

**A Resolution Creating a Work Plan for Research Associated with
the Update of the Critical Areas Ordinance Regarding Ongoing Agriculture
and Providing Interim Guidance Regarding Coordination
of Salmon Recovery Efforts**

WHEREAS natural resources, including salmon and agriculture, are integral parts of Skagit County's culture as well as environmental indicators for the continued quality of life enjoyed by our community; and

WHEREAS the Washington State Legislature amended the Growth Management Act in 1995 to require "special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries" (RCW 36.70A.172); and

WHEREAS the Washington State Supreme Court ruled on September 13, 2007, in *Swinomish Tribe v. Western Washington Growth Management Hearings Board*, Docket No. 76339-9, that while Skagit County need not automatically impose buffers on agricultural land, the County's Monitoring and Adaptive Management program as currently written is deficient; and

WHEREAS Substitute Senate Bill 5248 (2007) declares a timeout until July 1, 2010, during which Critical Areas Ordinances applying to agricultural activities may not be amended, and during which the Ruckelshaus Center will conduct fact-finding among stakeholders groups and recommend policy options; and

WHEREAS based on SSB 5248, the Western Washington Growth Management Hearings Board extended the compliance deadline for Skagit County to make changes to its Monitoring and Adaptive Management until December 28, 2010; and

WHEREAS Skagit County Resolution R20040211 Section 3(c) requires an evaluation of the county's regulatory and monitoring program every three years, starting in 2007; and

WHEREAS consistent with SSB 5248, Skagit County is precluded from changing its Critical Areas Ordinance in response to the outcome of the R20040211 Section 3(c) review; and

WHEREAS SSB 5248 provides that counties should pursue voluntary habitat programs during the timeout; and

WHEREAS SSB 5248 establishes a strict timeline for the Ruckelshaus Center to submit its fact-finding reports to the Legislature; and

WHEREAS Skagit County is accountable to taxpayers and has an obligation to coordinate salmon recovery operations in order to maximize return on investment; and

WHEREAS a comprehensive approach to salmon recovery is necessary and should include the coordinated efforts of the Administrative Services, Health, Parks, Planning, and Public Works departments for optimal success.

Now Therefore Be It Resolved That:

The Board of County Commissioners adopts the following findings of fact:

1. The Puget Sound Salmon Recovery Plan has been adopted by NOAA Fisheries Service and provides important guidance regarding salmon recovery efforts.
2. The state has created a new agency, the Puget Sound Partnership (“PSP”), to work collaboratively with all levels of government, tribes, businesses, and citizen groups to lead and coordinate efforts to protect and restore Puget Sound by 2020. Skagit County supports the PSP and its mission to facilitate salmon recovery and improvement of the overall health of Puget Sound.
3. The Skagit Watershed Council (“SWC”) is the designated Lead Entity for Water Resource Inventory Areas 3 and 4. SWC’s mission is to understand, protect, and restore the production and productivity of the Skagit and Samish watersheds and to protect and recover salmon and other native aquatic and riparian species. The County recognizes the role SWC has played to date in representing County salmon recovery interests before the Puget Sound Salmon Recovery Board and other state forums.
4. The goals of (a) interdepartmental coordination, (b) partnership and collaboration with outside agencies and groups, and (c) outreach to and education of the public, are essential to a successful salmon recovery strategy.
5. Skagit County should continue to take proactive measures intended to acquire additional data and address the deficiencies in Skagit County’s Monitoring and Adaptive Management Program as identified by the Washington Supreme Court’s decision in *Swinomish Tribe v. Western Washington Growth Management Hearings Board*, so that the County may be prepared to adopt changes to SCC 14.24.120, Ongoing Agriculture, after the SSB 5248 timeout expires.

Now Therefore Be It Further Resolved and Hereby Ordered That:

Section 1. In taking any action, the Administrative Services, Health, Parks, Planning, and Public Works departments (“Departments”) must consider the Puget Sound Salmon Recovery Plan and local watershed action plans (collectively, “the Plans”) and must consider adoption of measures to implement their recommendations whenever reasonable.

- (a) Such measures may include, but are not limited to, enhancing riparian habitat when it is reasonable to do so while working on adjacent county roads; controlling drainage by directing road runoff onto forest floor before reaching a stream; train road crews in Best Management Practices when dealing with water crossings and surface water; ensuring road maintenance practices prevent spraying harmful pesticides near salmon streams; avoiding construction in, or clearing of, riparian areas; enhancement of riparian habitat within county-owned lands; acquiring salmon habitat adjacent to county parks; and integrating education about salmon issues into interpretive centers and road signs.
- (b) Departments should collaborate with others to actively pursue grants for stand-alone projects to restore or enhance salmon habitat or otherwise implement selected measures recommended by the

Plans. When necessary to obtain outside funding, Departments should include requests for matching funds in future budget proposals or from the Clean Water Program funds dedicated for salmon recovery.

- (c) Departments should collaborate with others to further refine, implement, and monitor the success of the Plans, as well as other endeavors undertaken to restore the health of the County's watershed ecosystems.
- (d) Departments should collaborate with the Skagit Conservation District, Skagit Fisheries Enhancement Group, Western Washington Agricultural Association, Skagit Land Trust, the tribes, resource agencies, and other salmon groups whenever possible to achieve these objectives.
- (e) Skagit County is not adopting the Plans, in whole or in part, as a component of the Skagit County Comprehensive Plan, nor of the Countywide Planning Policies, nor as a development regulation of any form, nor should this Resolution be construed to give rise to any independent basis for a legal challenge to any County action.

Section 2. On February 1 of each year, Departments shall submit to the Board of County Commissioners a joint status report detailing the projects and procedural improvements that each department has accomplished in the preceding year to improve salmon habitat and any other actions required by this Resolution. The report should also identify protocols related to emergencies, establishment of partnerships, and collaborative problem-solving efforts. Departments shall also regularly update the County's Salmon Strategy webpage with information about County salmon-specific projects and procedures.

Section 3. Skagit County Geographic Information Services shall, by June 1, 2008:

- (a) assess riparian areas in the AG-NRL and RR-NRL zones to determine existing buffer type and width;
- (b) determine amount and map location of linear stream distance that has existing riparian buffer;
- (c) determine amount of linear stream distance where location of existing roads, buildings and other structures preclude riparian buffers; and
- (d) develop maps and other visual aids to assist County personnel in the Ruckelshaus process.

Section 4. Skagit County Public Works shall:

- (a) by December 31, 2007, in consultation with Planning and Development Services to ensure compliance with county GMA public participation procedures, conduct the R20040211 Section 3(c) review of the county's Monitoring and Adaptive Management program, within the constraints of SSB 5248, by soliciting comments from the public, holding a staff-led public hearing, and submitting a summary of comments and testimony received to the Board of County Commissioners;

- (b) by March 1, 2008, obtain a report from a credentialed academic that reviews the county's current water quality and salmon habitat monitoring program data quality and sampling and analysis methods, provide any recommendations or conclusions that are deemed appropriate by the reviewer, and integrate that review into the R20040211 Section 3(c) review process;
- (c) explore funding mechanisms for stand-alone salmon habitat projects, such as the County Clean Water Fund, and submit appropriate budget requests to implement those projects;
- (d) identify opportunities for salmon habitat enhancement, especially when engaged in other County operations such as road building, flood control, drainage control, and culvert repair;
- (e) identify feasible projects or elements of projects that are identified in the Plans that can be incorporated into any County project; and
- (f) work with resource agencies to develop declared-emergency protocols that mitigate or eliminate damage to salmon habitat, and develop procedures to avoid the need to declare such emergencies.

Section 5. Skagit County Planning and Development Services shall:

- (a) assist Public Works with the public participation component of the R20040211 Section 3(c) review process;
- (b) develop public outreach and education materials that demonstrate how land use policies protect salmon; and
- (c) in conjunction with the Office of the Skagit County Prosecuting Attorney, increase enforcement of Skagit County Code Title 14, in particular those sections related to salmon habitat protection.

Section 6. Skagit County Parks and Recreation shall:

- (a) enhance riparian areas within parklands to promote salmon recovery;
- (b) acquire important riparian lands adjacent to existing county parks when reasonable;
- (c) develop salmon-friendly techniques for use in parks maintenance and construction operations and, when feasible, enhance habitat and provide added protection measures;
- (d) provide interpretive facilities and other materials to allow park visitors to learn about salmon and other natural resources; and
- (e) provide appropriate park access to natural resource and salmon spawning areas to support environmental education programs.

Witness Our Hands and the Official Seal of Our Office this 8th day of October, 2007.

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



Sharon D. Dillon
Sharon D. Dillon, Chair

Don Munks
Don Munks, Commissioner

Kenneth A. Dahlstedt
Kenneth A. Dahlstedt, Commissioner

ATTEST:

JoAnne Giesbrecht
JoAnne Giesbrecht, Clerk of the Board
Skagit County Board of Commissioners

APPROVED AS TO FORM:

William Honea
William Honea, Chief Civil Deputy
Skagit County Prosecutor's Office

APPROVED AS TO CONTENT:

Gary Rowe
Gary Rowe, County Administrator

SKAGIT COUNTY
Resolution # R20070499

Page 5 of 5