

# Skagit County Agriculture Advisory Board

## Meeting February 10, 2021

### VIA MS Teams

#### Members in Attendance

Michael Hughes	Nels Lagerlund	Barbara Cleave	John Morrison
Justin Hayton	Steve Omdal	Tim VanHofwegen	Terry Sapp

#### Proxy Designations

Nels Lagerlund for Kraig Knutzen

#### Members Absent

Steve Wright	Rachael Ward-Sparwasser
Kraig Knutzen	Murray Benjamin

#### Others in Attendance

Peter Browning, Skagit County Commissioner  
Hal Hart, Director, Skagit County Planning & Development Services (PDS)  
Betsy Stevenson, Skagit County Planning & Development Services (PDS)  
Don McMoran, WSU Extension  
Kim Adams, Skagit County Planning & Development Services (PDS)  
Craig Macku, Community Member

#### Call to Order, Introductions

Michael Hughes called the meeting to order at 6:05.

#### Approval of Meeting Summary

Steve Omdal moved to accept the January 13, 2021 Meeting Minutes, John Morrison seconded. Motion carried.

#### Guest Speaker

##### **Betsy Stevenson – Skagit County Planning & Development Services**

- Betsy presented an update on the Shoreline Master's Program (SMP)
- **What is a Shoreline Master Program?**
- The Shoreline Master Program (SMP) is a set of policies and regulations required by state law that has three basic principles:
  - **Protect the environmental resources of state shorelines**
  - **Promote public access and enjoyment opportunities**
  - **Give priority to uses that require a shoreline location**
- The SMP must also protect critical areas, ensure no net loss of ecological functions and encourage preferred uses.
- The SMP includes goals, policies, and regulations consistent with the Shoreline Management Act of 1971.
- **Why are we completing a comprehensive update of the SMP?**

- In 2003, the state Legislature established funding, timelines, and guidelines requiring all cities and counties to update their local Shoreline Master Programs prepared under the Washington State Shoreline Management Act. The new shoreline guidelines passed in 2003 set a higher level of environmental protection for shorelines in the state and a goal of "no net loss" of shoreline function.
- The comprehensive update of the SMP began in 2010 and was put on hold in September 2016. Skagit County is completing the comprehensive update of its SMP. We are behind schedule in this update.
- **Planning Commission SMP Meeting Schedule:**
  - **January 26, 2021**
    - Legislative updates for consistency with State law (periodic update)
    - CAO integration
  - **February 9, 2021**
    - General Regulations
    - Uses and Modifications
  - **February 23, 2021**
    - Uses and Modifications, cont.
  - **March 9, 2021**
    - Legally Established Pre-Existing Uses and Structures
    - Administration
    - Definitions
    - Shoreline environment designation mapping
  - **March 23, 2021**
    - Possible Public Hearing
- **Public Outreach**
  - Updated County Website
  - SMP Online Open House
  - Monthly Public Information meetings
  - Email Listserv Notifications
  - Public Comment period/hearing
- **Key SMP Issues Addressed in the 2016 PC Draft**
  - Non-conforming Uses/Structures
  - Overwater Structures (piers/docks)
  - Mapping of shoreline environment designations
  - Shoreline Armoring
  - Vegetation Conservation and Environmental Protection
  - Buffers and Setbacks
  - CAO integration
- **Anticipated Amendments to the 2016 Draft**
  - **Elements from the periodic review**
    - E.g. review of exemption thresholds, definitions, WAC consistency, listing of SMA waterbodies
  - Addresses Planning Commission recommendations in the 2016 recorded motion
  - Addresses Ecology comments for consistency with WAC
  - Integration of most current CAO
  - Formatting adjustments to align policy sections
  - Addition of hyperlinks to improve electronic use
- **Legislative Amendments**
  - **Definitions:**

- Clarifies that “development” does not include dismantling or removing structures if there is no other associated development or re-development
    - Clarifies that a “floating home” is not a vessel, even though it may be capable of being towed
  - **Dredging:**
    - A shoreline permit is not required for disposal of dredged materials at approved Dredged Material Management Program sites
  - **Forest Practices:**
    - Clarifies that forest practices only involving timber cutting are not considered development under the Act and do not require shoreline review
  - **Administration:**
    - Added clarification to date of filing for a substantial development permit when also associated with a conditional use or variance
    - Development not needing a shoreline permit (WAC 173-27-044) and development not subject to the Act (WAC 173-27-045)
  - **Listing of shoreline waterbodies**
    - Appendix added to list out names of each shoreline waterbody and for streams/ivers, listing of the upstream extent of jurisdiction (i.e. point of 20cfs mean annual flow)
- **CAO Integration**
  - Administration:
  - Added clarification to date of filing for a substantial development permit when also associated with a conditional use or variance
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- **Policies (Comprehensive Plan Chapter 6)**
  - **Circulation Policies**
    - Transportation and Parking – Policies 6F):
    - Modified portions of policies 6F – 1.2 and 1.3 and moved to transportation regs, per County recommendation
  - **Transportation Facilities (including Parking): SCC 14.26.485**
    - **Includes regulatory emphasis on:**
      - Ensuring water quality is not further degraded
      - Ensuring water flow is not impeded
      - Ensuring consistency with stormwater management requirements

- Avoiding impacts to cultural, environmental, and recreational areas
- **Shoreline Environment Designation (Part II of the SMP)**
  - **Boundary Line Determination (SCC 14.26.220):**
    - This section is used where uncertainty or a conflict exists in determining the location of a jurisdiction boundary, or an environment designation boundary
    - 2016 SMP draft includes use of a road or right of way centerline as boundary separation.
    - Change is proposed to subsection (1)(a) to avoid splitting designations along road centerlines and other right of ways but rather use the nearest right of way edge
- **General Regulations (Part III of the SMP)**
  - **Environmental Protection (SCC 14.26.305)**
    - Mitigation sequencing and mitigation plan requirements were formerly referenced in the critical areas regulations contained in Appendix 2 of the SMP. The proposed change brings the mitigation sequencing and mitigation plan development requirements into the body of the SMP.
    - Subsection 14.26.305(3) was added to acknowledge that if an application meets all standard requirements within the SMP (e.g. setbacks, buffers, dimensions, etc.), then a mitigation sequencing analysis would not be required.
  - **Dimensional standards table (SCC 14.26.310)**
    - Two footnotes have been added.
      - Water dependent uses are allowed within the buffers, provided they apply mitigation sequencing per SCC 14.26.305 to avoid and minimize adverse impacts during development siting.
      - Additional height for utility facilities, bridges, and industrial uses may be approved when necessary for the functions of a permitted use, provided such structures must be designed to minimize obstruction of views
  - **Public Access (SCC 14.26.370)**
    - Incorporated 2016 Planning Commission recommendation to require legal markers at public access points to assist the sheriff and first responders.
    - The draft SMP contains reference to a Shoreline Public Access Plan in Subsection (4). In 2016, the Planning Commission recommended that this section be removed. However, upon further review, County staff are recommending it remain. Retaining it is consistent with the Guidelines (WAC 173-26-221(4) (c)). The development of a shoreline public access plan is also referenced in Policy 6E 1.2
  - **Vegetation Conservation (SCC 14.26.380)**
    - Incorporated 2016 Planning Commission recommendation to require replacement trees to replicate species appropriate for the site rather than what was historically present.
    - Added County recommendation to include specific reference to the preparation of a tree replacement plan when tree replacement is required and that such a plan should follow the restoration plan requirements outlined in Subsection (f) (ii) (A), (B), and (C). These include the use of a qualified professional, use of native species, and meeting or exceeding all standards
  - **Uses & Modifications (Part IV of the SMP)**
    - Uses and modifications matrix

- Column for Aquatic designation updated per County recommendation to be consistent with upland designations where appropriate.
  - Breakwater, jetties, and groins: adjusted table for Shoreline Residential and High Intensity to be permitted, but added footnote noting that it applies to enhancement projects. All other such projects would require a conditional use permit.
  - Removed line for Residential, Accessory Uses as it was redundant since the accessory use should be permitted according to associated primary use.
- **Upcoming PC Discussions**
  - **February 23, 2021**
    - Aquaculture
    - Boating facilities and related structures
    - Fill, excavation, and grading
    - Shoreline habitat and natural system
    - Shoreline stabilization
    - Transportation facilities
  - **March 9, 2021**
    - Legally Established Pre-Existing Uses and Structures
    - Administration
    - Definitions
    - Shoreline environment designation mapping
- **Hal Hart, Director, Skagit County Planning & Development Services**
  - Hal Hart gave a quick Planning Update:
    - Residential Use – Skagit Main Stem work with DOE staffers continues – focus is on residential water banking. I have been in contact with property owners that are patiently waiting for DOE mitigation bank water.
    - Agricultural Lands – Report From Gwen and our Permit Team April – Land Utilization
    - Working to Improve our Permitting Processes – we received a big slug of new permits trying to beat the Energy Code Change (February 1 deadline) and we are working through this now.
    - Large manure sheds, potato shed and potential WDFW trail head at the Flower Farm.

## New Business

### Don McMoran- WSU Update

- Skagit Ag Summit had its 6<sup>th</sup> year virtually with 52 people in attendance
- WSU Extension will turn 100 years old in 2022
- Workshops coming up:
  - Potato Workshop-Next Friday
  - Berry Workshop- March 12<sup>th</sup>
- WSU funding has stayed the same

## Committee Reports

### **Economic Development- Don McMoran**

Steve Omdal, there is a new client at the port that is Ag based

Continue to monitor the new Amazon Facility

Tim VanHofwegen discussed the overtime in Agriculture. Two bills have been introduced and one is in committee (retroactive piece).

Will people use Dairy Robotics? Yes, there has been a lot of inquires due to the Overtime, a lot more auto on farms because they have less than 500 cows.

### **Critical Areas – Nels Lagerlund**

2019-2020 MST (Sent to Board) Karen from PW will join the March meeting to present regarding the basics of the report, what it means, and how it will move forward.

- Poop in water
- Indicates it is there
- Does not say how much

### **Land Use –Barbara Cleave (Chair), Michael Hughes, John Morrison, Steve Wright**

- Keeping eye on Agritourism
- Looking at permits
- Reaching out to Peter Gill to come in March for an Agritourism update

### **Flood, Drainage & Irrigation – Kraig Knutzen (Chair), Nels Lagerlund, Steve Wright**

None at this time.

## Old Business

Reach out to Kara for a VSP Update for April Meeting.

## Adjourn

Tim Van Hofwegen moved to adjourn, Nels Lagerlund seconded. Meeting adjourned at 7:15 pm.

Next meeting is March 10, 2021 at 6 pm.