

An Ordinance Adopting Changes to SCC 14.04 and SCC 14.24 and Enrolling Skagit County in the ESHB 1886 Voluntary Stewardship Program for Critical Areas Protection

Whereas the Washington State Legislature, through Engrossed Substitute House Bill 1886, effective July 22, 2011, created a Voluntary Stewardship Program (“VSP”) for protection of critical areas in areas of agricultural activities;

Whereas, pursuant to ESHB 1886, counties that wish to enroll must do so by January 22, 2011;

Whereas ESHB 1886 makes enrollment in the VSP “an alternative to protecting critical areas in areas used for agricultural activities through development regulations”;

Whereas Skagit County is currently under order from the State Growth Management Hearings Board to make the County’s Critical Areas Ordinance for Ongoing Agriculture compliant with the Growth Management Act by December 28, 2011;

Whereas, on August 9, 2011, the Board of County Commissioners adopted Resolution R20110239, creating a work program and schedule for consideration of enrollment in the VSP;

Whereas, on August 23, 2011, the Planning Commission held a workshop to review the current Critical Areas Ordinance, and a work session on October 4, 2011, to review the Voluntary Stewardship Program;

Whereas Planning & Development Services created a webpage for this project that includes the background, the proposal, meeting information, and many related documents and video links;

Whereas, in advance of the Planning Commission workshop, Planning & Development Services mailed a postcard to approximately 340 individuals and organizations on the Department’s ag-fish postal mailing list and forwarded the text of that postcard to the County’s press release email list, the Department’s email list, and the County’s Salmon Strategy email list;

Whereas, on October 4, 2011, the Planning Commission held a work session to review the Voluntary Stewardship Program with staff and representatives from the Ag Advisory Board, Conservation District, and Washington State Conservation Commission;

Whereas, on October 12, the County’s Agricultural Advisory Board voted 7-1 to support enrollment in the VSP and to recommend nomination of both the Samish and Skagit as state priority watersheds;

Whereas, on October 13, 2011, the Planning & Development Services released for public comment proposed modifications to the Critical Areas Ordinance for Ongoing Agriculture as currently codified in SCC Chapter 14.04 (“definitions”) and SCC Chapter 14.24 (“critical areas”);

Whereas the SEPA Responsible Official has issued a Determination of Non-Significance for this non-project proposal to amend SCC 14.04 and 14.24;

Whereas, pursuant to ESHB 1886 § 4(2)(b), Skagit County invited agricultural and environmental groups and local tribes to confer about County enrollment in the VSP;

Whereas, on November 1, 2011, the Planning Commission held a public hearing on the proposal;

Whereas, on November 15, 2011, the Planning Commission deliberated on the proposal and voted 8-0 to recommend enrollment and adoption of amendments to SCC 14.04 and 14.24 as reflected in the attached Planning Commission Recorded Motion;

Whereas the Planning and Public Works departments prepared an analysis of the costs and benefits of enrollment in the Voluntary Stewardship Program and analysis of the factors identified in ESHB 1886 § 4(3) for identification of watersheds to participate in the program and in § 4(4) for nomination of priority watersheds;

Whereas the Board of County Commissioners considered those factors in deliberations on this ordinance;

Now Therefore Be It Ordained That The Board of County Commissioners:

Section 1. Elects to enroll the entirety of unincorporated Skagit County, and all of its watersheds, in the Voluntary Stewardship Program established by Engrossed Substitute House Bill 1886 (2011).

Section 2. Nominates the Samish and Skagit watersheds for consideration by the State Conservation Commission as priority watersheds.

Section 3. Adopts the amendments to SCC 14.04 and 14.24 as recommended by the Planning Commission in the attached Recorded Motion dated November 15, 2011.

Section 4. Directs the Public Works Department, in coordination with the Planning & Development Services Department and Health Department, to begin implementing the Voluntary Stewardship Program. Public Works should implement aspects of the Program that do not rely on external funding as soon as possible, and work to integrate existing watershed programs into the VSP to avoid duplication of effort and maximize effectiveness.

Witness Our Hands and the Official Seal of Our Office this ____ day of December, 2011.

**Board of County Commissioners
Skagit County, Washington**

Ron Wesen, Chair

Kenneth A. Dahlstedt, Commissioner

Sharon D. Dillon, Commissioner

ATTEST:

Linda Hammons, Clerk
Skagit County Board of Commissioners

APPROVED AS TO CONTENT:

Gary R. Christensen, Director
Planning & Development Services

APPROVED AS TO FORM:

Ryan Walters, Civil Deputy
Skagit County Prosecutor's Office