

**Skagit County**  
**Conservation Futures Program Advisory Committee**  
**Meeting Minutes**  
 Tuesday, January 12, 2010

**Members in attendance:**

Scott DeGraw            Carolyn Kelly  
 Dave Hedlin            Alan Merritt  
 Mike Hulbert           Keith Wiggers  
                                  Andrea Xaver

**Others in attendance:**

Gary Christensen, Skagit County      Kendra Smith, Skagit County  
 Cora Amburn-Lijek, Skagit CD

<b>Line</b>	<b>Topic</b>	<b>Discussion</b>	<b>Action</b>
1 2	<b>Open</b>		Chair Carolyn Kelly called the meeting to order at 7:05 a.m.
3 4 5 6	<b>Agenda</b>	The CFAC reviewed and revised the agenda.	Keith Wiggers made a motion, seconded by Andrea Xaver, to approve the agenda changes adding monitoring and moving status reviews to the top of the agenda. The motion passed unanimously.
7 8 9 10 11 12 13 14 15	<b>Monitoring</b>	<p>Mike Hulbert received a call from the neighbor of one of the landowners with whom we have an easement. The caller said there was a water quality issue on the property. Carolyn said the portion of the property the caller was concerned about is not in the easement. It is across the way. When the status review was done in August 2009, the landowner was in compliance. The landowner is going through the DOE referral process, so the issue will be resolved.</p> <p>Keith asked whether our easement addresses water quality issues. Carolyn said our easements include stewardship, which covers water quality issues. Mike would like the CFAC to see monitoring reports to know what is being done. <u>Carolyn said that Lori Kyle, Skagit Conservation District (SCD), sends Kendra</u> writes a monthly report about each property that was monitored.</p>	

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29			<p><u>The report is sent to the County with the monthly statement.</u> Each property also has a binder with documentation including baseline, which members of the CFAC are free to review at any time. Some of the easements include conservation plans because NRCS was requiring them for its funding. Dave suggested the CFAC review two or three binders at its meeting each month. Keith said he would also like to see a monthly report, checklist or spreadsheet showing what monitoring has been done. Kendra said she gets a report with the billing, and her understanding was that if there were a problem, she would be told about it. Scott said it is not possible to catch everything if checks are only done once or twice a year. He suggested CFAC members have a map, so that when they go past a property with an easement, they can take a look. This would allow for random checks, which are needed. Kendra suggested that each board member be tasked with one property. Dave said we needed to be clear on what we were monitoring since some easements have farm plans and some do not. The CFAC cannot be in a position of enforcement, but the members should know what monitoring has been done. Kendra said all of the monitoring reports include a baseline with photos showing what the property looked like when it was enrolled. The easement does not include information about CAO enforcement, but there are restrictions within the easement against building and development. Most people in resources want to protect and improve their land, so make the right decisions as far as conservation is concerned. Keith said we needed to focus on what we are supposed to do and not on enforcement. Enforcement is the responsibility of Public Works and Planning and Development Services. Gary offered his observation that he sees the same problems with monitoring and enforcement in Planning and Development Services and hears criticism of the special use permits, mitigation, and enforcement. It is becoming more difficult because of insufficient budget and staff. The County has developed a procedure giving landowners with special use permits and other types of land use permits the responsibility of self-certification. A letter will be sent quarterly to each permit holder asking if he or she is in compliance. The response must be in writing and notarized. The main purpose is to remind permit holders on an on-going basis of the existence and conditions of their permit. It is hoped that it will make the permit holder more responsible. If there were a code enforcement issue in the future, the responses would be reviewed and used in litigation if necessary. This will not replace annual or bi-annual monitoring. This is a new program, so the response of permit holders and the effectiveness of the procedure are</p>

Line	Topic	Discussion	Action
01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16	<b>Monitoring</b> (continued)	<p>not yet known. Gary suggested the CFAC consider implementing a similar procedure or wait a year to see how this program works.</p> <p>Keith said <u>it is common for conservation easement programs not to have monitoring funding.</u> <del>there is funding for easements, but none or little for monitoring. We should look for monitoring funding.</del> Kendra said monitoring costs are in the CFAC budget.</p> <p>Alan asked if Skagit CD also monitors the 39 and 1 easements. Kendra said they are the Planning and Development Services' responsibility. Keith asked whether it included flags for permeable surfaces. Kendra said they are tagged so that they cannot do certain types of building. Mike asked about the type of development allowed. Kendra said the Planning and Development Services wrote the 39 and 1 easements in the '80s and '90s. Kendra started working on them in 1991 at which time no development or building was allowed. She does not know what restrictions there were before 1991. Scott said it is possible for some building when a permit is not required. Kendra said that a flag could also be triggered by a grade and fill permit. Scott knows of a project in which a large slab with no roof was installed. The landowner said that a permit was not needed. Scott asked if anyone is monitoring the 39 and 1 easements when a permit is not needed for a project. Keith said a special use permit should trigger the system.</p>	
17 18 19 20 21 22 23 24 25 26 27	<b>Minutes</b>	The CFAC reviewed the December minutes.	<b>Motion 10-02:</b> Mike Hulbert made a motion, seconded by Andrea Xaver, to approve the minutes as amended deleting "The appraisal has been completed" on line 27, page 2; deleting "or county taxes" on line 13, page 4; replacing "could" with "should" on line 26, page 4; replace "Kendra said that although . . . priorities" with "Some of our ranking differed from the USDA's ranking; and replace "Bob donated . . . \$2,500 per acre" with "Bob is considering a donation." The motion passed unanimously.

<b>Line</b>	<b>Topic</b>	<b>Discussion</b>	<b>Action</b>
01	<b>OLD BUSINESS</b>		
02 03 04 05 06 07 08 09 10 11 12 13 14	<b>Follow-up on Property Discussions</b>	<p>Kendra thinks the Recreation and Conservation Office (RCO) will be interested in the Axelson and Hoffman properties, and possibly the Young property. They are also likely candidates for NRCS funding.</p> <p>Kendra said Shane’s property does not have any development rights on it. However, it is next to the Mount Vernon UGA, so there will be a lot of development rights if Mount Vernon adjusts its UGA. Kendra said there are already FLP easements on properties bordering the Shane property on the west side. The 21 acres are prime agricultural land that is not being protected from development. Kendra asked the appraiser for an estimate. Dave said we needed to be careful about setting precedence. Dave suggested checking with our partners about their interest in protecting this piece of property. Kendra said the Skagit Land Trust might be interested because there is a large wetland, and the property is next to a dike. Dave said that the SLT might be interested in a bridge loan. Easement payments cannot exceed appraisals or our point system. Scott estimated the value of the property at \$95,000. He said that would be a lot to pay on speculation.</p>	
15 16 17 18 19	<b>Wylie Property Points</b>	<p>The Wylie appraisal has been completed. The CFAC discussed the motion made in November to add discretionary points to the Wylie property.</p>	<b>Motion 10:03:</b> Dave Hedlin made a motion, seconded by Scott DeGraw, to ratify the motion made at the November meeting to add 11 discretionary points to the Wylie property. The motion passed.
20 21 22	<b>Easement Language Amendments</b>	<p>Keith said he had not had time to work on the easement language amendments. Carolyn showed it to an attorney. He said if there were two different opinions, he would go with Conrad Legal because they have great depth in their knowledge, experience, and background in easements.</p>	
23 24 25 26 27 28 29	<b>Donations Program and Recognition</b>	<p>Former Senator Spanel will be presenting a check to the County for the FLP program from RCO for the Smith property.</p> <p>Bob Helton has made a donation to protect farmland. The CFAC discussed having plaques made and hung recognizing donors to the FLP. Scott wondered if all donors’ names should be on the plaque because of limited space, and some donors might not want their names up. Kendra said most people like to be recognized. Kendra would like plaques hung next to a map showing the FLP easements. Kendra will work with the facilities department to develop some type of frame for the</p>	

Line	Topic	Discussion	Action
01 02 03	<b>Donations Program and Recognition</b> (continued)	map. Kendra needs the CFAC members to talk with the commissioners to get their support. Commissioner Dillon and Dan Berentson are both in favor of this. Carolyn has talked with Ron Wesen, and he thought it was a good idea.	
04 05 06 07	<b>USDA Grant Properties Report</b>	Kendra gave an update on the status of the USDA grant properties. She handed out a summary sheet. USDA has had the Elde and Two Cruze applications since November, but has not yet done the Hazmat on them. The Olsen and Lee properties are ready, but Kendra is waiting because she is not sure what NRCS is doing.	
08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	<b>Nov &amp; Dec Actions</b>	The CFAC reviewed its Nov. and Dec. to do lists. <b><u>Review of Previous Actions:</u></b> <b>November-</b> 1. Scott will give Kendra Farm Credit bond credit contact information at the February meeting. 2. Kendra fixed the acreage discrepancy on the chart. ✓ 3. The CFAC requested that Kendra email the Egbers property location to them. This has not been done, as the Egbers have not contacted Kendra further. 4. Board members will help find estate planning classes for Kendra to take. <b>Ongoing</b>  <b>December-</b> 1. Appraisals were ordered for the Moe and Weidenbach properties. ✓ 2. Kendra will have the application date and application process information added to the spreadsheet. 3. Carolyn has contacted NRCS leadership, but needs to still contact them to discuss the length appraisals are valid. 4. Kendra talked with Gary Hoffman about including tidal land and dike in his easement. He is hesitant about including these, so the easement will not include them. ✓ 5. The proposed motions in the November minutes were discussed, and one was ratified. ✓	
26 27	<b>Executive Session</b>	The CFAC adjourned to executive session to discuss easement purchases at 7:50 a.m. The meeting was reconvened at 8:10 a.m.	
28	<b>NEW BUSINESS</b>		
29 30	<b>Current NRCS Grant Application</b>	Kendra has been working on new applications to NRCS for FRPP funding. Applications for Hoffman, Axelson, Young, Nelson, Moe, and Knutsen will be submitted tomorrow.	

01	<b>New Properties</b>	No new applications have been received since the December meeting.	
02	<b>Proposed RCO Grant Process</b>	Board members were asked to forward their comments to Kendra or Carolyn.	
03			
04	<b>Update</b>	Carolyn said there are a lot of agricultural tours in Skagit County today because the national Farm Bureau meeting is being held in Seattle.	
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06	<b>Adjournment</b>		Chair Carolyn Kelly adjourned the meeting at 8:50 a.m.
07			

Submitted by: \_\_\_\_\_

Cora Amburn-Lijek

Approved by the CFAC Board on February 9, 2010 as presented/amended \_\_\_\_\_

Chair Carolyn Kelly

**January To Do List-**

1. Scott will give Kendra Farm Credit bond credit contact information at the February meeting.
2. Kendra will have the application date and application process information added to the spreadsheet.
3. Kendra will make copies of the SCD's monthly monitoring report and distribute it at each CFAC meeting.
4. Kendra will ask Josh Greenburg to discuss and bring a map showing the amount of farmland lost in Skagit County and the type of farmland (i.e., commercial vs. non-commercial) to the February meeting.
5. Invite Lori to make a presentation about the monitoring she does, documentation, and reporting.
6. Carolyn will clarify whether the portion of the property discussed under monitoring is within the FLP easement or not.
7. Carolyn will bring 3 to 4 monitoring binders to each CFAC meeting for review.
8. Carolyn will verify whether we monitor 39 and 1s or not.
9. Carolyn will discuss the length of appraisal validity with NRCS leadership.

**Ongoing/Future To Do List-**

1. Board members will help find estate planning classes for Kendra to take.
2. Dave Hedlin will include Kendra and a few CFAC members on the next SPF funders tour.