

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, October 5, 1999**

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.
9:00 a.m. – 10:00 a.m.	Executive Session – Personnel, Litigation and Land Acquisition.
*T 10:00 a.m. – 11:00 a.m.	<u>Planning & Permit Center – Tom Karsh, Director.</u> <ol style="list-style-type: none">1) Continuation of the Discussion Establishing Findings of Fact and Possible Amendment to or Reaffirmation of Critical Area Interim Ordinance No. 17522.2) Discussion and Possible Adoption of an Interim Ordinance based on Staff Proposals and Public Comments on Skagit County Code 14.06 Critical Area Ordinance Section 14.06.095, "Ongoing Agriculture on Lands Designated Agriculture-NRL" and Section 14.06.096, "Strategic Plan for Protecting Wild Salmonids."3) Miscellaneous.
*T 11:00 a.m. – Noon	Work Session – Draft 2000 Gravel Road Conversion Project List/Model.
<u>Budget Work Sessions:</u>	
1:30 p.m. – 2:30 p.m.	Youth & Family Services.
2:30 p.m. – 3:00 p.m.	Best SELF.
3:00 p.m. – 3:30 p.m.	Administrative Services.
3:30 p.m. – 3:45 p.m.	Commissioners.
3:45 p.m. – 4:00 p.m.	Capital Funds.
4:00 p.m. – 4:15 p.m.	Maintenance.
4:15 p.m. – 4:30 p.m.	Non-Departmental.
4:30 p.m. – 4:45 p.m.	Convention Center.
4:45 p.m. – 5:00 p.m.	Distressed County Public Facilities Fund.

The Skagit County Board of Commissioners met in regular session on Tuesday, October 5, 1999, with Commissioners Ted W. Anderson, Harvey Wolden, and Robert Hart present.

PLANNING & PERMIT CENTER – Tom Karsh, Director.

1. Continuation of the Discussion Establishing Findings of Fact and Possible Amendment to or Reaffirmation of Critical Area Interim Ordinance No. 17522.

Kendra Smith, Assistant Director, reviewed that the public hearing on this matter was held September 20, 1999. She discussed minor changes, including the re-insertion of the forest practices section due to the fact that no land disturbance ordinance is forthcoming in the near future.

Commissioner Wolden asked about the comments that were received from the public.

Ms. Smith replied that the comments received were good and would be incorporated in the ordinance during the processing of the Development Code draft, which is to be released October 31. She stated that the changes recommended in the comments were not incorporated in the ordinance proposed today, as the tight timeframe did not allow adequate time for such modification.

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Commissioner Wolden clarified that these comments did not fall on deaf ears, and would definitely be included in the Development Code, specifically as relates to the CaRD Ordinance. He confirmed with Ms. Smith that the reason for waiting is that this substantial change would require an additional public hearing.

Jay Derr, counsel to the County, reiterated that the whole county wide Development Code would be published at the end of October, and would be publicly commented on at that time. Such review will include the Critical Area Ordinance (CAO), giving the public and the County another chance to modify this document.

Commissioner Hart moved for the reaffirmation of an interim ordinance amending Skagit County Code Chapter 14.06, Critical Area Ordinance as presented. The motion was seconded by Commissioner Wolden. Upon call for the question, Commissioners Hart and Wolden voted for the motion, and Commissioner Anderson voted "nay." The motion passed. **(Resolution No. 17595)**

2. Discussion and Possible Adoption of an Interim Ordinance based on Staff Proposals and Public Comments on Skagit County Code 14.06 Critical Area Ordinance Section 14.06.095, "Ongoing Agriculture on Lands Designated Agriculture-NRL" and Section 14.06.096, "Strategic Plan for Protecting Wild Salmonids."

Mike Woodmansee, County Administrator, stated that at the end of the meeting the Board would have several options regarding the proposed interim ordinance on Sections 14.06.095 and 14.06.096 of the Critical Area Ordinance. He stated that the Board could approve the ordinance presented as modified and discussed, or could continue deliberations to a future date at which time the completion of events required might have happened.

Mr. Woodmansee advised that a committee had been formed, Agriculture for Skagit County ("ASC"), which has worked hard with their consultant, Sara Hemphill, to craft the document before the Board for their consideration.

Mr. Woodmansee indicated that the purpose of Section 14.06.095 had remained unchanged through the various drafts and discussions over the past month. He reviewed the specifics of this section. He noted that the term "no-touch" zone was eliminated, as it did not depict an accurate description of the zone. "No-touch zone" was replaced with the words, "riparian buffer zone." He reviewed other definitions with minor changes.

He next discussed the voluntary management plan option, explaining the reorganization of certain sections. He explained the reasons for the rearrangement and the feelings of the committee in fine-tuning this option. This section was moved so that the "voluntary" section would precede the "mandatory" language. He discussed the specifics of the voluntary program, and noted that the property owner will have a definitive answer on their proposal within 30 days of the County's review. Mr. Woodmansee explained that one of the issues before the Western Washington Growth Management Hearings Board ("WWGMHB") was that they are not adverse to voluntary programs, but that they want to know the consequences if a voluntary program does not work.

Mr. Woodmansee next discussed buffer requirements, stating that the language in the ordinance now states that the buffer zone will not exceed 15% of the landowner's parcel, and will not be less than 25 feet. He noted that the power in this proposed ordinance is that the County would be making a significant difference on the ground in a short period of time.

Sara Hemphill, 522 14th Avenue East, Seattle, a consultant to ASC, discussed the 25 foot buffer requirement. She stated that the evidence collected in the last several weeks in talking to riparian zone people and forest practice experts, is that if a buffer zone is managed by weeding, fertilizing, sequence planting, and watering, such 25-foot buffer zone should be a raging success. Experience has shown that where the landowner is taking care of the vegetation, the riparian zone does quite well.

Mr. Woodmansee spoke to the possibility of reducing the 25-foot riparian management zone by an individual farmer who met certain criteria. Such criteria would include a plan from the Skagit Conservation District that retains the functionality of the riparian zone.

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Ms. Hemphill stated that the proposed 25-foot buffer zone utilizes the same scientific research as the folks advocating 300-foot buffers. She spoke to specific instances of such research. She further discussed the second 25 feet behind the riparian buffer zone, the soil filtration area. She stated that there is no argument that 25 feet can serve as a soil filtration area, especially in an agricultural area.

Mr. Woodmansee explained that some members of ASC felt the plan was a little too aggressive. It was felt, however, that there was a benefit to being aggressive, and that by taking action, we may forestall and influence worse options in the future. In fact, we may become a statewide focal point to see how our project works. It was further felt that it might be a benefit to be an example instead of merely the recipient of rulings coming out of King County.

A discussion ensued on the exemptions portion of the ordinance. Mr. Woodmansee reviewed the specific language contained therein pertinent to dikes and drainage systems.

Mr. Woodmansee next discussed voluntary additional buffers. He stated that this gives the option for a farmer to voluntarily have buffers of 125 feet of no-touch zone and be compensated. He stated that this option shows that we are working to the maximum to bring agricultural interests and salmon interests together.

Mr. Woodmansee spoke to the possibilities of channel migration during a major flood event. He stated that, as part of monitoring efforts, if a stream is changing course and there is no buffer, we will take that circumstance into account and alter the buffer to maintain its functionality.

Commissioner Wolden commented on bank armoring and repairing such areas in a timely manner. A brief discussion ensued on the long-term effects of a major flood event.

Mr. Woodmansee talked about the enforcement section of the ordinance, stating that 80% voluntary compliance is adequate. If less than 80% of the people affected voluntarily participate, then the ordinance says (after 1-1/2 years + 90 days), that it will become incumbent on those not participating to implement a resource management plan. If they do not, there is a fine of \$100 per day that would be imposed until they have a resource management plan in place. He stated that ASC felt that this type of language needed to be included, as not participating is really harming the rest of the agricultural community.

Mr. Woodmansee stated that .096 is simply our strategic plan. This is our demonstration to WWGMHB what we have done so far. The Public Works Department outlines what they have done and what they plan to do, and the Planning Department lists regulations and policies. It also references that we work with many local resources and programs, speaks to future events, habitat enhancement, removing fish obstacles, public education, and monitoring enforcement. He stated that no one can say the County is not trying very hard in this regard.

Appendix D lists projects that have happened this year or will happen in 2000. Appendix E lists those projects from the year 2000 on.

Larry Lowe, 10423 Fruitdale Road, Sedro Woolley, and a spokesman for ASC, stated that much time and effort had been spent since mid-June developing this ordinance. He discussed the involvement of Sara Hemphill, and the formation of the committee which gathered a group that geographically represented the interests of the entire County. He praised Sara for the great job she did. Mr. Lowe also commented on the cooperation received from the County. He stated that this ordinance is something the agricultural community can live with, even though there is always language that can continued to be refined. He urged the Board to approve the ordinance as presented, as this will keep farmers in business and will, hopefully, help to limit restrictions in the future.

Commissioner Hart indicated that he was absolutely delighted that the committee could get together and work with Sara to get to this point. He stated that he has done much work at the State level on salmon issues, and that this ordinance is the brightest hope to put some rational science into place that might be workable and succeed. He expressed his appreciation to those who put efforts into the development of this document.

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Commissioner Wolden stated that this document is a monumental step forward by bringing stakeholders in to help make decisions. He spoke to the absurdity of 200-foot buffers. He expressed his appreciation for Ms. Hemphill's work in standing up to the scientists.

Chairman Anderson stated that this is one of the toughest votes taken. He indicated that he felt something has to be done to help the agricultural community, as they cannot live with the large buffers originally proposed. He stated that the centerpiece of his argument has always been that the Critical Area Ordinance is unfair. He indicated that he would vote for this ordinance, realizing that there are many promises to revisit issues. He stated that one of those issues must be the buffers on rural lands, and the need to offer compensation to such property owners. He spoke to the sense of fairness that needs to be developed for all of Skagit County

Commissioner Hart moved for approval of an Interim Ordinance adopting Section 14.06.095, "Ongoing Agriculture on Lands Designated Agriculture-NRL" and Section 14.06.096, "Strategic Plan for Protecting Wild Salmonids." He also suggested that on page 3 under 4(b) the words "25 feet" be added, and noted that there are a few spots throughout the ordinance where "no-touch zone" had not been replaced by "riparian buffer zone." Commissioner Wolden seconded the motion, and it passed with a unanimous vote. **(Resolution No. 17596)**

3. Miscellaneous.

There were no miscellaneous Planning & Permit Center items for discussion.

MISCELLANEOUS.

1. On behalf of the Personnel Department, Staff presented a contract addendum renewing the agreement with CIGNA for the long-term disability policies for the County's patrol and corrections deputies. An increase in rates due to claims experience would be absorbed by the employees, since the County is capped at the amount contributed to this plan. Commissioner Hart moved to approve the contract addendum as presented, and Commissioner Wolden seconded the motion. The motion passed unanimously. **(Contract No. 03476)**
2. Staff presented an Out-of-State Travel Request for Diana L. Barnett, Planning & Permit Center, to attend the 10th Annual Business & Educational Conference of the American Association of Code Enforcement, November 3-5, 1999, in St. Louis, Missouri, for the total amount of \$1,432. Commissioner Hart moved to approve the Out-of-State Travel Request as presented by Staff. Commissioner Wolden seconded the motion, and it passed with a unanimous vote. **(Approved)**
3. Staff presented an Out-of-State Travel Request for Jon Schmidt, Planning & Permit Center, to attend the 10th Annual Business & Educational Conference of the American Association of Code Enforcement, November 3-5, 1999, in St. Louis, Missouri, for the total amount of \$1,189. Commissioner Hart moved to approve the Out-of-State Travel Request as presented by Staff. Commissioner Wolden seconded the motion, and it passed with a unanimous vote. **(Approved)**

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ADJOURNMENT.

Chairman Anderson made a motion to adjourn the proceedings. Commissioner Wolden seconded the motion and it passed unanimously.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ted W. Anderson, Chairman

Harvey Wolden, Commissioner

Robert Hart, Commissioner

ATTEST:

Patti J. Chambers, Clerk of the Board
Skagit County Board of Commissioners