

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 3, 2012**

The Skagit County Board of Commissioners met in regular session on Tuesday, April 3, 2012, with Commissioners Kenneth A. Dahlstedt, and Ron Wesen present.

I. CALL TO ORDER:

Chairman Dahlstedt called the proceedings to order at 8:30 a.m.

Commissioner Dillon's absence was excused.

II. PLEDGE OF ALLEGIANCE:

Chairman Dahlstedt led the gallery in the salute to the flag.

III. AGENDA:

a) 8:30 a.m. - 8:45 a.m. Farmland Legacy and Natural Resources Programs:

1. First Quarter Update by Program Coordinator Kendra Smith

Farmland Legacy Coordinator Kendra Smith provided a PowerPoint presentation and reported on the Farmland Legacy Program's (FLP) funding projections for 2012. Ms. Smith stated that the FLP had \$1,322,000 in funding for 2012. A chart showing acres of protected properties that have been funded with United States Department of Agriculture (USDA) was provided.

There was a discussion about the deadline to file application to the FLP had been extended to Monday, April 30, 2012. Ms. Smith explained that the Farmland Legacy Program (FLP) takes applications throughout the year and scores them twice a year in order to rank them for available funding for the purchasing of development rights. Commissioner Wesen pointed out that property owners pay a certain amount of taxes into the FLP in order to allow the County to purchase property development rights. Chairman Dahlstedt voiced concerns that with the current County codes that allow only farmers to build on farmland, that it might not be necessary to use tax payer dollars to purchase development rights. Ms. Smith indicated that County Code could be amended in the future and that once development rights were purchased, they were protected permanently even if County codes were changed.

Ms. Smith went on to discuss the US Forest Service Forest Land Management Planning Rule. She stated that the Under Secretary of Agriculture for Natural Resources and Environment had signed the final planning rule for land management planning for the National Forest System. The Forest Service would begin implementing the final planning rule 30 days following the publication of the rule in the Federal Register.

There were discussions regarding the Blanchard Mountain Advisory Committee; Forests Fish Policy; Secure Rural Schools; Illabot Creek, and the Forest Advisory Board. Ms. Smith indicated that in response to public appeals, the Forest Service had recently decided to withdraw its decision to close the Illabot Road.

The Commissioners thanked Ms. Smith for the update.

2. Miscellaneous

There were no miscellaneous items for the Farmland Legacy Program to discuss.

Chairman Dahlstedt recessed the proceedings at 8:59 a.m.

b) 9:00 a.m. - 9:30 a.m. Prosecuting Attorney's Office - Richard Weyrich, Prosecutor:

Chairman Dahlstedt reconvened the proceedings at 9:01 a.m.

1. Discussion/Possible Action: Interim Ordinance Adopting a Moratorium on Cannabis Dispensaries and Collective Gardens

Civil Deputy Prosecuting Attorney Ryan Walters stated that he was present on behalf of the Prosecuting Attorney to discuss a moratorium on cannabis dispensaries and collective gardens. He indicated that the proposed moratorium would prohibit the establishment of marijuana dispensaries and collective gardens for medicinal or recreational use. He indicated that medical marijuana had been allowed and regulated in the State of Washington since the voters approved Initiative 692 in 1998. He said that the Washington State Legislature passed a bill in July 22, 2011, which allowed the establishment and operation of collective gardens for growing cannabis for medical purposes.

Mr. Walters reported that state law allowed local governments to enact moratoria on land use matters. He indicated that the proposed moratorium was appropriate because Skagit County wished to preserve the status quo while it developed a work plan and to work with the Sheriff, and Prosecutor's office to develop and study appropriate regulations for the siting and other conditions for cannabis collective gardens. He pointed out that the moratorium would also prohibit the acquisition, possession, manufacture, sale, or use of cannabis for non-medical purposes, but that an initiative would appear on the November ballot, which proposes to legalize the recreational use of cannabis in the state.

Sheriff Will Reichardt stated that he supported the moratorium on cannabis dispensaries and collective gardens. He said that the moratorium would allow time for the Legislature to define the meaning of cannabis dispensaries and collective gardens, and it would allow time to develop new regulations. The Sheriff said he had concerns that since the cities all had enacted moratoriums prohibiting cannabis dispensaries and collective gardens and that if the county did not have the same law adopted, it could cause cannabis and collective gardens to operate in the County.

Chairman Dahlstedt urged the Prosecutor, Planning and Development Services, and the Sheriff to work closely with the cities and towns to develop consistent regulations on cannabis dispensaries and collective gardens.

Mr. Walters stated that RCW 36.70A.390 and RCW 36.70.795 provided authorization to adopt a moratorium without notice and public hearing, provided that the County hold a public hearing within sixty (60) days after the adoption of the moratorium. He went on to say that there was a public hearing on the matter scheduled to take place on Tuesday, April 24, 2012, at 11:00 a.m.

A motion was made by Commissioner Wesen to approve adopting the Interim Ordinance Adopting a Moratorium on Cannabis Dispensaries and Collective Gardens. (**Ordinance No. O20120002**) Chairman Dahlstedt seconded the motion. The vote passed unanimously.

2. Miscellaneous

There were no miscellaneous items for the Prosecutor's office to discuss.

Chairman Dahlstedt recessed the proceedings at 9:18 a.m.

c) 10:30 a.m. - 11:30 a.m. Public Works - Henry Hash, Director:

Chairman Dahlstedt reconvened the proceedings at 10:31 a.m.

1. Work Session: National Pollutant Discharge Elimination System Phase II Permit Update

Storm Water Coordinator Mike See said that Skagit County currently holds a Phase II National Pollutant Discharge Elimination System (NPDES) Stormwater Permit from the Washington State Department of Ecology for the management of municipal surface water runoff, enhancement, and protection of regional water quality. The permit was a requirement under the Federal Clean Water Act that the Department of Ecology administers.

The current Phase II Permit became effect on February 16, 2007, and recently expired on February 15, 2012. The Department of Ecology (Ecology) has extended the County's current permit for one year and released a new NPDES Phase II Municipal Stormwater General Permit that will take effect in 2013. Many of Ecology's proposed changes in the next permit are intended to address the Washington State Pollution Control Hearings Board's decision on Low Impact Development (LID) techniques.

The Phase II permit would require Skagit County to meet a number of obligations in the areas of public education and outreach, public involvement, illicit discharge detection and elimination, runoff control, pollution prevention, and staff training. The permit requirements have mandatory deadlines that are phased into Skagit County's schedule to fully implement the Stormwater Management Plan.

Mr. See indicated that further information could be obtained by contacting him at (360)336-9400 or by e-mailing him at michael@co.skagit.wa.us.

Damian Desner with Brown and Caldwell provided a PowerPoint presentation regarding the new draft permit requirements, which include new LID Stormwater Best Management Practices; runoff control from development and redevelopment; development review; roads; stormwater monitoring; revised 2012 Stormwater Management Manual for Western Washington.

There was discussion about who would be responsible for the regulation of the 2012 Stormwater Management Manual; the increased costs to update Skagit County Code in order to comply with the Manual; long term costs of obtaining samples for stormwater monitoring. There was a discussion about how to handle the various drainage districts.

Commissioner Dahlstedt indicated that the LID requirements could create additional financial burdens to developers during the current difficult economic climate.

Mr. See indicated the final permit was scheduled to be signed into effect in June 2012. The new Stormwater Permit would take effect in February 2013.

2. Miscellaneous

There were no miscellaneous items for Public Works to discuss at this time.

Chairman Dahlstedt recessed the proceedings at 11:22 a.m.

d) 11:30 a.m. - 11:45 a.m. Public Comment Period

Chairman Dahlstedt reconvened the proceedings at 11:31 a.m.

Seeing no one present to comment, Chairman Dahlstedt closed the public comment period at 11:31 a.m.

e) *2:00 p.m. - 3:00 p.m. Executive Session (Potential Litigation)

IV. ADJOURNMENT:

The Commissioners attended an executive session on Tuesday, April 3, 2012, from 2:00 p.m. to 3:00 p.m. The purpose of the executive session was litigation RCW 42.30.110(1) (i). (Matters relating to County enforcement, actual litigation, potential litigation.) The following attorneys were present to provide legal counsel to the Commissioners: Skagit County Deputy Prosecuting Attorney Arne Denny, and Duncan Fobes, Patterson, Buchannan, Fobes, Litch & Kalzer, Inc. P.S. Additional attendees: County Administrator Tim Holloran, Risk Manager Billie Kadrmas, and Washington Counties Risk Pool Claims Manager Susan Looker.

Chairman Dahlstedt adjourned the proceedings at 11:31 a.m.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt, Chairman

Sharon D. Dillon, Commissioner

Ron Wesen, Commissioner

ATTEST:

Linda Hammons, Clerk of the Board