

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Wednesday, May 4, 1988

Flag Salute

10:00 a.m. Consideration of Appeal of Hearing Examiner's Decision on Shoreline Substantial Development/Conditional Use Permit Request #03-86 of American Aqua Foods.

MISCELLANEOUS ITEMS

The Skagit County Board of Commissioners met in regular session on Wednesday, May 4, 1988, with Commissioners Vaux, Walberg and Rohrer present.

CONSIDERATION OF APPEAL OF HEARING EXAMINER'S DECISION ON SHORELINE SUBSTANTIAL DEVELOPMENT/CONDITIONAL USE PERMIT REQUEST #03-86 OF AMERICAN AQUA FOODS.

Chairman Vaux explained this meeting was strictly to consider an appeal of the Hearing Examiner's decision on Shoreline Substantial Development/Conditional Use Permit Request #03-86 of American Aqua Foods. Chairman Vaux outlined the Board's three options:

1. Remand the matter to the Hearing Examiner for further consideration;
2. Uphold the Hearing Examiner's decision; or
3. Hold a Board of Commissioners public hearing.

Betsy Dwire Stevenson, Assistant Director of the Department of Planning and Community Development, reviewed the background information for this project. She also read the Hearing Examiner's decision of April 18, 1988, to approve the application for a Shoreline Conditional Use Permit to allow the construction and operation of a net pen facility for the commercial rearing of salmon, subject to 20 conditions. Following that decision, a timely appeal was filed on behalf of Kiket Bay Organization (KBO).

Gary D. Huff, attorney for American Aqua Foods, stated he preferred to respond to appellants' questions, using Dr. Curtis Ebbesmeyer's study for reference.

Dale Fisher, representing KBO, stated he felt the approved permit will cause irreparable damage to Skagit Bay. He also felt uses of the bay will be changed. Mr. Fisher stated that Skagit County's aquaculture moratorium clearly states why many questions remain unanswered at this time. According to Mr. Fisher, the American Aqua Foods net pens are currently located 450 feet closer to shore than permitted. Also, the length of the pens is far more than what was permitted. Mr. Fisher felt Dr. Ebbesmeyer's report was unfounded.

Mr. Fisher explained why the KBO did not concur with the Hearing Examiner's conclusions regarding this matter. He also outlined on a map the bay's current, which explained why they did not believe water sediments will leave the bay as claimed. In conclusion, Mr. Fisher felt the permit should be denied.

Rick Jewel, of Sedro-Woolley and the Gillnetters Association, requested the Board hold a Commissioners' public hearing because he felt the net pens interfered with the commercial fishing.

Glen Bartlett, of La Conner, felt his testimony before the Hearing Examiner was totally ignored. He pointed out that the area in question contains three State parks, and residents have paid dearly for their properties. He stated the view is worth at least 50 percent of the value of the property. Mr. Bartlett felt if the permit remains effective, then each property owner should have their taxes reduced. Mr. Bartlett requested the Board hold a public hearing on this matter.

Barbara Boushey stated she and her husband own a sailboat. They find the net pens to be improperly marked at night. She also felt the pens have been greatly extended.

Carol Ehlers, of Anacortes, requested the Board hold a public hearing to coordinate the many uses of Skagit Bay.

Edna Kilgore felt it was too early to draw adequate conclusions as to the effects of net pens in Skagit Bay. She also stated she did not care to eat fish which had been raised in net pens.

Sarah Carter, of La Conner, urged the Board to hold their own public hearing. She expressed concern for reduced property values, and requested that an independent study be conducted to study the currents in Skagit Bay.

Charles Stapp, of Anacortes, asked how American Aqua Foods could operate beyond their permitted boundaries.

Mr. Huff explained that permit was appealed due to the question of sufficient public notice. American Aqua Foods is currently attempting to obtain a "backup" shoreline permit. Should this application be denied, then American Aqua Foods intends to defend their existing permit vigorously. He noted that American Aqua Foods is required to comply with the conditions of the permit. He also pointed out that the State Attorney General and John Moffat, Chief Civil Deputy of the Skagit County Prosecutor's Office, agree that the current moratorium does not affect this application.

Mr. Huff referenced Dr. Ebbesmeyer's study and conclusions, which appeared to conclude that any sediments which might enter the bay would have no difficulty leaving the bay. He also referred to videos prepared by Dr. Donald Weston,

who primarily drafted the interum guidelines. Mr. Huff noted that annual monitoring would determine if a problem does exist.

Mr. Huff also maintained that Dr. W. Bruce McAlister's study was based on general terms. He has acknowledged that he did not actually study this site. In fact, Mr. Huff stated, Dr. McAlister's study actually supported American Aqua Foods' position.

Mr. Huff reminded everyone that if a problem does arise at some point in the future, the Board could revoke the permit. In conclusion, Mr. Huff felt there were no new issues to address in another public hearing.

Jerome Pollack, of Anacortes, stated he was a fairly new resident to Skagit County. He did, however, feel the zoning should be considered in this matter. He also urged the Board to schedule a public hearing to determine various conclusions.

Commissioner Walberg stated he felt the issue was very complex. However, he felt adequate public input had been supplied, and adequate conditions had been imposed to require compliance. He noted the County Department of Planning and Community Development had recommended approval, and the State Department of Ecology found no problems. Therefore, Commissioner Walberg motioned the Board of Commissioners uphold the Hearing Examiner's decision to approve Shoreline Substantial Development/Conditional Use Permit Request #83-06 of American Aqua Foods.

Commissioner Rohrer stated he concurred with much of what Commissioner Walberg had said, however, he declined to second the motion.

As Chairman Vaux also declined to second Commissioner Walberg's motion, the motion to approve the permit died for lack of a second.

Commissioner Rohrer motioned to schedule a public hearing before the Board of Commissioners on Wednesday, June 1, 1988, at 7:00 p.m., in Hearing Rooms B and C of the Skagit County Administration Building, to consider American Aqua Foods' application.

Chairman Vaux stated he believed the process needs to appear fair. He concurred with Commissioner Rohrer.

Commissioner Walberg seconded Commissioner Rohrer's motion to schedule a public hearing before the Board of Commissioners. The motion was carried unanimously.

ADJOURNMENT

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

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON





W. W. Vaux, Chairman

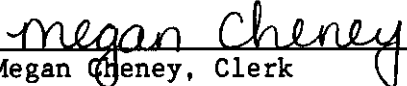


Otto M. Walberg, Jr., Commissioner



Dave Rohrer, Commissioner

ATTEST:



Megan Cheney, Clerk
Skagit County Board of Commissioners