

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, October 27, 1987

Flag Salute

- 9:00 a.m.
1. Consideration of Appeal of Hearing Examiner Decision on the Skagit System Cooperative Shoreline Substantial Development/Conditional Use Permit #SLCU-787.
 2. Signature - Contract Amendment - Dewey/Similk Beach Wastewater Facilities Plan.

MISCELLANEOUS ITEMS

The Skagit County Board of Commissioners met in regular session on Tuesday, October 27, 1987, with Commissioners Walberg, Vaux and Rohrer present.

1. CONSIDERATION OF APPEAL OF HEARING EXAMINER DECISION ON THE SKAGIT SYSTEM COOPERATIVE SHORELINE SUBSTANTIAL DEVELOPMENT/CONDITIONAL USE PERMIT #SLCU-787.

Betsy Stevenson, Assistant Director of the Department of Planning and Community Development, briefly summarized the events leading to the appeals of the Hearing Examiner's decision on the Skagit System Cooperative Shoreline Substantial Development/Conditional Use Permit #SLCU-787. The appeals were filed by Arthur E. Luthy and J. Patrick Finn. The project calls for the construction and operation of a salmon net pen facility consisting of a series of 20 net pens approximately 480 feet by 100 feet, protective log booms, an anchoring system and a barge approximately 25 feet by 40 feet, which would support a storage building approximately 10 feet by 25 feet by 10 feet high; all for the commercial rearing of salmon. The project is to be located in Skagit Bay approximately 0.3 miles south southeast of the most southeasterly point of Hope Island.

Ms. Stevenson explained that the project, with the appropriate conditions, is compatible with the Skagit County Shorelines Management Master Program and the policies and procedures of the Washington State Shoreline Management Act. The Hearing Examiner held a public hearing on August 19, 1987, and on October 5, 1987, issued his approval of #SLCU-787 subject to 18 conditions.

Ms. Stevenson read aloud another letter from J. Patrick Finn, expressing his dissatisfaction with the Hearing Examiner's decision. Ms. Stevenson also presented photos of the area. She informed the Commissioners of their options at this time:

- a. Deny the appeal;
- b. Remand the matter back to the Hearing Examiner for additional consideration; or

c. Elect to hold a Board of Commissioners hearing on the matter.

Vince Hanson, 760 McGlinn Drive, La Conner, requested the Commissioners hold their own public hearing to receive additional testimony on the matter.

Glenn Bartlett, 1568 SneeOosh Road, requested the Commissioners hold their own public hearing for the following reasons: shoreline property is residential, owners pay high taxes, popular marine state parks, overnight moorage, sports and commercial fishing opportunities, etc.

Chairman Walberg asked if these reasons were presented to the Hearing Examiner.

Mr. Bartlett responded that he didn't know, because he did not attend the Hearing Examiner's public hearing on the matter.

Mary Knudson, 748 View Lane, La Conner, felt the Hearing Examiner acted hastily without consideration for the neighbors' objections.

Arthur Luthy, 1726 Goldenview Avenue, La Conner, sited his concerns regarding zoning, pollution, noise, etc. He noted that a dead seal was found recently. He felt the bay does not flush every 48 hours. Mr. Luthy invited the three Commissioners to his home to observe the bay.

Mr. Bartlett reported that the dead seal is still in the bay after two weeks.

Hal Goetz, 1736 Goldenview Avenue, La Conner, encouraged the Commissioners to hold their own public hearing. Mr. Goetz expressed concern with regard to pollution and potentially diseased fish.

Ted Knudson, 748 View Lane, La Conner, stated that he considers Skagit Bay his front yard. He pays over \$3,000 per year in property taxes, and encouraged the Commissioners to hold their own public hearing.

Dale Fisher, 1614 SneeOosh Road, La Conner, felt his testimony at the Hearing Examiner's public hearing was not even considered. He expressed opposition to the Hearing Examiner's decision, and demonstrated his point on a map. Mr. Fisher also presented a copy of his letter dated August 28, 1987, addressed to Robert Schofield, Hearing Examiner.

Jim Grobschmit, 754 View Lane, La Conner, presented a letter to the Commissioners asking that they hold their own public hearing.

Arthur Whitely, 13244 40th N.E., Seattle, stated that he is a Professor in the Department of Zoology at the University of Washington. Mr. Whitely urged the Commissioners to hold their own public hearing. He noted the opinion of Anders Anderssen, of Norway, who felt Skagit County was moving too fast with something they are rather unfamiliar about.

Chairman Walberg interrupted Mr. Whitely, who was presenting items which were not available to the Hearing Examiner.

Mr. Luthy read an excerpt from U. S. News and World Report. He felt just because it can't be proven that the pens will damage the environment, doesn't mean we should wait until that damage is concrete.

Mr. Hanson objected to the project because it would be putting a commercial venture in a residential neighborhood.

John Polder, 745 View Lane, La Conner, objected to paying \$4,000 per year in taxes for view property, and then losing the view.

Mr. Bartlett cited the need for consistency. He stated that on May 20, 1986, a net pet facility was denied by the Hearing Examiner, due to concern for the shoreline.

G. W. Pong, 1598 SneeOosh Road, La Conner, stated that the bay doesn't need additional pollution.

John Moffat, Chief Civil Deputy of the Prosecutor's Office, explained that the Hearing Examiner decision which Mr. Bartlett referred to was reversed.

Bill Ryan, Program Director for Skagit System Cooperative, claimed no one had called him to try to learn about and understand his proposal. He again invited everyone to work with him to help mitigate the differences. He felt another public hearing would be a terrible waste of taxpayers' dollars.

Paul Wagner asked how come the Hearing Examiner has more power than the Board of Commissioners.

Chairman Walberg stated that was not the case at all. The Hearing Examiner simply had the first chance to review this matter.

Mr. Luthy pointed out that the applicant is interested in making money. The residents are opposed to obtrusion and are concerned with the environment.

Nick Zafferatos, a representative of the Swinomish Tribal Community, which has an interest in the project with Skagit System Cooperative, spoke regarding the tribe's concern for polluted waters and their desire to address the problems with solutions. He stated that the entire beach is owned by the tribe without any charge to the residents.

His last statement was refuted by many people present.

He noted that benefits from the project will be used for fisheries management.

Mr. Whitely offered once again to allow the Commissioners to review his research.

Commissioner Vaux motioned to schedule a public hearing at 7:00 p.m., Tuesday, November 17, 1987, in Hearing Rooms B and C of the County Administration Building, to hear the Skagit System Cooperative Shoreline Substantial Development/Conditional Use Permit #SLCU-787. Commissioner Rohrer seconded the motion. The motion was carried and so ordered with votes from Commissioners Vaux and Rohrer. Chairman Walberg opposed the motion.

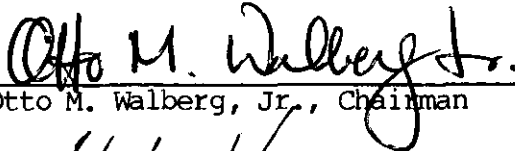
2. SIGNATURE - CONTRACT AMENDMENT - DEWEY/SIMILK BEACH WASTEWATER FACILITIES PLAN.

Commissioner Vaux motioned to enter into Supplement #1 to the Professional Services Agreement between the Skagit County Planning Department and R. W. Beck and Associates dated August 2, 1985, for the Dewey/Similk Beach wastewater facility planning study. The supplement increased the total project amount from \$31,500 to \$35,990. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

ADJOURNMENT

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

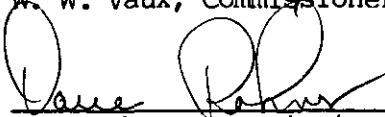
BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Otto M. Walberg, Jr., Chairman



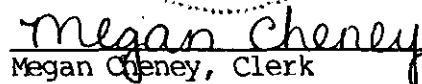
W. W. Vaux, Commissioner



Dave Rohrer, Commissioner



ATTEST:



Megan Cheney, Clerk
Skagit County Board of Commissioners