belief in the decision of the Hearing Examiner, and seconded Commissioner Wylie's motion. The motion carried and was so ordered.

MISCELLANEOUS ITEMS.

A. Commissioner Wylie motioned to cancel the Public Hearing scheduled for June 13, 1989 at 10:00 a.m. to consider amendments to the County Code regarding Chapter 2.36, because of unavoidable circumstances leading to the lack of a quorum on that date, and to reschedule the Public Hearing for Tuesday, June 27, 1989, at 10:00 a.m. Chairman Rohrer seconded the motion, which carried and was so ordered.

Commissioners Rohrer, Wylie and Vaux were present for the following items.

BID OPENING - CONCRETE SENIOR SERVICES ENERGY CONSERVATION INDOOR AND OUTDOOR LIGHTING.

Chairman Rohrer waived the reading of the Notice of Call for Bids, as published in The Skagit Argus on May 23 and 30, 1989.

The following bids were received and opened:

a) Fountain Electric
776 B Hobson Road
Bow, WA 98232

Total Bid Price: \$7,844.00
Total Number of Fixtures: 30
Four to Six week delivery time.

B) Skagit-Island Electric, Inc.
1579 Dunbar Road
Mount Vernon, WA 98273

Total Bid Price: \$7,962.15
Total Number of Fixtures: 30
Four weeks delivery time.

Tim Holloran, Senior Services Director, will review the bids received and return at a later date with a recommendation for award.

MISCELLANEOUS ITEMS.

This item was discussed at this time for the convenience of the audience.

- A. Mr. Holloran updated the Board on improvements at the Concrete Senior Services Center. The Board discussed the purchase of gates versus doors at the facility, as well as the electrical system.
- B. Mr. Holloran updated the Board on the status of the Anacortes Senior Services Center. He stated that the present location, in the basement of the Anacortes municipal building, is being considered for relocation of other offices. He stated that senior services advisors are searching for an alternate location, but, he assured the Board, any grants for relocation of the facility will be written in the City's name.

FACILITIES DEPARTMENT: REQUEST FOR LETTERS OF INTEREST AND STATEMENTS OF QUALIFICATION - ARCHITECTS.

Roger Howard, Facilities Management Director, stated a need for an architectural consultant to advise on specific needs for facilities expansion. Consultation is needed on the Juvenile Probation Department, District Court, Superior Court, and Jail, as well as recommendations and direction for future projects.

Commissioner Wylie motioned to adopt the resolution requesting letters of interest and statements of qualifications for an architectural consultant for the Facilities Management Department. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution #12088)

WASHINGTON RIVERS COALITION: DISCUSSION - RIVER USE.

Meryl English, a private citizen and Board member of the Washington Rivers Coalition, made a presentation to the Board on the protection of local control of Washington rivers. He stated that his organization works toward protecting the property rights of the individual, and advocates local management of rivers. Mr. English stated that at the State Convention of Elected Officials in June, in which he will be participating, there will be a vote on a resolution regarding wild and scenic rivers designations. He urged the Board to cast a "no" vote, opposing the designation of rivers as "wild and scenic".

Commissioner Wylie questioned what Skagit County rivers are being considered for this designation, to which Mr. English replied, "none".

Commissioner Vaux questioned what Washington State rivers are being considered for this designation. Mr. English replied that a number of lists are out, but are unpublished and confidential.

Chairman Rohrer stated that the designation of the Skagit River as wild and scenic has not of yet proven to be a particular problem to County government.

Debbie Aldrich, a concerned citizen, pointed out the benefits derived from the wild and scenic river designation on the Skagit River. She stated that it helped to stop the construction of a nuclear power plan near Sedro Woolley, it

helps to increase tourism, it helps in receipt of federal funding, it aided in development of an eagle sanctuary, and it augments the sports fishing industry. Ms. Aldrich inferred that the Washington Rivers Coalition has been working with the Hanford "family" to keep local control of the Columbia River for their own purposes.

Commissioner Wylie stated that the Board strives to strike a balance between protection of the river and efficient use. She reminded Ms. Aldrich that many taxpayers in Skagit Valley are farmers.

The Board further discussed with Ms. Aldrich the points she made regarding the benefits of the wild and scenic river designation.

PARKS AND RECREATION DEPARTMENT:

1. Discussion and Proposal - Real Estate Excise Tax.

Jon Aarstad, Parks and Recreation Department Director, reminded the Board of past discussions regarding the options of developing a proposal for a real estate excise tax, the proceeds of which would be used for capital improvement funding, and would cover the funds lost from federal revenue sharing. Mr. Aarstad stated that Anacortes, Mount Vernon, LaConner, Sedro Woolley and Burlington have already levied this additional tax. He summarized RCW 82.46, which provides for a tax on unincorporated property not to exceed .25%. According to Mr. Aarstad, 1% of the proceeds would go to the Treasurer's Office for administration of the fund, with the remainder placed in a capital improvement fund for local improvements. Mr. Aarstad expressed an interest in the designation of a portion of those funds for construction of parks and Parks Department related projects. Mr. Aarstad referred to a study done by the Treasurer's Office in 1986. He stated he has spoken with 7 to 8 area realtors in the past few days. They relate that they feel the original intent of the tax was for local neighborhood improvements, and they wish Mr. Aarstad's proposal to fit the original intent of the program. Mr. Aarstad solicited the Board's interest in calling for a Public Hearing to present the proposal.

The Board discussed with Mr. Aarstad their concerns for future expansion of sewer systems. The Board reviewed RCW 35.43.040, which lists projects that may be performed using proceeds from the real estate excise tax.

The Board then directed Mr. Aarstad to meet with the Budget/Finance Director, and return with a figure for a specific allocation of the .25% tax that would go towards Parks Department projects. Further discussion will occur at that time.

2. Contract Signature - Fair Activities.

The Board approved for signature the following contracts for Skagit County Fair activities:

- a) A Contract for Commercial Displays and Vendors with J.K. General Contractor, P.O. Box 2135, Mount Vernon, WA 98273, for the sum of

\$220.00 for space in the Commercial Building, beginning on August 9 and continuing until August 13, 1989.

- b) A Contract for Fair Concessionaires with Skagit Dairywomen, 1472 Gunderson Road, Mount Vernon, WA 98273, for the sum of \$50.00 plus a guarantee of \$100.00, or 15% of the total receipts less sales tax, whichever is greater, to begin August 9, 1989, and continue until August 13, 1989.

The Board approved for signature the following Professional Services Contracts:

- a) Mark Holt and Jam Packed, 1308 Mill Creek Blvd. 0302, Mill Creek, WA 98012, for two performances August 10, 1989, for compensation of \$500.00.
- b) Colleen Holderith, 842 Hoehn Road, Sedro Woolley, WA 98284, for appearances as "Keeki the Clown" beginning August 10 and continuing until August 13, 1989, for total compensation of \$350.00.
- c) Rick Epting, 126 North 8th, Mount Vernon, WA 98273, for coordination of small stage entertainment from August 10 to August 13, 1989, for total compensation of \$430.00.
- d) Jim Thompson, 466 A Gibraltar Road, Anacortes, WA 98221, for two performances on August 12, 1989, for total compensation of \$200.00.
- e) Skagit Valley Symphony, P.O. Box 1302, Bellingham, WA 98225, for two performances on August 10, 1989, for total compensation of \$450.00.

3. Miscellaneous.

- A. Mr. Aarstad announced that the sewer system at Clear Lake Park recently ceased operation and the swimming facility was closed. Parks Department crews are presently working there, preparing for installation of a new system. Mr. Aarstad presented a contract for design of a new system.

The Board approved for signature a Contract for Professional Services with Bosa Cement, 1927 South 17th, Mount Vernon, WA 98273, for design of a new septic system at Clear Lake Park, at the rate of \$600.00 for the design. The contract commences on June 5, 1989 and continues until July 5, 1989.

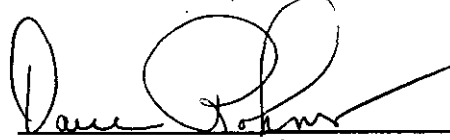
- B. Mr. Aarstad explained that Dorothy Pettish, an intern student working for the Parks Department for the past two school quarters, has been paid through the Commissioners' budget, and has been developing brochures and a slide show to promote Parks Department activities. Her intern program is now at an end, but Mr. Aarstad would like to take \$300.00 in surplus funds from his playfield project funds to pay Ms. Pettish to finish the project she has been working on. The Board approved this plan.
- C. Mr. Aarstad updated the Board on the Burlington-Edison Regional Park project and Padilla Bay Dike toptrail construction.

- D. In accordance with action taken earlier this date by the Board, a resolution rescheduling the Public Hearing for consideration of changes to the Skagit County Code Chapter 2.36 from Tuesday, June 13, 1989, at 10:00 a.m., to Tuesday, June 27, 1989, at 10:00 a.m., was approved for signature. (Resolution # 12089)

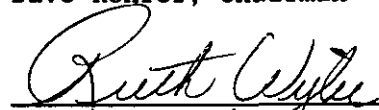
ADJOURNMENT

Commissioner Wylie motioned to adjourn the proceedings. Commissioner Vaux seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Dave Rohrer, Chairman



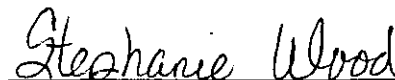
Ruth Wylie, Commissioner



W. W. Vaux, Commissioner



ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners