

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, May 14, 1996

- 7:30 a.m. - 8:30 a.m. Commissioners' Staff Meeting.
- 8:30 a.m. - 9:00 a.m. Work Session - Operations Division Manager/District Maintenance Supervisors.
- Flag Salute.
- 9:00 a.m. - 10:00 a.m. Planning & Permit Center - Roxanne Michael, Director.
- 1) Discussion - Critical Areas Ordinance.
 - 2) Discussion - Resource Lands Ordinance Update.
 - 3) Discussion - Comprehensive Plan Work Program Update.
 - 4) Discussion - Call for Public Hearing regarding Interim Ordinance #16102 (Regulatory Reform).
 - 5) Miscellaneous.
- 10:00 a.m. - 11:00 a.m. Appeal by Sierra Club Legal Defense Fund of Hearing Examiner's Decision Approving Shoreline Substantial Development Permit SHL-95-052 of the Washington State Department of Fish and Wildlife (Grandy Lake Fish Hatchery).
- 1:30 p.m. - 1:45 p.m. Bid Opening - Brickyard Creek Outlet Improvement Project.

The Skagit County Board of Commissioners met in regular session on Tuesday, May 14, 1996, with Commissioners Harvey Wolden and Robert Hart present. Commissioner Ted W. Anderson's absence was excused.

PLANNING & PERMIT CENTER - Roxanne Michael, Director.

1. **Discussion - Critical Areas Ordinance.**

Tom Karsh, Assistant Director, stated that because the Critical Areas Ordinance was adopted yesterday, it was not necessary to review this item at this time.

2. **Discussion - Resource Lands Ordinance Update.**

Gary Christenson, Planning Staff, presented an update on resource lands, stating that they are near completion, anticipating the last few changes to be made this week and a document available for distribution to the public, the Board of Commissioners and the Planning Commission by next Thursday, May 23, 1996. A Work Session was scheduled for Tuesday, May 28, 1996, from 1:45 p.m. to 3:00 p.m.

3. **Discussion - Comprehensive Plan Work Program Update.**

Mr. Karsh reported that this is proceeding, with the assistance of two consulting firms, anticipating bringing this before the Board of Commissioners before October.

4. **Discussion - Call for Public Hearing regarding Interim Ordinance #16102 (Regulatory Reform).**

Mr. Karsh presented a Resolution Calling for Public Hearing in regard to the Interim Ordinance #16102. Mr. Karsh stated this Ordinance needs to come back before the Board for re-adoption after a Public Hearing to receive public testimony. The Public Hearing was scheduled for May 28, 1996, at 3:00 p.m.

Commissioner Hart made a motion to approve the Resolution Calling for Public Hearing. Commissioner Wolden seconded the motion and it passed unanimously. (**Resolution #16159**).

5. **Miscellaneous.**

1. Mr. Karsh introduced Ryan Windish, who will be working in the Planning Department for several weeks.

2. Mr. Karsh discussed the Edison Sewer Project and the need to create a Public Utility District in this regard. Mr. Karsh presented a Resolution Calling for Public Hearing. A discussion ensued in regard to the project being labeled as a sewer project when it is actually a collection system. It was made clear that this would be a sub-district of a clean water district which is county-wide. The Public Hearing was scheduled for Tuesday, May 28, 1996, at 9:00 a.m.

Commissioner Hart made a motion to approve the Resolution Calling for Public Hearing. Commissioner Wolden seconded the motion and it passed unanimously. (Resolution #16158).

3. Mr. Karsh presented a Resolution formally requesting a report and a recommendation from the Planning Agency on a proposal to amend the South Central District Comprehensive Plan map. This was previously approved by the Board. (Resolution #16160).
4. Mr. Karsh also presented an update of the Platted Lot Summary.

Chairman Anderson returned for this portion of the agenda.

APPEAL BY SIERRA CLUB LEGAL DEFENSE FUND OF HEARING EXAMINER'S DECISION APPROVING SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT SHL-95-052 OF THE WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE (GRANDY LAKE FISH HATCHERY).

Zoe Pfahl-Johnson, Planning Staff, presented an overview of the appeal. Ms. Johnson outlined the three options available to the Board, as follows: 1) after examining the written record for appeal, the Board may deny the request and allow the Examiner's decision to stand, 2) remand the matter for reconsideration by the Hearing Examiner or 3) if the Board believes the Hearing Examiner's decision is not supported by substantial evidence, the Board may adopt its own findings, conclusions and decision based upon the record made before the Hearing Examiner.

Todd True, Attorney representing the Sierra Club Legal Defense Fund, highlighted issues raised by the Sierra Club Legal Defense Fund as follows: violation of Skagit County Shoreline Master Program because it will harm existing fish resources, consensus that hatchery production is not the solution and potentially harmful for wildlife, hatchery will cause harm to the Skagit River fish stocks and decrease the wild fish population, the National Marine Fishery Service and Fish and Wildlife Service concern of reducing fitness of wild fish stock, analysis in Environmental Impact Study is wrong and inadequate, project does not comply with SEPA, and plans violate requirements for water quality issues. Mr. True stated that a simple and practical solution to these problems would be to use the hatchery funds to restore and enhance Skagit River Habitat to produce more fish, rather than build a hatchery which may never operate due to lack of allocation of scarce government dollars. Mr. True urged the Board to take the alternative and stated that scientific evidence supports this approach along with the support of various other agencies. Mr. True encouraged the Board to deny the permit or remand it back to the Hearing Examiner for further studies to be completed.

Paul Drury, Fish Pro, consulting firm representative for the Department of Fish and Wildlife, stated that the arguments do not demonstrate adequate arguments to support denial of the permit. Mr. Drury stated that he does not believe that there is consensus in the approach of the Sierra Club Legal Defense Fund that hatcheries cannot enhance fish and wildlife on the river. Mr. Drury stated that the EIS is adequate and the SEPA process has been followed. Mr. Drury stated that structures and buildings are necessary to implement the hatchery process and reminded the Board that funding is dedicated to the Grandy Creek Hatchery from legislative appropriations and cannot be used for enhancement, so the funding would be lost if it is not used as appropriated. Mr. Drury explained that the hatchery could be used as a management tool and would give the Department of Fish and Wildlife the flexibility it needs to effectively manage the resource.

Mr. True agreed with Mr. Drury in that hatcheries can be used as a management tool, however, those hatcheries are already in place to be used in that way. Mr. True also responded to the funding issue, stating that funds appropriated for Grandy Creek can be reallocated for enhancement and stated the Sierra Club would be willing to help with this allocation.

Mr. Drury stated the hatchery would benefit Eagles and other wildlife along the river and that adding another hatchery will only add to the successful hatchery program that is currently in place.

Commissioner Wolden made a motion to uphold the Hearing Examiner in denying the Appeal. Commissioner Hart seconded the motion and it passed unanimously. Staff will provide a Resolution in this regard at a later date. ✓

Commissioners Wolden and Hart were absent for this portion of the agenda. ✓

BID OPENING - BRICKYARD CREEK OUTLET IMPROVEMENT PROJECT.

John Abenroth, Public Works, opened the bids received for the Brickyard Creek Outlet Improvement Project, stating that seven bids were received.

- 1) Boss Construction, Inc.
Bellingham, WA
\$351,762.00

- 2) Waterworks, Inc.
Bellingham, WA
\$375,585.28
- 3) One-Way Construction
Sedro Woolley, WA
\$395,767.03
- 4) Sheldrup Construction
Mount Vernon, WA
\$376,954.50
- 5) Island Construction, Inc.
Oak Harbor, WA
\$313,475.49
- 6) Sloat & Associates, Inc.
Burlington, WA
\$383,456.88
- 7) Lee Johnson & Sons
Coupeville, WA
\$380,691.40

Mr. Abenroth stated that the bids would be reviewed and that the department would bring a recommendation to the Board for bid award at a later date.

ADJOURNMENT.

Chairman Anderson adjourned the proceedings.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Ted W. Anderson, Chairman

Harvey Wolden

Harvey Wolden, Commissioner

Robert Hart

Robert Hart, Commissioner

ATTEST.

Debby Sims

Debby Sims, Clerk
Skagit County Board of Commissioners