

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, June 3, 1985

Flag Salute

- 9:30 a.m. Discussion - Concrete Senior Services Facility.
- 10:00 a.m. Discussion - Deputy Coroner Compensation - Frank Kendall, Coroner.
- 10:30 a.m. Discussion - County Microfilming - Mike Deering, Eastman Kodak.
- 11:00 a.m. Executive Session - Personnel.
- 2:00 a.m. Consideration of Appeal of Hearing Examiner Decision regarding the Clam Shacks of America, Inc., Shoreline Conditional Use Request #1-85 for Hydraulic Clam Harvesting at Skagit Bay.

MISCELLANEOUS ITEMS.

The Skagit County Board of Commissioners met in regular session on Monday, June 3, 1985, with Commissioners Vaux, Walberg and Rohrer present.

DISCUSSION - CONCRETE SENIOR SERVICES FACILITY.

Larry Hendrickson, General Manager of the Port of Skagit County, explained that the National Park Service just recently renewed the lease on their building in Concrete for an additional five years. He presented a memo to the Board regarding the status of the building, and stated he thought the National Park Service used the building only during the summer months.

Bill Gurney, of the Northwest Nutrition Board, said he felt it was important to realize that the Concrete senior citizens need a suitable facility. The Concrete seniors presently use the Concrete library building, however they are constantly disrupted by community scheduling conflicts.

Commissioner Walberg asked who is in charge of the scheduling for the library building.

Jon Aarstad, Director of the Parks, Recreation and Senior Services Department, stated that the Concrete library makes their building available to the seniors free of charge with the exception of the telephone. However, community scheduling takes priority over the senior services.

Tim Holloran, Supervisor of Senior Services, pointed out that the preparation of senior meals is often difficult when there is not a central place to meet.

Discussion followed regarding the possibility of preparing the food elsewhere (by caterers) rather than on the site.

Mr. Holloran stated that in the past the cost of preparing the food elsewhere was not feasible, due to the cost of transportation.

Chairman Vaux stated that the National Park Service has expressed interest in vacating the building possibly early next year.

Mr. Holloran stated that he could investigate the possibility of retaining a caterer such as United General Hospital to prepare the senior meals.

Ruth Gidlund, President of the Skagit Council on Aging Executive Board introduced Clyde Whiting, Secretary; Bill Gurney, First Vice President; Carroll Anderson, Treasurer; and Norma Allen, Second Vice President. She favored the Port of Skagit County building in Concrete if it would be possible.

The Board thanked everyone present for their participation in the discussion.

DISCUSSION - DEPUTY CORONER COMPENSATION - Frank Kendall, Coroner.

Frank Kendall, Coroner, was present to request that the Deputy Coroner's salary be increased. He stated that the Deputy Coroner presently earns 65 percent of a full-time position, for the purpose of medical insurance. His annual salary is approximately \$5,000.

Robert Taylor, Administrative Officer, pointed out that the personnel consultants have recommended that this position be considered at salary range 11.

Chairman Vaux asked Mr. Kendall to justify the need for the increase.

Mr. Kendall stated that the Deputy Coroner performs the Coroner's job in the Coroner's absence. Additionally, the Deputy Coroner assists with maintaining the office.

Chairman Vaux asked Mr. Kendall to provide paperwork explaining what the Deputy Coroner has spent time doing over the past six months. Mr. Kendall agreed to provide the paperwork to support his request.

MISCELLANEOUS ITEMS

Robert Taylor, Administrative Officer, presented the following items:

1. Commissioner Rohrer motioned to approve a Petition for Property Tax Refund for Shoreline Savings Bank, P.O. Box 25788, Seattle, Washington 98125, in the amount of \$2,329.83, because the amount was paid

twice. Commissioner Walberg seconded the motion, as recommended by the Skagit County Assessor and Treasurer. The motion was carried unanimously. (#052985)

2. Commissioner Rohrer motioned to approve a Petition for Property Tax Refund for Vida Evans, 716 South Anacortes Street, Burlington, Washington 98233, in the amount of \$845.58, due to senior citizen exemption. Commissioner Walberg seconded the motion, as recommended by the Skagit County Assessor and Treasurer. The motion was carried unanimously. (#850678)
3. Commissioner Walberg motioned to approve a Petition for Property Tax Refund for Ted Zeibell, 2333 Hoehn Road, Sedro Woolley, Washington 98284, in the amount of \$55.18, due to senior citizen exemption. Commissioner Rohrer seconded the motion, as recommended by the Skagit County Assessor and Treasurer. The motion was carried unanimously. (#850725)
4. Commissioner Rohrer motioned to approve a Petition for Property Tax Refund for Gilbert E. Moore, 1020 Rita, Sedro Woolley, Washington 98284, in the amount of \$124.88, due to senior citizen exemption. Commissioner Walberg seconded the motion, as recommended by the Skagit County Assessor and Treasurer. The motion was carried unanimously. (#850762)
5. In accordance with action previously taken, the Board approved for signature the resolution urging the Washington State Board of Pharmacy to avoid using a regulatory approach which controls delivery of drugs by nurses to clients of public health clinical programs. (Resolution #10506)
6. Commissioner Rohrer motioned to approve the Record of the Proceedings for Tuesday, May 28, 1985. Commissioner Walberg seconded the motion. The motion was carried unanimously.
7. The Board approved for signature the contract for the purchase of a 24-passenger bus for the Skagit Council on Aging from Intermountain Coach, Inc., of Colorado Springs Colorado.
8. The Board approved for signature a letter to Puget Power stating Skagit County is not interested in the purchase of a parcel of property which Puget Power purchased from Skagit County in June, 1975.

DISCUSSION - COUNTY MICROFILMING - Mike Deering, Eastman Kodak.

Mike Deering, from Eastman Kodak, gave a brief overview of his previous presentation before the Board several weeks before. He explained that there are three methods of handling information: paper, computer, and microfilm.

Mr. Deering reviewed with the Board the Computer Assisted Retrieval (CAR) method, otherwise known as the Kodak Assisted Retrieval (KAR) method. This method of retrieval combines microfilm with computer.

Mr. Deering felt roll film was superior to microfiche, because microfiche requires more time to produce. He asked if the Board had decided to do the work in house or hired out. Mr. Deering suggested the County begin soon to microfilm current documents on a daily basis. Additional time available could then be used to microfilm the backlog; while the ease of retrieval of current documents would be utilized immediately.

He also explained a microfilm system of the future called image transmission. Image transmission consists of a central storage of roll film, which is activated through a computer to produce images at a particular work station.

Chairman Vaux informed Mr. Deering that Skagit County is in the process of preparing another request for proposal. He assured Mr. Deering that Kodak would hear from Skagit County in several weeks.

Mr. Deering invited the Board to visit their showroom to see their equipment in operation.

The Board thanked Mr. Deering for his presentation.

MISCELLANEOUS ITEMS

Commissioner Rohrer motioned to approve Warrants #3421 through #3554 in the amount of \$36,292.29. Commissioner Walberg seconded the motion. The motion was carried unanimously. (C-25)

CONSIDERATION OF APPEAL OF HEARING EXAMINER DECISION REGARDING THE CLAM SHACKS OF AMERICA, INC., SHORELINE CONDITIONAL USE REQUEST #1-85 FOR HYDRAULIC CLAM HARVESTING AT SKAGIT BAY.

In light of Commissioner Walberg's former employment by the Planning Department, he asked if anyone had any objection to his hearing this appeal.

Mark Bennett, attorney for Ida Mae Wolfe, on behalf of Clam Shacks of America, Inc., stated that they had no objection.

Steve Wood, Zoning Administrator of the Permit Center, read a letter from Mr. Bennett which followed the application for appeal filed directly by Mrs. Wolfe on behalf of Clam Shacks of America, Inc. The appellant requested permission to harvest soft shell clams with four hydraulic clam rakes in conjunction with the \$18,000 study as requested by the Hearing Examiner. Mr. Wood also read the appeal as filed by Mrs. Wolfe.

Mr. Wood offered the Board the following three options: (1) uphold the Hearing Examiner's decision; (2) remand the matter back to the Hearing Examiner; or (3) hold a public hearing before the Board of Commissioners.

Mark Bennett, attorney for Mrs. Wolfe, pointed out that last year the Hearing Examiner approved the operation of three hydraulic rakes in conjunction with a study. He stated that all agencies involved, with the exception of the Hearing Examiner, have basically approved the operation of four rakes in conjunction with a study. He stated that the only animal on earth which utilizes the soft shell clams is man. Clam Shacks of America would be restricted to operation only until October and could harvest on only approximately 60 acres in that time of the 12,000 acres available in Skagit Bay. Mr. Bennett summarized the opinion of Mr. Robert Harmon, marine biologist, who felt that the soft shell clams should be harvested for the benefit of the benthic community.

Dr. Dan Cheney, marine biologist and benthic specialist, stated that he felt a low intensity single rake approach would not provide an adequate look at what would happen under a full scale operation of the rakes.

In answer to a question from Commissioner Walberg, Dr. Cheney stated that changes in the benthic community could be determined by multiplying the effects of one rake several times, however changes in the substrate and changes in the level of the substrate could not be multiplied accurately. He stated that biological changes will take up to a year to occur.

Mr. Bennett asked Dr. Cheney if the harvesting of up to 100 acres would affect the remaining tidal flats in Skagit Bay. Dr. Cheney stated that he didn't care to answer that question at this time, however he would know better after one month's study of the operation.

Milo Moore pointed out that the harvesting requested is on private property. He compared this operation to that of a farmer trying to farm his own land. He presented a book for the Board's review of clam harvesting equipment, which he used in years past to harvest hard shell clams. Mr. Moore stated that he was the Director of Fisheries in the 1940s and 1950s. He felt the study was a waste of time, as no adverse effects would be realized by this study.

Mrs. Wolfe stated that she needs to put 100 people to work to fill the orders she has for clams. She pointed out that 50 percent of the clams are lost with hand digging, while less than 1/2 of 1 percent of the clams are lost with the hydraulic rake method. She presented photos, and stated that it is better for the clams to be harvested, as they come back thicker than before following harvesting. Her project was approved by the Planning Department, Department of Game, Department of Fisheries, and Department of Ecology. She pointed out that she has over \$250,000 invested in the project so far.

Mrs. Wolfe felt the objections expressed by Ralph Ferguson in past meetings were unfounded and invalid, as he had never been asked to prove his claims that her harvesting would harm the beaches.

Mrs. Wolfe stated that back East, harvesters are over harvesting and can't control the pollution, while here, the clams are dying for lack of harvesting.

Ann Grubb, Conservation Chairman of the Pilchuck Audubon Society, had a number of concerns. She compared the harvest of clams to the logging of old growth timber. She felt harvesting should not be conducted while the study is taking place. She volunteered to provide a study of the birds in the Skagit Bay area. She urged the Board to deny the appeal at this time.

Ralph Ferguson, 1350 East Center Lane, Camano Island, described the possible impact of silt deposits on the shores of Camano Island as a result of the harvesting of clams by rakes. He supported the Hearing Examiner's denial and suggested the study be expanded. He felt the operation was actually dredging, which was prohibited under the Shorelines Master Plan. Mr. Ferguson advocated the investigation of trenching to determine if the operation was indeed dredging.

Martha Jordan, stated that she was the wife of Michael Kite, whose report was referred to in the application. She supported the Hearing Examiner's denial, but also supported the proposed study be done in order to answer questions which will continue to be asked.

Mike Davidson, area wildlife biologist for the Department of Game, pointed out that the Department of Game does not dictate to counties regarding clam harvesting. He stated that the hydraulic rake was originally tested by Michael Kite without the proper permits and approvals. To his knowledge, the proposed hydraulic rake has not been used in this area prior to this time. He pointed out that the economic impacts with regard to wildlife may be very significant. In Mr. Davidson's opinion, detailed research and study are necessary to determine the real and far reaching effects of the harvesting. He pointed out that the presently proposed study has been scaled down for economic reasons, and will therefore, not answer all questions. Mr. Davidson felt the harvesting would adversely impact the basic food chain.

Mr. Bennett stated that snow geese seldom feed out in the harvest area, but actually feed in the marshy areas. He stated that the benthic life in the bay both before and after the study should be noted. He also pointed out that only a small portion of the entire Skagit Bay area will be harvested. He stated there is no proof that the hydraulic rake causes siltation. He felt operation of the harvesters can co-exist with the environment.

Mrs. Wolfe pointed out that part of the trench is caused by the clams.

Mr. Ferguson felt the study should include information on water quality, impact on the shorelines, possible contaminants, and baseline data (the condition of the area originally).

Dr. Cheney stated that to obtain a relative baseline study would be cost prohibitive. He pointed out that contaminants have never been an issue.

Commissioner Walberg stated that he had an opportunity to see such a rake in operation and saw the benefits of the rake as opposed to hand digging clams. However, he felt a study of the hydraulic rake method should be conducted. He felt the Hearing Examiner's decision would not prevent further applications following the study. Based on these factors, Commissioner Walberg motioned to uphold the Hearing Examiner's decision to deny the Shoreline Conditional Use Request #1-85 for hydraulic clam harvesting at Skagit Bay. Commissioner Rohrer seconded the motion.

Chairman Vaux stated that he supported the study, however he suggested Clam Shacks of America, Inc., be allowed to operate two rakes as a means of affording the study.

Mrs. Wolfe stated that one study rake and two working rakes would allow her to better afford the study.

In answer to a question from Commissioner Walberg, Dr. Cheney, author of the proposed study, stated that it would be desirable to the study to have as near the number of rakes as proposed in full operation as possible. He could not address the economic issue of the operation, however. Dr. Cheney pointed out that there will be commercial harvest within the study area, however, there will be no re-harvesting allowed within the study area. He noted that the operation of two rakes would provide a more realistic study and also provide more funding for the study.

Mike Davidson agreed that two rakes for the purpose of the study would be best and most accurate.

Commissioner Walberg withdrew his original motion to uphold the Hearing Examiner's decision. He then motioned to remand the matter back to the Hearing Examiner for reconsideration of the condition regarding the number or rakes to be operated.

Commissioner Rohrer withdrew his original second to the motion, and seconded the motion on the floor at this time. The motion to remand the matter back to the Hearing Examiner, with regard to the number of rakes to be used under Shoreline Conditional Use Request #1-85, was carried unanimously.

MISCELLANEOUS ITEMS

Robert Taylor, Administrative Officer, presented the following items:

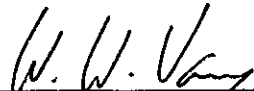
1. Commissioner Rohrer motioned to approve the Record of the Proceedings for Wednesday, May 29, 1985. Commissioner Walberg seconded the motion. The motion was carried unanimously.

2. Commissioner Rohrer motioned to approve Warrants #1539 through #1917 in the amount of \$504,162.25. Commissioner Walberg seconded the motion. The motion was carried unanimously. (P-5)


ADJOURNMENT

Commissioner Rohrer motioned to adjourn the proceedings. Commissioner Walberg seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



W. W. Vaux, Chairman




Otto M. Walberg, Jr., Commissioner



Dave Rohrer, Commissioner

ATTEST



Jerry McTurff, Skagit County Auditor
and Ex-Officio Clerk of the Board of
Commissioners

