

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, April 3, 2000**

10:00 a.m. – 10:15 a.m.	CONSENT AGENDA. MISCELLANEOUS.
10:15 a.m. – 10:30 a.m.	Award of Bid – County Legal Printing 2000-2001.
*T 11:00 a.m. – Noon	Public Hearing – To Consider Testimony and Comments Before Possibly adopting Findings of Fact in Support of the Re-Adoption of Sections .095 and .096 (Agricultural Land Buffers) of the Critical Area Ordinance, Ordinance No. 17712. This is for the purpose of extending the interim status pursuant to RCW 36.70A.390.
2:00 p.m. – 2:30 p.m.	Consideration of the Hearing Examiner's Recommendation for Approval of Two Timber Open Space Applications of George Wallace for Property located on Fidalgo Island (OT98-0448 and OT98-0462).
2:30 p.m. – 3:30 p.m.	Executive Session – Personnel, Litigation and Land Acquisition.

The Skagit County Board of Commissioners met in regular session on Monday, April 3, 2000, with Commissioners Harvey Wolden, Robert Hart, and Ted W. Anderson present.

CONSENT AGENDA.

Commissioner Hart moved to approve the Consent Agenda for Monday, April 3, 2000, items 1-14. Commissioner Anderson seconded the motion, which passed with a unanimous vote.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, March 20, 2000.
2. Record of the Proceedings for Tuesday, March 21, 2000.
3. Record of the Proceedings for Monday, March 27, 2000.

FACILITIES

4. Amendment "A" to Personal Services Agreement with Caldwell Painting. Compensation shall be increased an additional \$2400.00 plus tax. Either party may terminate agreement giving 30 days written notice. All other terms of Agreement #04469 shall remain in effect. **(Contract No. 04469)**

PUBLIC WORKS

5. Resolution in Support of the Puget Sound Salmon Foundation (PSSF). **(Resolution No. 17822)**
6. Call for Public Hearing Amended Proposed Special Assessment Roll, Rates, and Charges for the Treatment of Lake McMurray with Sonar Herbicide for the Eradication of Watermilfoil on the Skagit County Lake Management District No. 2 for Lake McMurray: Public Hearing April 24, 2000 at 10:30 a.m. **(Resolution No. 17823)**

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7. Out-of-State Travel Request for Andy Shaw, George Shultz, Walt Parker, Chris Rowell, John Davidson and Ben Clark to attend the Pacific Northwest Bridge Maintenance Conference in Portland, Oregon April 25-26. Total cost of \$344.86 per person. **(Approved)**
8. Supplement No. 1 of Professional Services Agreement No. 004681 with Dames and Moore, Inc., Prevedell Road Improvement Project ES93210-1. The dollar amount for this supplement is \$34,361.00. The Supplement will expire on December 31, 2000. **(Contract No. 04681)**
9. Vendor Services Agreement with Elite Productions for the Cook Road Improvement Project to produce a Public Service Announcement video which will be used to educate and inform the general public and broader community about the closure of Cook Road and detour information during construction. The video will be aired on the weekly televised Board of Commissioners public hearings and local cable stations in Skagit County. Compensation will not exceed \$2,000.00. Contract will begin April 3, 2000 and expire when either party terminates by giving 30 days notice. **(Contract No. 04839)**
10. Bridge Inspection Agreement and Memorandum of Understanding with the State of Washington. The agreement outlines the terms of High Cost Bridge Inspection of Local Agency Bridges performed by the State. The County shall perform routine bridge inspections of Small City owned bridges and maintain the official inspection files for these bridges. The County will save an average of \$13,500 per year in inspection costs as under this agreement the County will become responsible for inspecting the Baker River Bridge for the City of Concrete. **(Contract No. 04840)**
11. Contract between Skagit County and Farm and Forest Helicopter Services for Arial application of herbicides to approximately 20 acres of the closed Inman Landfill. Application to be made by helicopter, with Skagit County providing all herbicides and other spray supplies. Contract costs for the application are \$25.00 per acre for a total cost of \$500.00. Application will be made by helicopter between mid-April and mid-May, depending on weather and growth rate of noxious weeds at the landfill. **(Contract No. 04841)**

YOUTH AND FAMILY SERVICES:

12. Contract between Kees Hofman, Ph.D. and Skagit County to begin January 1, 200 and to end December 31, 2001. Scope of work to include specialized child, adolescent, adult and family assessment, evaluation and treatment, etc. Reimbursement at \$125.00 per hour for evaluation with written report and \$85.00 per hour for individual therapy, etc. **(Contract No. 04842)**
13. Personal Services Agreement with John Ketchum, M.A. to be in effect on the 1st day of January, 2000 and end on December 31, 2001. Scope of Work as above. Reimbursement rates at \$60.00 per hour for individual therapy with written report, \$65.00 per hour for family therapy, \$70.00 per hour for group therapy, etc. **(Contract No. 04843)**
14. Personal Services Agreement with Charles M. Britt, M.A. to be in effect on January 1, 2000 until December 31, 2001. Scope of Work as above. Reimbursement rates at \$60.000 an hour for individual therapy with written report, \$65.00 per hour for family therapy, with written report, \$70.00 per hour for group therapy, etc. **(Contract No. 04844)**

MISCELLANEOUS.

1. Vouchers audited and certified by the auditing officer as required by R.C.W. 42.24.080, and those expense reimbursement claims certified as required by R.C.W. 42.24.090, have been recorded on a listing, which has been made available to the Board.

As of this date, April 3, 2000, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

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Warrants numbered 66810 through 67641 from Clearing Fund 696 in the total dollar amount of \$1,609,088.36 (Transmittal No. C-23-00).

2. Staff presented an Out-of-State Travel Request for Richard Doenges, Conservation Futures Program, to attend the Northwest Land Trust Conference in Sunriver, Oregon, May 18-20, 2000, for a total cost of \$901. Commissioner Hart moved to approve the Out-of-State Travel Request as submitted, and Commissioner Anderson seconded the motion. The motion passed unanimously.
3. Staff presented an Out-of-State Travel Request for Meredith Baker, Health Department, to attend a Touchpoints Project Seminar in DeCatur, Illinois, April 17-19, for a total cost of \$1,000. Commissioner Hart moved to approve the Out-of-State Travel Request as presented. Commissioner Anderson seconded the motion, which passed unanimously.

AWARD OF BID – COUNTY LEGAL PRINTING 2000-2001.

Patti Chambers, Administrative Coordinator, reviewed that one bid had been received for County legal printing for the period July 1, 2000 through June 30, 2001. The bid was submitted by the Skagit Valley Herald, and was for the daily rate of \$2.84 per column inch, and a Sunday rate of \$2.98 per column inch. The previous two years the rate had been \$2.70 per column inch.

Commissioner Anderson moved to award the bid for County Legal Printing for 2000-2001 to the Skagit Valley Herald for the daily rate of \$2.84 per column inch, and \$2.98 per column inch for Sunday publication. Commissioner Hart seconded the motion, which passed with a unanimous vote. **(Resolution No. 17824)**

PUBLIC HEARING – TO CONSIDER TESTIMONY AND COMMENTS BEFORE POSSIBLY ADOPTING FINDINGS OF FACT IN SUPPORT OF THE RE-ADOPTION OF SECTIONS .095 AND .096 (AGRICULTURAL LAND BUFFERS) OF THE CRITICAL AREA ORDINANCE, ORDINANCE NO. 17712.

Chairman Wolden opened the public hearing.

Bill Reinard, 12051 Bayhill Drive, Burlington, discussed the selective use of best available science in protecting salmon, noting that if only harvest restrictions are addressed, the program will not be successful.

John Gissburg, 2133 Third Avenue, Seattle, counsel for various agricultural concerns in Skagit County, addressed the issues of protecting and preserving agricultural lands in Skagit County. He stated that the Critical Area Ordinance has been adopted and complies with all aspects of the Growth Management Act (GMA). He indicated that he had submitted written testimony in this regard. He presented the Board with articles of interest regarding agricultural buffers and salmon recovery.

John Hastings, 16582 Bradshaw Road, Mount Vernon, stated that large buffer zones make it impossible to provide for adequate drainage. He spoke to various economic points of view, including the loss of processors, urban sprawl, and encroachment on farmland. He stressed that any more restrictions will add to an already depressed agricultural economy.

Paul LaCroix, Manager for Western Washington Farm Crops Assoc., 2017 Continental Place, Mount Vernon, discussed the process of cleaning and maintaining the drainage system in the valley, noting that such system is critical to the ability to farm in the delta. He commented on the exemptions from buffers for such drainage systems. He stated that it is impossible to get back to natural pristine areas where development has occurred. He reviewed the need to work in developed areas to approximate the conditions the fish lived in in the past.

Steve Sakuma, 17400 Cook Road, Burlington, briefly reviewed the history of the agricultural community working to support the Critical Area Ordinance as it is before the Board today. He gave examples of the need to continue to provide the ability to farm and explained some of the economic realities of farming. He indicated that over the past 9

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months the agriculture community has determined that everyone has an opinion and no one has all of the answers. Mr. Sakuma explained that the implementation of this CAO is in the best interests of all of the parties.

Annie Lohman, 15283 Sunset Road, Bow, spoke favorably regarding the exemption of farms with completed conservation plans. She stated that under this program, less than 5% of farms in Skagit County would be exempted.

Lynn Barrett, P.O. Box 160, Shaw Island, speaking for the Washington Environmental Council, referenced a letter the Council submitted regarding the County's goal on responsive adaptive management. She stated that the adaptive management process should be designed to preserve what is left of salmonid resources. She stressed the need to set a standard of protection to allow for unforeseen circumstances to insure the survival of salmon. She expressed the need to "raise the bar" before the resource is totally lost.

John Roozen, 18091 Moores Garden Road, discussed the necessity for surface hydrology, noting that a series of pictures had been submitted which support this need. He spoke regarding the need for the maintenance of the dike and drainage system throughout the County and the need to continue such maintenance. He stated that this maintained method of water control is the very foundation of floodplain agriculture in Skagit County. He thanked the Board for their past unanimous support of this ordinance.

Bob Rose, Skagitonians to Preserve Farmland, 1011 North First Street, Mount Vernon, stated that the farming community knows it can grow with a baseline set of rules and standards, a well thought-out system of protection. If farmers aren't taking care of the land, then long-term prospects are even bleaker. He urged the Board to re-adopt the existing ordinance as proposed. He briefly discussed the penalties for non-compliance.

Sara Hemphill, Natural Resources Consultants, 1900 W. Nickerson Street, Suite 207, Seattle, reviewed a brief history of NRC's work with Agriculture for Skagit County (ASC) and the County itself. She stated that there seems to be confusion about what the Endangered Species Act (ESA) is going to require and what the Growth Management Act (GMA) requires. She stated that the Ordinance focuses on GMA requirements, which are broader from the standpoint of species covered, but is less specific as to what activities are required. She explained that the ESA has a more narrow species identification. NRC's goal was to come up with a program that would get things on the ground and moving, with a proposal for accelerated vegetated long-term sustainable buffers. She stated that the second part of the goal is to develop an adaptive management plan.

Mike Maki, 1434 Calhoun Road, Mount Vernon, explained the concept of managed agricultural buffers which is an effort to do more on less ground in less time to keep agriculture in place and to serve the needs of salmon recovery.

Mike Broili, Living Systems Design Group, 211 North First Street, Shoreline, stated that salmon is the issue on the table today, and that the federal agency's goal is to develop a watershed perspective. He stressed the need to do planning, design and management on that scale. He emphasized the need to be guided by the precept of getting community involvement and outreach, so that all stakeholders can work on the same level in a collaborative effort rather than in a confrontational way.

Steve White, NRC, 1900 W. Nickerson Street, Seattle, indicated that he was instrumental in putting together the proposal being considered today. He discussed various aspects of the plan, including the adaptive management system. He indicated that this provides a very good venue to start with adaptive management instead of the alternative of nothing on the ground and five years worth of legal battles.

Janet McRae, 2008 Goose Prairie Road, Sedro Woolley, indicated that fish used to be as plentiful as the farmers and are diminishing at the same rate. She stated that the farmers are not causing the fish to disappear, and gave examples of the farming practices her family has incorporated to be "fish friendly."

Larry Lowe, 10423 Fruitdale Road, Sedro Woolley, thanked the Board for voting this ordinance into effect. He commented on the tremendous support and cooperation of the agricultural community. He urged the Board to vote "yes" on renewing the interim ordinance.

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Ron Wesen, 7210 Worline Road, owner of a fourth generation dairy farm, thanked the Board for their support of this ordinance, and asked them to support its renewal.

Ryan Mower, 35658 Lyman Hamilton Highway, Sedro Woolley, thanked the Board for their support of small effective buffers. He stated that he would like to be a farmer when he grows up.

Doyle McClure, 7827 Parker Road, Sedro Woolley, speaking on behalf of Friends of Skagit County and the Audubon Society, indicated that they have submitted thousands of pages of the best available science and requirements of the law. He commented that electioneering has gotten in the way of sound science. He stated that NRC has failed to provide fish protection and fish habitat protection. He stated that this is an atrocious ordinance that fails to meet the law.

Carolyn Kelly, Skagit Conservation District, 2021 E. College Way, Mount Vernon, discussed the difficult balancing act between the protection of resources in Skagit County and the sustainability of farming. She stated that this ordinance is not the total solution to saving endangered species, but does provide a good starting point in a cooperative, collaborative manner.

There being no further public comment forthcoming, Commissioner Anderson moved to close the public hearing. Commissioner Hart seconded the motion, which passed unanimously. The public hearing was closed.

Commissioner Anderson expressed his appreciation for the positive comments received, and for the months of hard work done on this ordinance. He stated that this proposal offers fairness and not a specialized focus with a personal agenda. Commissioner Anderson stated that farming is the last resource-based industry, as timber is almost gone and fishing is almost gone. He explained that habitat restoration is a part of many conservation efforts, but that other items such as escapement need to be figured into the equation. He expressed his anger at the County being held to levels that detractors are not. He stated that the important thing is that the County and the farmers are doing something, even though it is not perfect.

Commissioner Hart stated that this is a good solid ordinance and, in working at the state level and with federal agencies, such a system put together with incentives will accomplish the job. He stated that there are questions with some of the semantics of the ordinance, specifically the words "farm plan." The issue comes down that there are some corrections to the ordinance that need to be worked on. He indicated that he knows that all of our drainage systems are operated under FPAs with Fish & Wildlife Service, and was unsure whether this fact should be incorporated by reference. Commissioner Hart indicated that there are some things in the ordinance that he would like to see changed, but at this point the best tactic is to move forward and re-adopt the ordinance, working through the language changes at a future date.

Chairman Wolden indicated that a little bit of something is a whole lot better than nothing at all. He commented on the cooperation of those involved, and the generalized acceptance of the provisions of the ordinance. He indicated that Skagit County has something in place that no other County has. He stated that detractors may want 100 or 200 foot buffers, but Skagit County is offering 25 feet on either side, a volunteer program with buy-in from those involved.

Commissioner Anderson moved to Re-Adopt Sections .095 and .096 (Agricultural Land Buffers) of the Critical Area Ordinance, Ordinance No. 17712, for the purpose of extending the interim status pursuant to RCW 36.70A.390. Commissioner Hart seconded the motion, which passed with a unanimous vote. **(Staff to provide the appropriate Ordinance on April 4, 2000, at a scheduled session).**

CONSIDERATION OF THE HEARING EXAMINER'S RECOMMENDATION FOR APPROVAL OF TWO TIMBER OPEN SPACE APPLICATIONS OF GEORGE WALLACE FOR PROPERTY LOCATED ON FIDALGO ISLAND (OT98-0448 and OT98-0462)

After a brief description of the subject property, Commissioner Anderson moved to approve the Timber Open Space Applications of George Wallace for Property located on Fidalgo Island, OT98-0448 and OT98-0462.

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Commissioner Hart seconded the motion, which passed with a unanimous vote. **(Resolution No. 17825, Resolution No. 17826)**

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Harvey Wolden, Chairman

Robert Hart, Commissioner

Ted W. Anderson, Commissioner

ATTEST:

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