

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Wednesday, November 3, 1999**

7:00 a.m. – 8:00 a.m.	Breakfast with the Army Corps of Engineers for Flood Awareness Week, Mitzel's American Kitchen, 1627 Freeway Drive, Mount Vernon.
8:00 a.m. – 8:30 a.m.	Work Session – Public Works Projects (Sauk Conference Room, 1111 Cleveland, Mount Vernon).
*T 9:00 a.m. – 10:00 a.m.	Public Hearing to Consider Testimony regarding Skagit County Code 14.06 Critical Area Ordinance, specifically section 14.06.095, "Ongoing Agriculture on Lands Designated Agriculture-NRL," and Section 14.06.096, "Strategic Plan for Protecting Wild Salmonids."
10:00 a.m. – 11:00 a.m.	Executive Session – Personnel, Litigation and Land Acquisition.
2:00 p.m. – 3:00 p.m.	Budget Work Session.

The Skagit County Board of Commissioners met in regular session on Wednesday, November 3, 1999, with Commissioners Ted W. Anderson, Harvey Wolden, and Robert Hart present.

PUBLIC HEARING TO CONSIDER TESTIMONY REGARDING SKAGIT COUNTY CODE 14.06 CRITICAL AREA ORDINANCE, SPECIFICALLY SECTION 14.06.095, "ONGOING AGRICULTURE ON LANDS DESIGNATED AGRICULTURE-NRL," AND SECTION 14.06.096, "STRATEGIC PLAN FOR PROTECTING WILD SALMONIDS."

Chairman Anderson opened the public hearing.

W.D. Wills, 849 Peterson Road, Burlington, stated that he was qualified to speak as he was a coordinator of a fish restoration project which started in 1990. He spoke to the particulars of this fish restoration project, including the donation of time and materials and the use of no tax dollars. Mr. Wills proposed that this ordinance be tabled until certain issues can be corrected. He spoke regarding confiscation of property through the system proposed. He discussed Joe Leary Slough, stating that it is not a stream and does not have spawning characteristics or capabilities, and that there have never been any salmon in Joe Leary Slough. He stated that Joe Leary Slough should not be included in the list of fish-bearing streams. He suggested sending registered letters to each farmer and Governor, so that every farmer is made aware of the situation. He further suggested pointing out the fallacies of this scientific idea to the people who proposed these buffers.

Bob Rose, Skagitonians to Preserve Farmland, remarked that his organization has been involved in this issue for the last three years and recognizes the need to achieve balance. He stated that this ordinance represents quite a bit of intensive and lengthy discussions among people in the farming community in Skagit County. He discussed the need for a voluntary incentive program. He stated that he believes that this proposal is based on sound data and monitoring requirements. He indicated that this is not a perfect proposal, but is a step in the right direction and demonstrates the agricultural community's dedication.

John Roozen, 16031 Beaver Marsh Road, spoke regarding the lifeblood of the community being the agricultural industry, the challenge of drainage, and the need to maintain and control water. He stated that the Board's challenge is to honor the emotions of the entire community and base decisions on good science. He stated that the proposed plan is not the fastest or the cheapest, but this plan is as innovative as possible and is science based. Mr. Roozen thanked the Board for their leadership in this regard.

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Tom Solberg, 19019 Minnie Road, Burlington, spoke regarding his tree farm and the fact that his farm is not zoned "agriculture." He commented that the proposal is very vague, and expressed concern about additional staff that may be required to be hired. He questioned how the lease payments will be paid for, expressing concern for increased taxes. Mr. Solberg stated that open space taxation options are not the proper incentive.

Sarah Hemphill, 14034 Calhoun Road, Mount Vernon, indicated that she brought a slightly expanded version of proposal, which was available for those in attendance. She stated that Natural Resources Consultants (NRC) have worked with the farm community and County to develop this proposal, and such work has caused quite a stir within the entire State. Ms. Hemphill indicated that the proposal was designed to take care of fish and people in the community. She pointed out that key points of the proposal include the ability to start immediately, to document the process so that the best available science is used, and to pull the community together to make this successful. She stated that funding is an issue, and that the County cannot tax to accomplish this, but that NRC is committed to assist in finding funding elsewhere. She indicated that many people across the nation are concerned about this exact issue.

Tom Wilson, United States Environmental Protection Agency, Seattle, stated that his agency is here to support the work that is being done and will be done. He commented that the County has been innovative in developing this proposal, and that his agency is very willing to learn and work with the County in the future. Mr. Wilson stressed the importance of recognizing the need for salmon restoration. He indicated that the proposal moves the County forward, realizing that there are buffer questions, but it puts activities underway that can be adjusted as the program proceeds. For those reasons, Mr. Wilson stated that the EPA wants to be supportive and innovative in how water quality based programs can be used in riparian buffers to satisfy the Clean Water Act. He urged the Board not to get sidetracked by the cost issues as there are alternatives to act cost-effectively. He stated that this program can be used as a model, and that it is important not to throw taxpayer dollars at it.

Curtis Johnson, 15510 Snee-Oosh Road, LaConner, spoke in favor of the proposed ordinance. He stated that it creates a scientific study that could become the standard in the State and across the United States. He indicated, however, that the program would probably be met with derision. Mr. Johnson stated that the farmer is the best friend fish ever had. He spoke to the issues of drainage and buffers contained in the plan.

Lloyd Loop, 14694 Field Road, discussed the fact that there have never been fish in the Joe Leary Slough and the inherent lack of sand and gravel in that slough. He spoke regarding his land along the Samish River and commercial Indian fisherman harvesting an excess of salmon because of the Boldt decision.

Annie Lohman, 15283 Sunset Road, Bow, representing Skagit County Farm Bureau, thanked the Planning Department and Agriculture for Skagit County (ASC), and expressed support for site-specific conservation plans. She expressed concern that 15% is a large percentage of property for any one landowner to give up. She suggested minor editing errors, replacing "no-touch" buffer language with "riparian buffer." Ms. Lohman stated that the Skagit County Farm Bureau strongly believes success hinges on fair and reasonable compensation to the landowners when giving up production. She further indicated that by signing a lease, the property owner should not give up any property rights. The accuracy of the agriculture compliance map cannot be overstressed. She expressed appreciation for the pro-active moderate monitoring strategy, and stated that further work needs to be done on the channel migration section.

Jean Shea, 4530 Prairie Lane, Sedro Woolley, appreciated the fact that existing conservation plans utilizing Best Management Practices would be exempt, but expressed concern that Best Management Practices often take a large amount of money to implement. She stated that an approved conservation plan does not automatically mean compliance and additional funding may be necessary to assure compliance. She reviewed that farmers may be in Catch-22 type situations where the farmer is making every effort to be environmentally sound, but is not able to obtain the necessary funding. She spoke to the need to assist the farmers in implementing their conservation plans.

Jerry Nelson, 15890 Josh Wilson Road, representing himself and Norm Nelson Potatoes, Inc., stated that he is on the ASC Board, and is a member of the Farm Crops Association. He thanked the County for the work done in

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developing this ordinance and for putting the interim ordinance in place. He stated that this proposal is the best option to get the most accomplished, and will have many opportunities to be successful. He stated that there are impacts on the farmers, but the proposal allows the farmer to utilize the most land possible. He stressed the importance of drainage in the bottomland, and expressed appreciation to the Board for the efforts in this regard.

Lee Bode, 12746 Thilberg Road, Mount Vernon, a member of ASC and representing DeVries Dairy, thanked the Board and Staff for working with the agricultural community. He expressed concern for the proposed leases and the need to have language in the ordinance that would clarify that there would be no public access across the designated buffered areas.

Doyle McClure, 7827 Parker Road, Sedro Woolley, representing Friends of Skagit County, submitted a detailed critique of the ordinance, emphasizing that FOSC has supported a balanced protection of fisheries and agriculture as is mandated by the Growth Management Act (GMA). He stated that the interim ordinance does not go far enough to address such concerns. Mr. McClure stated that the problem is the very large discrepancy between the buffers and functions as opposed to the State and Federal best available science. He stated that the proposed ordinance is too vague, does not protect for the long term, and has a sunset clause after five years. He indicated that the proposed ordinance would expose the County again to non-compliance and invalidity orders.

Richard Smith, 18495 Dike Road, indicated that he supports this ordinance. He briefly discussed drainage issues.

Larry Lowe, 10423 Fruitdale Road, Sedro Woolley, thanked the Board for their efforts in the formation of the proposed ordinance. He spoke to the wide range of emotions generated by this subject. He stressed the need to use best available science, especially the science that will work on farmland. He indicated the need to preserve salmon and maintain economic benefits for farmers. He stated that the plan is by no means perfect, but it can be changed as the best available science changes.

Michael Mackie, 14037 Calhoun Road, said that the Endangered Species Act (ESA), especially the listing of Chinook Salmon, has given a wake-up call to all of us in sorting out how to fix the problems. He applauded farmers for jumping in to help maintain salmon habitat, while maintaining the viability of farmland. He reviewed the economic impacts as well as ecological impacts to be considered when deciding how to utilize best management practices and the best available science. He stated that the goal is to engage the farmers in problem solving. He noted that monitoring is key and sharing knowledge is important. Mr. Mackie reiterated that the ESA has made this a crisis situation and long-term solutions must be worked out one step at a time. He commented on the limited budget available, and urged the Board and those in attendance not to spend the County's resources on litigation.

Bill Reinhard, 12051 Bayhill Drive, Burlington, spoke defensively regarding farming, logging and fishing and their interactions. He indicated that what is lacking in programs focused on the recovery of salmon is a biological, ecological and genetic focus. He discussed the issues of escapement and harvest.

Travis Martinez, 8754 Peavey Road, Sedro Woolley, stated that he is opposed to this plan as farmers need every inch of land to make a living, and they cannot afford to give any more land away.

There being no further public testimony forthcoming, Commissioner Wolden moved to close the public hearing, leaving the written comment period open through Friday, November 5. He confirmed with Staff that deliberations would be held at 2:00 p.m. on Monday, November 15. Commissioner Hart seconded the motion, which passed with a unanimous vote. The public hearing was closed.

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