

KING CONSERVATION DISTRICT

Board of Supervisors

Meeting Minutes

May 14, 2003

1 **Supervisors Present:** Scott Wallace, Vice Chair, Max Prinsen, Member, Nancy Ahern, Member

2 **Associate Supervisors Present:** None

3 **Guests Present:** Bobbi Lindemulder, Snohomish Conservation District, Laurie Clinton, King  
4 County, Jerry Balcom, King County, Leanne Merrill, King County, Eric Nelson, King County,  
5 David Doud.

6 **Staff Present:** Brandy Reed, Marla Hamilton Lucas, Geoff Reed

7 **NRCS Staff Present:** None

8 Vice Chair Scott Wallace called the meeting to order at 6:05. This will be Nancy Ahern's last  
9 meeting as an appointed board member, and Bill Niccolls last board meeting as an elected  
10 member and Board Chair. The Washington State Conservation Commission will be meeting  
11 tomorrow to confirm the election of Bobbi Lindemulder to replace Bill Niccolls and to consider  
12 appointing Max Prinsen to replace Nancy Ahern, who is leaving the board.

13 Meeting minutes from April 9, 2003 were reviewed and no changes were requested.

14 **Prinsen moved, Ahern seconded, Passed unanimously a motion to approve the April 9,**  
15 **2003 board minutes as read.**

16 Jerry Balcom from King County presented a proposal to the Board from King County regarding  
17 the role of the King Conservation District in helping to implement the new Critical Areas  
18 Ordinance, currently in draft form. The draft ordinance was presented to the public earlier this  
19 year and there was a great deal of concern about how it's provisions would affect agriculture in  
20 the County. Currently, the draft ordinance has been revised for agriculture operations so that it  
21 works similarly to the current Livestock Management Ordinance. The emphasis will be on using  
22 Best Management Practices and site plans instead of fixed width buffers, especially on non-  
23 forested properties. Balcom said that most people preferred the BMP approach. The County's  
24 windshield survey for land usage outside of the agriculture district found that significant  
25 agriculture activity occurred in areas zoned rural. The majority of this activity was livestock and  
26 horticultural.

27 The County requests that the KCD give serious consideration to helping agriculture comply with  
28 the CAO so that it can remain a viable land use in the county. Balcom said that the County is  
29 coming to agreement with the Department of Development and Environmental services to be  
30 able to use the BMP approach, although DDES favored using permitting to achieve the goals of  
31 the CAO.

32 Balcom said that there are 4,500 farms covering 52,000 acres in the County and that it could take  
33 ten years to do farm/site plans for all of them. As the permitting process requires long-term

*“Promoting sustainable uses of natural resources  
through responsible stewardship”*

34 commitments on the part of landowners, then BMP implementation will require the same level of  
35 commitment.

36 Balcom discussed ways to streamline agricultural ditch maintenance because the current system  
37 is not working. Currently, approximately 4000' of drainage ditch has been cleaned out of the  
38 1,000 miles of ditch in the Agricultural Protection District and the rural areas.

39 Balcom said the County is trying to keep staff increases to a minimum because of budget  
40 constraints. Having the District help with BMP's and site plans under the CAO is problematic  
41 because the District does not want to be part of code enforcement, it's role is that of helping  
42 landowners on a voluntary basis. One way to address this issue would be for the District to write  
43 the farm/site plan, working with the property owner, and have the County sanction the plan and  
44 submit it to DDES.

45 Wallace mentioned that DDES is resisting using Habitat Protection Areas in lieu of permits  
46 because they would lose revenue if fewer permits were required. Permits do offer protection  
47 from liability for the landowner and County. It might be possible to come to an agreement where  
48 BMP's would apply to a state permit for an HPA.

49 A discussion ensued regarding permitting and regulations. Wallace asked about the difference  
50 between a 35-foot stream buffer and a 165-foot buffer. Balcom said that a 165' buffer isn't  
51 always needed on cleared land, that a hedgerow, filter strip or crop rotation could be used  
52 instead. The site plan gives management over all the property, so in a way it's all "buffer".

53 From a regulatory view, it is more time consumptive to regulate flexible regulations rather than  
54 just drawing the same line for all landowners.

55 Lindermulder asked Balcom if BMP's would be grandfathered into the CAO. Balcom said  
56 existing BMP's would most probably be reviewed first.

57 The new draft CAO would not apply retroactively to current land use, it would only apply when  
58 a land use is changed. The original proposal would have required agricultural operations to  
59 comply immediately. The current Livestock Management Ordinance will not be changed yet.

60 The County will be continuing and expanding the Cost Share program to encourage the  
61 implementation of BMP's.

62 The next draft of the CAO will be completed in September and sent to the Council at the end of  
63 2003. During 2004 there will be a concerted effort to get voluntary compliance with the CAO. It  
64 is expected that 2005 will be the first year of enforcement of its provisions.

65 Prinsen questioned how the District's cooperation with the County on implementing the CAO  
66 would be funded, especially if the assessment is not renewed, that the workload would require  
67 the District to hire an additional 6-7 staff members. Is a different allocation of the assessment  
68 possible or would the District be applying to the WRIA's for a share of their assessment to fund  
69 the assistance to the County?

70 Ahern asked about the Rural Drainage program funds. She felt that it was the County's  
71 responsibility to find funding for the District's increased workload under the CAO. A discussion  
72 ensued regarding funding, and trying to avoid increasing costs for landowners.

73 Ahern asked Balcom what would happen if the District decided not to help implement the  
74 provisions of the draft CAO. Balcom responded that the County would have to require fixed  
75 width buffers, which is strongly opposed by landowners. The County is concerned that if they do  
76 nothing, there will be lawsuits filed by environmentalists and farmers against it.

77 The County's comprehensive plan is being updated regarding what land use activities will be  
78 allowed in the rural areas.

79 Prinsen asked Balcom what he wanted to know from the Board regarding the District's  
80 participation in the CAO process. Balcom said that he wanted to see what the Board's reaction  
81 was to the request for help. Prinsen asked how the Board would be able to stay informed on the  
82 issues, and Balcom said he would keep in contact with District staff.

83 Wallace said the whole process needs to be streamlined, that science needs to be independent of  
84 the agencies and the ditch cleaning situation needs to be resolved. Nelson said that the District  
85 should bring its concerns to Daryl Griggs of King County Water and Land Division. Ahern felt  
86 that Griggs and the head of DDES needed to meet to iron out differences before the CAO is  
87 finalized.

88 David Dowd asked what the ideal relationship between KCD and King County would look like.  
89 Balcom said that the District would continue to write farm plans and proscribe BMP's. The plans  
90 would then be submitted to the County and passed on to DDES. The idea is to do permitting on  
91 the soundness of the building design rather than the total site plan.

92 Several options for funding of the District activities were discussed. One of the concerns was not  
93 increasing costs for landowners so that money could go to the building/project rather than to  
94 permitting. It was agreed that adjusting the distribution of the assessment between watersheds  
95 and the District would be advocated to provide funding to the District to cover the additional  
96 costs associated with helping the County with the CAO.

97 A short break was taken at this time.

98 Hamilton Lucas gave the financial report.

99 **Wallace moved, Ahern seconded, Passed unanimously a motion to approve May expense**  
100 **checks #7149-7214 in the amount of \$127,576.26.**

101 Hamilton Lucas reviewed the Balance Sheet and Budget Tracking Report. B. Reed asked for  
102 clarification on Engineering and Construction expenses associated with the Agricultural Ditch  
103 Assistance Program.

104 **Prinsen moved, Ahern seconded, Passed unanimously a motion to accept the May Financial**  
105 **Report as submitted.**

106 B. Reed introduced a discussion regarding the charging of 40-80% overhead rates on budget  
107 revisions submitted by King County on non-competitive grants.

108 She noted that in her research on allowable overhead rates, the Washington State Conservation  
109 Commission grants have a 25% of total salary limit on overhead. State Salmon Recovery  
110 Funding Board grants allow no indirect cost overhead to be charged. The only exception is the  
111 acquisition of property, where a 5% rate is allowed. The range for other non-competitive grants  
112 is 12% or less and many entities don't even budget for it.

113 Leanne Merrill from King County presented the reasons for the overhead charges on the budget  
114 revisions. She said that County departments are required to charge the overhead rates on their  
115 salary expenses to spread the costs of county government over the greatest possible area.

116 Lindermulder commented that the non-competitive grant program was intended to get projects  
117 implemented, not be used to cover costs of county government. Discussion ensued regarding  
118 what the District policy should be regarding the rate of overhead charged and whether that policy  
119 should be applied retroactively to the County grant budget revisions.

120 It was decided to continue the overhead policy discussion at the next board meeting. Prinsen said  
121 he would check on overhead limits associated with federal grants. More discussion ensued and  
122 the Board did state that it wished to apply a fair standard to all non-competitive grant recipients.

123 B. Reed presented for the Board's review and approval the 2004 Program of Work to be smutted  
124 to the King County Council. The Program of Work must be submitted to the County Council by  
125 June 1 and they have 60 days to approve it. The Council staff person who will be working with  
126 the District will be Mike Reed, who replaces Monica Clark. Discussion ensued regarding the  
127 description of the District's policy regarding investment interest.

128 **Ahern moved, Prinsen seconded, Passed a motion to adopt the 2004 Program of Work for**  
129 **the King Conservation District and forward it to the King County Council for their**  
130 **approval.**

131 City of Kent grant application packet was presented for approval.

132 **Ahern Moved, Prinsen Seconded; Passed unanimously a motion to approve the City of Kent**  
133 **Campus Park Reforestation Project non-competitive grant application for \$950.00.**

134 City of Seattle grant application packet was presented for approval. Action on the  
135 noncompetitive grant applications for the *Lower Duwamish Outfall Survey Project, Lake*  
136 *Washington-Ballard Locks Mapping Project, and Duwamish Source Control Program Database*  
137 *Design Project* was deferred until next board meeting due to Ahern's wish to abstain from voting  
138 on these applications, and a subsequent lack of board member votes to approve or deny the grant  
139 applications.

140 Agreements for performance of conservation services were presented for approval.

141 **Ahern Moved, Prinsen Seconded; Passed unanimously a motion to approve the**  
142 **conservation services contract with the City of Duvall for the 2003 Bare-root Plant Sale**  
143 **Plant Order, and direct staff to deduct \$661.46 from the City's restricted fund balance.**

144 **Ahern Moved, Prinsen Seconded; Passed unanimously a motion to approve the**  
145 **conservation services contract with the City of Kent for the 2003 Bare-root Plant Sale Plant**  
146 **Order, and direct staff to deduct \$2,709.12 from the City's restricted fund balance.**

147 Noncompetitive grant agreement amendment requests were presented for approval.

148 **Prinsen Moved, Ahern Seconded; Passed unanimously a motion to amend the City of Clyde**  
149 **Hill 2002 Arbor Day Celebration Project grant agreement, approving the revised budget as**  
150 **submitted.**

151 **Prinsen Moved, Ahern Seconded; Passed unanimously a motion to amend the King County**  
152 **Volunteer Revegetation Project grant agreement, approving the revised budget as**  
153 **submitted.**

154 **Prinsen Moved, Ahern Seconded; Passed unanimously a motion to amend the King County**  
155 **Central Puget Sound Watershed Forum Citizen Shoreline Inventory Project grant agreement,**  
156 **changing the project completion date to December, 2002.**

157 **Prinsen Moved, Ahern Seconded; Passed unanimously a motion to amend the King County**  
158 **Green-Duwamish Watershed Forum Opportunity Fund Grants Project grant agreement,**  
159 **changing the project completion date to December, 2003.**

160 King County grant application packet was presented for approval. Prinsen suggested that the  
161 number of staff and staff hours to be worked by King County staff funded by the Non-  
162 Competitive grant be detailed in the grant application.

163 **Prinsen Moved, Ahern Seconded; Passed unanimously a motion to approve the King**  
164 **County Non-Competitive Grant Application for \$144,000 for the King County Agriculture**  
165 **Program pending submittal of requested additional information.**

166 Ahern nominated Prinsen to serve as Chair of the Board of Supervisors, as Bill Niccolls Chair,  
167 was not re-elected to serve another term on the Board.

168 **Wallace moved, Ahern seconded; Passed unanimously a motion to appoint Prinsen Chair**  
169 **of the King Conservation District Board of Supervisors.**

170 David Dowd was invited to become an Associate Supervisor for the District.

171 Ahern was presented with a poster and thanks from the Board for her service to the District.

172 The co-coordinators gave a summary of the status of the new grants from the Washington  
173 Conservation Commission. The Water Quality grant will be used for sixteen stream BMP  
174 projects. The Puget Sound grant will continue to fund the native plant nursery and technical  
175 assistance.

176 There was no NRCS report as Pedro Ramos had left for his new position in California.

177 Members of CD Boards of Supervisors may attend the Washington Association of Conservation  
178 District Employees training at Sleeping Lady Conference Center for no cost. Prinsen and  
179 Wallace expressed interest in attending.

180 The District has hired two new employees, Rosanne Campagna as Administrative Assistant, and  
181 Amy Tippery as Project Assistant.

182 **Prinsen moved, Wallace seconded, Passed a motion to adjourn the meeting at 8:55pm.**

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Authorized Signature

\_\_\_\_\_ Date

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**Summary of Motions**

189

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191 **2003 board minutes as read.**

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221 **Program pending submittal of requested additional information.**
- 222 **Wallace moved, Ahern seconded; Passed unanimously a motion to appoint Prinsen Chair**  
223 **of the King Conservation District Board of Supervisors.**
- 224 **Prinsen moved, Wallace seconded, Passed a motion to adjourn the meeting at 8:55pm.**