

# Voluntary Stewardship Program

Skagit County – 2 Year Status Report



August 30, 2023

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## Introduction

The Washington State Conservation Commission released Policy Advisory #05-18 to outline content reporting requirements under the Voluntary Stewardship Program. This document represents Skagit County's end of biennium status report on the Voluntary Stewardship Program. This update is organized by the eight criteria outlined in the policy advisory.

Skagit County's Skagit and Samish watersheds are important both locally and regionally. The Skagit River is the largest source of freshwater and home to some of the largest salmon runs in Puget Sound, and Samish Bay is one of the leading shellfish producers in the state. The Skagit River is the third largest river on the west coast of the contiguous United States and "one of the most unspoiled strongholds of fish and wildlife habitat in the Puget Sound".<sup>1</sup> The Skagit River hosts all five species of Pacific salmon, including six independent populations of threatened Chinook salmon, six populations of threatened steelhead, at least 26 local populations of threatened bull trout, three populations of chum salmon, two populations of Coho, and one each of pink and sockeye. Skagit County is often called the "last, best hope" for salmon recovery in Puget Sound.

At the same time, the agricultural industry is critical to Skagit County's economy, rural character, and the food security of Western Washington. Commodities include milk, livestock, poultry, crops, and value-added products. There are over 90 different crops grown in the County. Blueberries, raspberries, strawberries, tulips, daffodils, pickling cucumbers, specialty potatoes, brussel sprouts, broccoli, cauliflower, and vegetable seed are some of the more important crops in the maritime valley. Noted in 2019, there are 12,000 acres of potatoes grown in Skagit County.<sup>2</sup> Skagit County is a major producer of cabbage, table beet, and spinach seed for the world. As of 2020, nine vegetable seed companies call Skagit County home, most of which market products globally.<sup>2</sup> Skagit County ranks first in Washington State "Nursery, Greenhouse, Floriculture, Sod" commodity category, fourth in the "Vegetable, Melon, Potatoes, and Sweet Potatoes" commodity category, and fifth in Washington State in "Milk from Cows" production.<sup>3</sup>

Protection of both critical areas and agriculture are compatible goals. As the Puget Sound Partnership Action Agenda proclaims, "agricultural lands [contribute to] critical fish and wildlife habitat and other ecosystem functions, especially in highly productive lower elevation riparian areas... maintaining the vibrancy of agriculture is crucial to recovering Puget Sound and instrumental in providing a high quality of life in the region."<sup>4</sup>

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<sup>1</sup> Skagit Chinook Recovery Plan, 2005

<sup>2</sup> Washington State University, Skagit County Extension, [Agricultural Statistics](#), 2020

<sup>3</sup> 2017 WSDA Census of Agriculture, [County Profile](#)

<sup>4</sup> Puget Sound Partnership, 2012/2013 Action Agenda for Puget Sound, page 51.

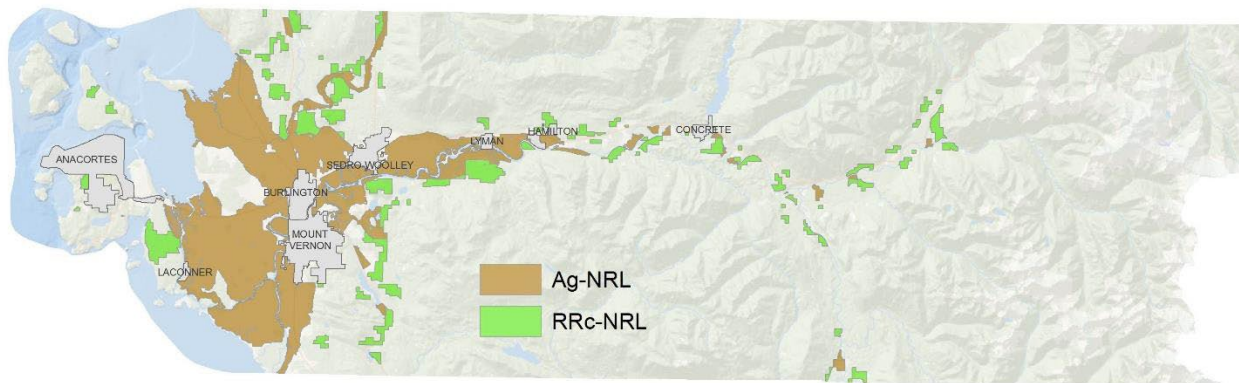
## Acronyms

Ag-NRL	-	Agricultural - Natural Resource Lands
CAO	-	Critical Areas Ordinance
CARA	-	Critical Aquifer Recharge Areas
CBP	-	Custom Buffer Plan
County	-	Skagit County
CREP	-	Conservation Reserve Enhancement Program
CSI	-	Clean Samish Initiative
ECHO	-	
Ecology	-	Washington State Department of Ecology
ESHB	-	Engrossed Substitute House Bill
FC	-	Fecal coliform
FFA	-	Frequently Flooded Areas
FWHCA	-	Fish and Wildlife Habitat Conservational Areas
GHA	-	Geologically Hazardous Areas
GMA	-	Growth Management Act
NHD		National Hydrography Dataset
IDDE	-	Illicit Discharge Detection and Elimination
LWD	-	Large woody debris
MARP	-	Managed Agricultural Riparian Plan
NFIP	-	National Flood Insurance Program
NOAA	-	National Oceanic and Atmospheric Administration
NRSP	-	Natural Resources Stewardship Program
PIC	-	Pollution Identification and Correction
PSP	-	Puget Sound Partnership
RCW	-	Revised Code of Washington
RR-NRL	-	Rural Resource Natural Resource Lands
SCC	-	Skagit County Code
SCD	-	Skagit Conservation District
SCMP	-	Skagit County Water Quality Monitoring Program
SFEG	-	Skagit Fisheries Enhancement Group
SLT	-	Skagit Land Trust
SWC	-	Skagit Watershed Council
TMDL	-	Total Maximum Daily Load
VSP	-	Voluntary Stewardship Program
WDFW	-	Washington Department of Fish and Wildlife
WRIA	-	Water Resource Inventory Area
WSDOH	-	Washington State Department of Health
WSCC	-	Washington State Conservation Commission

# 1. Protection and Enhancement of Critical Areas

*Reporting Criteria 1: The protection and enhancement of critical areas within the area where agricultural activities are conducted.*

Skagit County’s VSP Work Plan applies to the intersection of agriculture and critical areas in unincorporated areas of Skagit County, referred to as the VSP Intersect Areas. While some agricultural activities occur throughout the county, most agricultural activities occur in the Agricultural (Ag-NRL) and Rural Resource (RRc-NRL) zones shown below. The Rural Resource zone also includes mineral resource and forestry activities.



## Protection

Skagit County’s VSP Work Plan outlines a critical area specific approach to monitoring for protection of all five critical areas in the VSP Intersect Areas. The following reflects the Work Plan protection goal for each of the critical areas:

### Fish and Wildlife Habitat Conservation Areas

<b>Goals</b>	Protect, restore where practical, and enhance fish and wildlife populations and their associated habitats. <sup>5</sup> No degradation below the statutory 2011 baseline.
<b>Applicable Regulations</b>	Intersect areas are protected by regulations including the County’s Critical Areas Ordinance for Ongoing Agriculture (SCC 14.24.120) and its watercourse protection measures.
<b>Benchmarks</b>	Within the intersect areas, no net loss of riparian buffer existing as of July 22, 2011, within the standard distances prescribed for each water type.
<b>Metrics</b>	Acres of riparian buffer within the standard distances prescribed for each water type.
<b>Trigger</b>	Any loss of riparian buffer within the intersect areas due to agricultural activities.
<b>Response</b>	Perform and prioritize additional incentive measures within the basin where loss has occurred; pursue code enforcement where code violations have occurred.

<sup>5</sup> Skagit County Comprehensive Plan Goal 5A.

## Wetlands

<b>Goals</b>	Preserve and protect wetlands to prevent their continual loss and degradation. <sup>6</sup> No degradation below the statutory 2011 baseline.
<b>Applicable Regulations</b>	Intersect areas are protected by regulations including SCC 14.24.070(2) which requires any expansion of agriculture into a critical area or its buffer to comply with the substantive and procedural provisions of the critical areas code.
<b>Benchmarks</b>	Within the intersect areas, no net loss of wetlands or buffers existing as of July 22, 2011.
<b>Metrics</b>	Skagit County will use Ecology’s Wetlands Change Analysis, which it updates at five-year intervals, for a coarse evaluation of gain or loss of wetlands in the intersect areas.
<b>Trigger</b>	Within the intersect areas, loss of more than 10% of wetlands area due to agricultural activity.
<b>Response</b>	Confirm areas of identified loss through site visits; prioritize affected sites for voluntary incentive measures to improve wetland function; pursue code enforcement where code violations have occurred.

## Critical Aquifer Recharge Areas

<b>Goals</b>	Protect aquifer recharge areas, and well-head areas, ground and surface water quality and quantity for supplying all needs within Skagit County, including potable water for human use. <sup>7</sup> No degradation below the statutory 2011 baseline.
<b>Applicable Regulations</b>	Intersect areas are protected by regulations including state and federal pesticide regulations and the County’s agricultural watercourse protection measures found in SCC 14.24.120(4)(b) that require agricultural operators to apply farm chemicals with all requirements stated on the chemical container labels and limit application of crop nutrients to agronomic rates intended for that particular crop.
<b>Benchmarks</b>	Within the intersect areas, no degradation below the statutory 2011 baseline of Group A water system water quality.
<b>Metrics</b>	Skagit County will review water quality parameters directly applicable to agricultural activities (e.g., synthetic organic contaminants including pesticides and herbicides) from Group A water system test results (e.g., those conducted for annual EPA-required Consumer Confidence Reports <sup>8</sup> ).
<b>Trigger</b>	Statistically significant degradation in metric since statutory 2011 baseline.
<b>Response</b>	Confirm contamination due to agricultural activity; involve Department of Agriculture to identify agricultural operators within area of groundwater influence on affected wells.

<sup>6</sup> Skagit County Comprehensive Plan Goal 5A.

<sup>7</sup> Skagit County Comprehensive Plan Goal 5A.

<sup>8</sup> [40 CFR 141](#).

## Frequently Flooded Areas

<b>Goals</b>	Protect hydrologic functions and reduce the potential for physical injury and property damage associated with flooding. <sup>9</sup> No degradation below the statutory 2011 baseline.
<b>Applicable Regulations</b>	Intersect areas are protected by regulations including the County’s flood damage prevention regulations found in SCC Chapter 14.34. Agricultural activities are allowed in frequently flooded areas, but new land clearing or new structures must follow rules adopted to ensure the County’s compliance with the National Flood Insurance Program (“NFIP”), and by extension, the National Marine Fisheries Service biological opinion for NFIP compliance with the Endangered Species Act. The NFIP requires the County to have a regulatory approach to comply with these mandates.
<b>Benchmarks</b>	Within the intersect areas, no new structures within the floodplain that are not compliant with the County’s flood code, and no development that impedes floodplain habitat function inconsistent with that allowed by the flood code.
<b>Metrics</b>	The County’s continued participation in the NFIP requires ongoing monitoring by the Department of Ecology through their Community Rating System and Community Assistance Visits (“CAV”) and requires correction of any identified non-compliance. The County’s metric will be number of unresolved issues in the intersect area identified by each CAV.
<b>Trigger</b>	Any unresolved issues in the intersect areas identified by each CAV.
<b>Response</b>	Perform and prioritize additional outreach to farms that have similar characteristics to identified CAV issues; pursue code enforcement where code violations have occurred.

## Geologically Hazardous Areas

<b>Goals</b>	Minimize risk to life, property, infrastructure, and resources caused by disrupting geologically hazardous areas or by locating development in areas subject to naturally hazardous geologic processes. <sup>10</sup> No degradation below the statutory 2011 baseline.
<b>Applicable Regulations</b>	Intersect areas are protected by regulations including the County’s agricultural watercourse protection measures for soil erosion and sediment control management found in SCC 14.24.120(4)(c).
<b>Benchmarks</b>	Within the intersect areas, all new ag structures must comply with regulations for seismic hazard areas, e.g., soil liquefaction susceptibility.
<b>Metrics</b>	Number of permits issued in the intersect areas that achieve benchmark.
<b>Trigger</b>	Within the intersect areas, any failure to address seismic hazard regulations through permit conditions.
<b>Response</b>	Pursue code enforcement where permit conditions have been violated.

## Fish and Wildlife Habitat Conservation Areas (FWHCA)

As noted in the Skagit VSP Work Plan, the focus in the agriculture and critical areas debate in Skagit County centers on FWHCA, which Skagit County protects through its standard CAO for activities other than ongoing agriculture, and through its Ag-CAO for ongoing agricultural activities. Generally, “protection” is achieved when the amount of vegetated buffer adjacent to applicable watercourses is maintained at, or improves from, its July 22, 2011, baseline levels.

<sup>9</sup> Skagit County Comprehensive Plan Goal 5A.

<sup>10</sup> Skagit County Comprehensive Plan Goal 5A.

The notable efforts in this reporting timeframe include implementing protocols related to monitoring FHWCA.

As Skagit County VSP works to create an updated monitoring plan, two components essential to FHWCA are included. The first is determining the study area which is based on the watercourse location and type (to determine the width of the monitored area). This is a critical step because it determines the location of all subsequent analysis. The second part of the monitoring plan involves measuring change of vegetation in the study area via GIS methods.

### *Hydrography to Determine Study Area*

Skagit County's GIS Department first started working on hydrography updates by working with the Washington State Department of Ecology (Ecology). Washington State previously adopted the National Hydrography Dataset (NHD) as the official source of watercourse information. With the help of Ecology staff, Skagit County submitted hydro data that was incorporated and submitted to the Federal management of the NHD. While this has created an improved single hydrology layer to be used, there are still more corrections and refinements that need to be made to the data including some on the ground site visits. Much of this will be accomplished with the State's LiDAR hydrology layer improvements that will be available in the coming year along with ground truthing.

The second step in defining the study area is determining the width from the stream to be monitored (the buffer area). Skagit County CAO uses stream typing defined by Ecology's hydrology data. These categories are detailed in the Work Plan. As part of the VSP program needs, Ecology and Skagit County started a beta program to create stream typing on the NHD data. The initial results of this program are promising and will be a huge benefit in creating a single GIS layer for both stream location and stream typing. Again, with updates from the State, Skagit's GIS team will work to improve this data before the 10-year report.

### *Measuring Change Detection*

Skagit's VSP Work Plan outlines aerial photography methods to monitor FHWCA in the VSP study area. Skagit County previously contracted with Washington State Consolidated Technology Services to obtain access to infrared imagery. Infrared imagery is useful in measuring vegetation and was one of two data sources necessary to measure vegetated landcover. The imagery was initially available for 2011 but newer image was acquired for 2021 and the County is working to incorporate this into our monitoring layers.

Skagit County has been contracting with the National Oceanic and Atmospheric Administration (NOAA) since 2021 to obtain a land coverage dataset at 1 meter resolution to refine the change detection methods further going forward. Unfortunately, this data release has been delayed each year, but will hopefully be completed in 2024.

Once all data sets are available, and a program is created, Skagit County will create and run a model to determine landcover change since 2011 to assess our progress on this benchmark.



The model is currently in transition due to challenges in the accessibility of data from other agencies and constraints to various data. Once assessed and implemented, the Watershed Group will adopt a strategy by the end of 2024 to work with landowners where losses have occurred.

## Wetlands

Currently, Skagit County plans to use Ecology's wetland change inventory. As mentioned above, Skagit County is contracting with NOAA to obtain a land coverage dataset at 1 meter resolution to refine the change detection methods further going forward. Once this dataset is obtained, The County's GIS department will update the analysis model, while developing a plan to receive future updates in a timely manner. Once complete, all sites with land cover classification changes indicating a wetland loss or downgrade since 2011 will be evaluated. Any loss identified will be investigated further using high resolution aerial imagery.

Additionally, VSP intersect areas are protected by regulations including SCC 14.24.070(2) which requires any expansion of agriculture into critical area or its buffer to comply with the substantive and procedural provisions of the critical areas code.

## Frequently Flooded Areas

The Frequently Flooded Area (FFA) benchmark was achieved by obtaining all findings from the Community Assisted Visits (CAV) from the Skagit County Planning and Development Services Department. Community Assisted Visits are led by Ecology on behalf of the Federal Emergency Management Agency. These findings were then classified by zoning, ongoing agriculture status, and resolution status. There were no unresolved CAV findings related to ongoing agriculture. The FFA goal of no degradation below the statutory baseline, protecting hydrologic functions and, reducing the potential for physical injury and property damage associated with flooding was achieved through investigating Community Assisted Visit findings.

In addition, VSP intersect areas are protected by regulations including the county's flood damage prevention regulations found in SCC Chapter 14.34. Agricultural activities are allowed in frequently flooded areas, but new land clearing or new structures must follow rules adopted to ensure the county's compliance with the National Flood Insurance Program (NFIP), and by extension, the National Marine Fisheries Service biological opinion for NFIP compliance with the Endangered Species Act. The NFIP requires the county to have a regulatory component approach to comply with these mandates.

## Geologically Hazardous Areas

The Geologically Hazardous Areas (GHA) goal was achieved through collecting and monitoring all permit data for agricultural structures in the VSP intersect area and ensuring all geohazard conditions were met. Because most of the Ag-NRL and RRc-NRL zones are in diked and drained

areas, the major geological hazard within areas of agricultural activities are those within a high liquefaction susceptibility as indicated on the Liquefaction Susceptibility Map of Skagit County issued by the Washington Department of Natural Resources. The geotechnical reports associated with each building permit in the VSP intersect areas reviewed for permit compliance, including the liquefaction analysis. This generally includes testing to ensure adequate soil capacities for building foundation design.

The GHA benchmark was monitored through permit data obtained from Skagit County Planning and Development Services. The database was searched for all building permits within the VSP intersect areas from the statutory baseline through 2023. Each building permit was analyzed to ensure compliance with geohazard conditions. This research was coordinated with Skagit County's Building Official.

The benchmark of ensuring all new agricultural structures comply with regulations for seismic standards was achieved by examining geohazard requirements and compliance for all agricultural structures in the VSP intersect areas. All Building Permits and Commercial Building Permits issued in the VSP intersect areas complied with geohazard conditions.

### Critical Aquifer Recharge Areas

The Critical Aquifer Recharge Areas (CARA) goal of achieving protection of aquifer recharge areas was met through investigating Group A water system test results. In our previous five-year report, we submitted an informational request through the Department of Health (WSDOH) to obtain the data. This proved difficult, and we adapted our process to use the U.S. Environmental Protection Agency's Enforcement and Compliance History Online (ECHO) program to gather the data for this report.

VSP Intersect Areas are also protected by regulations including state and federal pesticide regulations and the county's agricultural watercourse protection measures found in SCC 14.24.120(4)(b) which requires agricultural operators to apply farm chemicals with all requirements stated on the chemical container labels and limit application of crop nutrients to agronomic rates intended for that particular crop. As noted in the Work Plan, if a contamination is found and believed to be due to agricultural activity, the county will work with the Washington State Department of Agriculture and agricultural operators in the drainage area on remediation.

The CARA benchmark is being monitored by obtaining and analyzing all Group A water system Consumer Confidence Reports in Skagit County from the ECHO database for years 2011 to 2023. 21 Group A records were returned for the VSP area in Skagit County. There were three identified violations, all regarding lack of updates to plans and permitting concerns. No violations for any agricultural markers were identified in the reports. Agricultural markers included coliform, nitrate, herbicide/pesticides, and volatile organic compounds.

## Enhancement

Skagit County's VSP Work Plan outlines enhancement goals for seven subbasins. The programs and organizations that work with voluntary stewardship, protection, and enhancement of riparian areas throughout Skagit County are extensive.

The benchmark to achieve enhancements through voluntary, incentive-based measures was achieved by the ongoing implementation of existing programs, the county's Natural Resources Stewardship Program (NRSP) and the Skagit Conservation District's (SCD) Conservation Reserve and Enhancement Program (CREP) and other restoration work to name two. For 2020, these subbasins had the following goals set in the Work Plan, all of which were met: Samish - 5 acres, Lower Skagit - 2 acres, Fisher Carpenter - 0.5 acres, Nookachamps - 2 acres, Middle Skagit - 5 acres, Upper Skagit - 2 acres, and Sauk - 1 acre.

To compile restoration data related to this goal, the County tallied restoration projects from a variety of project sources, including the County's NRSP, the SCD various planting programs including the CREP and their incentive plantings, the Skagit Watershed Council's riparian database which includes plantings from the Skagit Land Trust, Skagit Fisheries Enhancement Group (SFEG), Seattle City Light, Skagit County, the Recreation and Conservation Office PRISM database and others. These projects were overlaid with the VSP project area created as part of the FWHCA protection goal. Acres planted by subbasin since 2020 include: Samish with 9 projects totaling 26.05 acres, Lower Skagit with 6 projects totaling 145 acres, Fisher Carpenter with 2 projects totaling 5.97 acres, Nookachamps with 4 projects totaling 113.6 acres, Middle Skagit with 30 projects totaling 1142.73 acres, Upper Skagit with 7 projects totaling 93.1 acres, and Sauk with 2 projects totaling 58.5 acres. By Water Resource Inventory Area (WRIA), these plantings total 1433.35 in WRIA 3, and 151.6 acres for WRIA 4.

## 2. The Long-Term Viability of Agriculture

*Reporting Criteria 2: The maintenance and improvement of the long-term viability of agriculture.*

Historically in 2020, Skagit County produced an Agricultural Yearbook, funded by the VSP to highlight the coordination, partnerships, and synergy that keep Skagit County agriculture thriving. The Yearbook received article contributions from 14 organizations to support the effort, including:

Friends of Skagit County	Skagit Drainage and Irrigation District Consortium
Northwest Agricultural Business Center	Skagit Farm Bureau
Port of Skagit	Skagit County Farmland Legacy Program
Skagit Cattleman's Association	Skagit County Noxious Weed Control Board
Skagit Conservation District	Skagitonians to Preserve Farmland
Skagit Valley Tulip Festival	Taylor Shellfish
Western Washington Agricultural Association	WSU Extension – Mount Vernon

Skagit Publishing compiled the Yearbook, and it was an insert into the Skagit Valley Herald and La Conner newspapers. It is online at:

[https://issuu.com/skagitpublishing/docs/skagitcountyagyearbook\\_pf\\_4c82a8f934733c](https://issuu.com/skagitpublishing/docs/skagitcountyagyearbook_pf_4c82a8f934733c)

In addition to food and fiber products, agriculture in the region provides habitat for thousands of raptors and overwintering waterfowl. Numerous agricultural suppliers, organizations, and agencies serve the needs of this important industry, such as seed companies, food processors, grower associations, financiers, researchers, and farm machinery providers. Each year since 1999, over 20,000 people attend farm tours during the Festival of Family Farms to learn more about the bounty, beauty, and complexity of the Valley's working landscape.<sup>11</sup>

Many programs support the maintenance and improvement of the long-term viability of agriculture in Skagit County. Examples include the county's 40-acre minimum zoning, the Agricultural Advisory Board, the Farmland Legacy Program, a designated agriculture scenic corridor, numerous agricultural oriented non-profit groups, Skagit County Comprehensive Plan, the Innovative Partnership Zone, and the Washington State University Research and Extension Office.

In 2010, the Legislature created an agricultural scenic corridor within the scenic and recreational highway system to showcase the state's historic agricultural areas and to promote the maintenance and enhancement of agricultural areas. In Skagit County, Interstate 5 from Starbird Road to Bow Hill Road was designated an agricultural scenic corridor.

The county's Agricultural Advisory Board, a 12-member appointed board, makes recommendations to the County Commissioners, Planning Commission, and the County Administrator on agricultural plans, policies, and programs concerning:

- existing and proposed legislation and regulations affecting agriculture;
- land uses as they impact agriculture;
- ways to maintain, enhance, and promote agriculture and agricultural products in the region; and
- any other agricultural issues as requested by the County Commissioners and/or consistent with the county's Comprehensive Plan.

The Port of Skagit leads numerous programs to benefit the business environment of agriculture in Skagit County, such as the Innovative Partnership Zone ("IPZ"). The Washington State Department of Commerce has designated IPZs across the State as a place for collaboration and innovation. Skagit Valley's IPZ is dedicated to value-added agriculture.<sup>12</sup>

The Port of Skagit also provides a welcoming environment to a diverse array of businesses, including those related to agriculture. The Port's commercial kitchen was built in 2011 and

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<sup>11</sup> Western Washington Agricultural Association, [Our Crops](#), 2023

<sup>12</sup> [Skagit Valley Value-Added Agriculture Innovative Partnership Zone](#)

serves as an incubator for emerging food businesses. Nine former users of the kitchen have established stand-alone businesses.<sup>13</sup> The Port property is also home to WSU's Bread Lab, where the Bread Lab Plant Breeding Program conducts research on thousands of lines of wheat, barley, buckwheat and other small grains to identify those that perform well for farmers, and that are most suitable for craft baking, cooking, malting, brewing, and distilling. The most promising varieties are selected for flavor, nutrition, and distinctive characteristics. The Bread Lab began in 2011 in a small laboratory in the Washington State University Mount Vernon Research Center. Today it occupies 12,000 square feet at the Port of Skagit and includes the Bread Lab research and baking kitchen, a cytology lab, and the King Arthur Flour Baking School. In 2017, a milling laboratory and a professional kitchen overseen by James Beard Best Chef Northwest winner Blaine Wetzel was constructed.

The Port's IPZ launched Genuine Skagit, a branding campaign with the goal to enhance the perception and reputation of Skagit Valley as a premier, preferred, and distinctive origin brand. Preference for Skagit Valley's agricultural products builds perceived value and relevance in the minds of residents, regional, national and international fresh food artisans, fresh food purchasers, consumers, food marketers, government agencies and influencers.

Skagit County contracts with the Washington State University's Extension Office, in part to improve agricultural and natural resources. The programs offered by the Extension Office outlined in the Interlocal Agreement include outreach of applied research and education to commercial agricultural producers in Skagit County, pest control programs including outreach to agricultural producers, operating a livestock advisory program, operating a 4-H youth program, and operating a family and consumer science and food access program.<sup>14</sup>

### 3. Reducing Farmland Conversion

#### Land Use

Land use and zoning regulations are typically cited as the most important factor for a stable and secure agricultural land base. Skagit County's Comprehensive Plan, Agricultural Resource Lands section, establishes goals and policies that ensure the long-term stability and productivity of the county's agricultural lands.

The Comprehensive Plan specifically outlines the following guiding principles for the county's agricultural resource lands: protect the agricultural land resource and farming in Skagit County; endeavor to minimize the loss of the resource; mitigate unavoidable losses; and replace lost resources whenever possible. These principles guide Skagit County's actions to:

- Preserve agricultural land for agricultural uses;
- Limit new non-agricultural uses and activities on agricultural resources lands;

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<sup>13</sup> Port of Skagit, [Media Center](#), 2015

<sup>14</sup> [Interlocal Cooperative Agreement between Washington State University and Skagit County](#).

- Provide education and support services that maintain the farming industry and lifestyle;
- Promote the economic benefits of farming;
- Resolve conflicts between agricultural and environmental objectives; and
- Monitor the long-term achievement of the goals and policies.

These goals and policies are intended to provide clear guidelines for land use planning and implementation in agricultural areas. The plan also includes policies to establish programs and other measures that promote and protect the current and future needs of agriculture within Skagit County.

Development rights are a landowner's right to build houses and structures on their property under current zoning and planning policies. Another common and powerful tool to protect farmland is to purchase development rights off these properties. Skagit County has a robust purchase of development rights program in the Farmland Legacy Program. The county will continue dedicated financial support for the Farmland Legacy Program to remove large numbers of development rights from farmland. This has the added benefit of removing potential homes from the floodplain.

The Farmland Legacy Program is funded by the county's Conservation Futures tax and has leveraged those funds to obtain grants from entities such as the Washington State Recreation and Conservation Office and the federal Natural Resource Conservation Service. Since its inception in 1996, the Farmland Legacy Program has protected nearly 15,000 acres through voluntary easement purchases and through easements acquired by the county's one-acre subdivision rule.<sup>15</sup> This program helps ensure the viability of agriculture in Skagit County.

Skagit County has a successful history in protecting agricultural lands through a series of progressive land use regulations dating back to the 1960s. The most notable efforts include:

- 1965 – Skagit County signs its first Comprehensive Plan
- 1966 – Skagit County passes a progressive zoning ordinance
- 1973 – Skagit County adopts the Large Acreage Lot size establishing a 30-acre minimum on agriculturally zoned lands, allowing a one-time division.
- 1979 – Skagit County eliminates the one-time division and increases the minimum lot size to 40 acres.
- 1991 – Skagit County becomes one of the first counties in the state to pass the “Right to Farm” ordinance protecting farmers from unreasonable complaints from neighbors.
- 1996 – Skagit County establishes the Farmland Legacy Program and begins assessing the Conservation Futures Fund

## Water Resources

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<sup>15</sup> [Skagit County Code 14.16.860](#)

Two water related resources are imperative to the long-term viability of agriculture in Skagit County: operation and maintenance of drainage infrastructure and access to water for irrigation.

A key component of the success of agriculture in Skagit County is a complex system of levees, dikes, tide gates and drainage ditches established more than 100 years ago to protect more than 67,000 acres of farmland from flooding and tidal inundation. This critical infrastructure is operated and maintained by more than 24 dike, drainage, and irrigation districts. With more than 380 miles of drainage districts, 147 miles of dikes and levees, and 130 tide gates and flood gates, Skagit County's special purposes districts play a significant role in supporting the economy of this vital industry.

The county continues to support the efforts of landowners and dike, drainage, and irrigation districts in obtaining funding and necessary permits to maintain diking and drainage infrastructure and to have access to water for irrigation.

In addition, the county's Drainage Utility continues to support and financially partner through Interlocal Cooperative Agreements with dike, drainage, and irrigation districts on mutually beneficial drainage projects. For example, within the past ten years, the county has executed at least fifteen interlocal agreements with various districts to participate in drainage projects such as conveyance improvements, pipe linings, and infrastructure replacements. The county will continue to support the powers authorized to the dike, drainage, and irrigation districts as outlined in RCW Title 85 (Diking and Drainage) and Title 87 (Irrigation).

## 4. Maximizing Voluntary Programs

*Criteria 4: The maximization of the use of voluntary incentive programs to encourage good riparian and ecosystem stewardship as an alternative to historic approaches used to protect critical areas.*

Historic approaches to protect Fish and Wildlife Habitat Conservational Areas (FWHCAs) in Skagit County on Ag-NRL and RR-NRL lands relied on protective land-use designations such as RCW 36.70A.060 and S.C.C. 14.24, while protection of adjoining watercourses consisted of the no further harm or degradation policy. Since the introduction of VSP, programs have continued to successfully implement protection of these critical areas through purchases and easements, and voluntary stewardship has been attained through monetary incentives and technical assistance and education as to how these protections can benefit the landowners and their agricultural practices while considering long-term sustainability.

Maximizing the use of voluntary incentive programs was addressed in the VSP work plan by setting enrollment benchmarks for the first five years of the program, starting in 2018. These participation metrics include enrollment in local voluntary programs, enrollments in open space

tax program, enrollment in relevant federal programs, and protective easements. The final initially set participation benchmarks for 2022 included:

- 25 enrollments in local voluntary enhancement programs;
- 10 enrollments in current use open space tax programs;
- 15 enrollments in CREP, WRP, & other relevant federal programs, and
- 10 protective easements.

All goals for participation set in the Skagit VSP workplan have been met, and new participation goals will be set by the Watershed Advisory Group in 2024.

### Natural Resources Stewardship Program

Skagit County's Natural Resources Stewardship Program (NRSP) was chosen to be the centerpiece of the county's voluntary measures for implementing VSP. The VSP work plan established a goal of 25 enrollments in NRSP by the end of 2022. From 2011 to 2020, the county's NRSP completed over 25 projects. Since 2020, the county enrolled and completed six additional projects within the VSP area. These projects included native plantings, fencing, and/or the installation of large woody debris. Data was obtained from the county's NRSP Coordinator.

### Current Use Open Space Tax Program

From 2011 to 2023, the Skagit County Hearing Examiner approved 115 enrollments or transfers into the Current Use Open Space tax programs. These enrollments total 2147.8 acres. Data was obtained from the Skagit County Hearing Examiner and processed by the GIS department.

### Conservation Reserve Enhancement Program

The Skagit Conservation District currently reports 75 landowners enrolled under CREP contract totaling 515 acres. This includes 10 projects in WRIA 4 totaling 62 acres, one in WRIA 1 at 15 acres, and the remaining projects in WRIA 3. Since our last report in 2021, there have been 4 additional landowners enrolled in the program totaling 14.55 acres. One of the projects was in the Upper Samish, 2 in the Middle Skagit, and the fourth in the Lower Skagit. Data was obtained from the Skagit Conservation District annual reports. In addition, Skagit County contracted with the Conservation District to implement specific projects under the VSP, including a Cover Crop Program, AgWeather Stations, Plantings, Manure containment, and Watering Station projects.

### Pollution Identification and Correction

As part of Skagit County's Clean Water Program, an initiative was created called Pollution Identification and Correction (PIC). This program responds to water quality data, citizen complaints, and/or visual or olfactory cues that there may be a property contaminating a public



watercourse. After inspecting the area and sampling the water, contact is made with the property owner. PIC occurs at residential properties as well as agricultural properties. When the offending property is agricultural, the property owner is recommended to the SCD, who can work with the property owner on an individualized farm plan that can help maximize productivity of the property while ensuring proper protection of public water quality.

The main effort of the PIC program has been in the Samish River watershed. This watershed is the focus of the Clean Samish Initiative, an initiative created to reduce fecal coliform pollution exposure to the shellfish farming in Samish Bay. Reduction of fecal coliform pollution into the Samish River and its tributaries overlaps with the goals of VSP in that successful implementation and improvement of water quality often requires making the same modifications to landowner properties, such as riparian restoration, manure management, and livestock exclusion. The SCD has successfully restored more than 55,000 feet of linear riparian zones for a total of more than 135 acres of land since 2011.

## 5. Leveraging of Existing Resources

*Reporting Criteria 5: The leveraging of existing resources by relying upon existing work and plans in counties and local watersheds, as well as existing state and federal programs to the maximum extent practicable to achieve program goals.*

Skagit's VSP Work Plan recognizes that the promotion of existing programs is critical to success as these plans and government programs will aid in achieving program goals. Existing resources are numerous; many are listed in the Enhancement section of Reporting Criteria 1. These plans and programs, since 2011, include:

- Skagit Watershed Council's Strategic Approach
- Skagit Fisheries Enhancement Group
- Skagit County's Natural Resources Stewardship Program
- Conservation Reserve and Enhancement Program
- Skagit Conservation District's Incentive, Firewise, and Cover Crop Programs
- Skagit County's Farmland Legacy Program
- Skagit Land Trust Property Acquisitions
- Seattle City Light
- Department of Ecology's Total Maximum Daily Water Quality Improvement Projects
- Skagit Chinook Recovery Plan
- Limiting Factor Analysis for WRIA 3 and 4
- Puget Sound Partnership's Action Agenda
- Department of Fish and Wildlife's Priority Habitats and Species Program
- Skagit County's Habitat Improvement Plan
- Skagit County Water Quality Monitoring
- Department of Ecology's Centennial Clean Water Program
- Environmental Quality Incentive Program

- National Water Quality Initiative
- Washington State Estuary and Salmon Restoration Program
- Regional Conservation Partnership Program
- Skagit Delta Farmland Preservation Strategy
- Skagit Delta Tidegate and Fish Initiative
- Skagit Drainage and Fish Initiative
- Skagit County Stream Team

## 6. Fostering A Spirit of Cooperation

*Reporting Criteria 6: Ongoing efforts to encourage and foster a spirit of cooperation and partnership among county, tribal, environmental, and agricultural interests to better assure the program success.*

Efforts to encourage and foster a spirit of cooperation and partnership in the Valley are numerous and ongoing. Skagit County programs that partner with tribal, environmental, and agricultural interests include the Clean Samish Initiative (CSI), the Clean Water Program, the Conservation Futures Program, the Agricultural Advisory Board, and the Natural Resources Stewardship Program. The county also participates in many regional programs that advance VSP goals, such as Interlocal Agreements with area tribes on mutually beneficial restoration or planning projects, participating in Skagit TMDL proceedings, Interlocal Agreements with Drainage and Irrigation Districts, and participation in Skagit Watershed Council committees.

The Samish Indian Nation is an active partner in the CSI. Skagit County maintains an Interlocal Agreement with the Samish to assist the county in water quality sampling in the Samish Watershed. The SCD is another member of the CSI; Skagit County maintains an Interlocal Agreement with the SCD to support the CSI, the PIC program, outreach and education, and technical assistance and cost share funds for Best Management Practice Implementation. The county also creates Interlocal Agreements with the SCD for individual projects and the SFEG for educational outreach.

## 7. Ongoing Efforts to Improve Compliance

*Reporting Criteria 7: Ongoing efforts to improve compliance with other laws designed to protect water quality and fish habitat.*

Skagit County landowners on Ag-NRL and RR-NRL properties must comply with the existing Critical Areas Ordinance for ongoing agriculture, SCC 14.24.120. The VSP allows for further protection and restoration beyond the requirements of 14.24.120. Therefore, VSP does not forfeit or replace compliance with the existing Ag-CAO program but works alongside to further protection and enhancement goals. Skagit County officially incorporated SCC 14.24 into its VSP work plan, along with SCC 14.34 Flood Damage Protection.

As a part of the implementation of the current Ag-CAO legislation, the Skagit County Water Quality Monitoring Program (SCMP) was created in 2003. This program has taken ambient water samples at 40 sites around the county that fall under N, S, and F DNR water types. These sites were selected to monitor water quality trends both within and without the agricultural zones of the county. The SCMP monitors dissolved oxygen, conductivity, salinity, temperature, pH, turbidity, and fecal coliform (FC) bacteria. These sites have been sampled every two weeks from 2003 until the present day. All aggregated data and summary trends analyses can be found in the SCMP annual reports that are released each year. These water quality trends typically show both some improvements and some deteriorations of water quality in all water types across the county.

The PIC program identifies water quality polluting non-compliant properties throughout the county. These properties are contacted by the county, notified of the issue, instructed as to what needs to be corrected to be compliant, and given the contact information of the SCD if they wish to create a farm plan to correct the problems on the property that are non-compliant with the current Ag-CAO. In all cases, VSP and NRSP participation is highly desired and encouraged if the owner is interested in any of the incentives offered that are above and beyond the baseline compliance with the Ag-CAO.

Skagit County's Illicit Discharge Detection and Elimination (IDDE) Program follows the state's 2020 Illicit Connection and Illicit Discharge Field Screening and Source Tracing Guidance Manual for the detection and elimination of pollutant sources in Skagit County's municipal stormwater sewer system. The IDDE Program is intended to bring commercial properties in Skagit County in compliance with SCC chapter 16.32. These developments and subsequent enforcements of pollution reduction to waterbodies that are shared by properties that are used principally for agriculture and are in critical intersect areas is an example of another program Skagit County is investing in to help protect water quality and fish habitat.

As mentioned in the VSP Work Plan, the Shoreline Management Act (RCW Chapter 90.58) protects watercourses for all lands being newly developed or newly designated for agriculture. This falls outside of ongoing agriculture and ensures the protection of water quality and fish habitat on any future agricultural implementation.

## 8. Voluntary Stewardship Practices

*Reporting Criteria 8: A description of efforts showing how relying upon voluntary stewardship practices as the primary method of protecting critical areas and does not require the cessation of agricultural activities.*

The Washington State Growth Management Act (GMA), adopted in 1990, provides general direction to local governments in creating local comprehensive plans and development regulations. GMA contains 14 un-prioritized planning goals for local government to consider as

they develop land use plans and development regulations.<sup>16</sup> Alas, these goals and directives frequently conflict. For example, conservation of agricultural lands figures prominently among those goals:

*(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.*

But at the same time, GMA includes goals related to the conservation of fish habitat and water quality:

*(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.*

*(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.<sup>17</sup>*

In Skagit County, the long-running conflict over critical areas in areas of agricultural activity has contributed to substantial uncertainty in the local agricultural industry, with many millions of dollars misspent on litigation instead of habitat enhancement and fish recovery. The Skagit County Board of Commissioners has long recognized the tension between protection of watershed resources and ensuring the viability of agriculture but has also supported policies that attempt to find the appropriate balance between those competing goals. In this new era, Skagit County embraces the opportunity that the VSP provides to demonstrate and measure the county's commitment to stewardship of all its natural resources.

Unlike many other counties that completely exempt agriculture from their critical areas regulations, Skagit County's existing Critical Areas Ordinance, including the provisions for Ongoing Agriculture, already imposes restrictions on agriculture that will help the county achieve outlined protection benchmarks. These provisions, which have been in effect for nearly 20 years, are accepted by local agriculture as a reasonable compromise solution to the challenge of protecting critical areas in area of agricultural activity.

Skagit County's existing ag-CAO uses mandatory "watercourse protection measures" (bright-line rules designed to protect streams and wildlife habitat from pollution, runoff, and degradation)<sup>18</sup> to ensure a minimum level of stewardship and protection of critical areas functions and values in areas of ongoing agricultural activity. The county may propose clarifications to these rules if necessary to ensure readability and enforceability.

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<sup>16</sup> Thirteen goals are listed in RCW 36.70A.020; the goals and policies of the Shoreline Management Act are incorporated into GMA as the fourteenth goal by RCW 36.70A.480.

<sup>17</sup> RCW 36.70A.020 (partial).

<sup>18</sup> See SCC 14.24.120(4).