

Snohomish County Agricultural Advisory Board

Jackson Board Room

February 10, 2015

12:30 p.m.

MEETING SUMMARY

12:39 p.m.

1. Call to Order, Introductions, Announcements – Chair

BOARD MEMBERS PRESENT:

Marv Thomas, Chair (Position 11 – Snohomish River Basin)

Brian Bookey (Position 4 – Commodity Crops)

Mark Craven (Position 5 – Agricultural Direct Marketing)

Mike Harnden (Position 2 – Nursery)

Jeff Ellingsen (Position 7 – Diking Drainage & Flood Control Districts in Stillaguamish River Basin)

Gerald Labish (Position 3 – Livestock)

John Misich (Position 9 – Snohomish County Farm Bureau)

Dave Remlinger (Position 6 - Diking, Drainage & Flood Control District in Snohomish River Basin)

BOARD MEMBERS ABSENT:

Mike Bueler, (Position 1 – Dairy)

Jackie Macomber (Position 8 – Equine)

Jesse Allen (Position 10 – Stillaguamish River Basin)

OTHER ATTENDEES:

Tom Rowe, PDS

Troy Holbrook, PDS

Linda Neunzig

Monte Marti, Conservation District

Bobbi Lindemulder, Conservation District

Martin Rollins, Deputy Prosecutor

Eric Fritch, Chinook Farms

Kara Symonds, Skagit County Public Works

Allen Rozema, Skagit County Preserve Farmland

Marv Thomas announced that Ed Stocker had a stroke this morning and is currently in the hospital. His condition at this time is unknown.

12:36 p.m.

2. Approval of 01/13/15 Meeting Summary – All

The January 13, 2015 Regular Meeting Summary was approved as written/presented to the Board.

12:37 p.m.

3. Public Comment:

John Postema spoke to the Board, and reported on the Grower's Alliance meeting that was held last night. Discussion took place at that meeting regarding the new CAR regulations. Mr. Postema handed out a

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document he composed entitled “No Harm, No Foul Principle”. He feels there is a potential substantial cost to modify affected agricultural operations in order to comply with the CAR protection being proposed in the updated regulations. He believes that applying this standard of no harm, no degradation to the Critical Area Ordinance and Agriculture section would achieve both protection of critical areas and enhancement of Agriculture.

12:44 p.m.

4. County Reports

a. Update on SAEDAT Strategies/Ag Issues - Linda Neunzig

Ms. Neunzig announced that she will be facilitating the “Women in Agriculture” conference being held on February 21st at WSU. In addition, she will be hosting the USDA Renewable Energy and Efficiency grant proposal workshop on February 26th from 10:30 a.m. to 12:30 p.m.. There is quite a bit of funding available through the USDA for solar energy improvements. NABC is hosting an “Access to Capital” workshop on February 23rd. In addition, there is a workshop on cider apple production, an industry that continues to grow in this region and for which supply is in demand. There is a Focus on Forestry conference in mid-June at the Fairgrounds. Partners at this time are Parks, DNR, State Department of Commerce, the Forest Service, FORTERA, and WSU. Focus on Farming is scheduled for November 19th, 2015.

b. Code Development/Permit Activities – Tom Rowe, PDS

Mr. Rowe is sitting in during Mike McCrary’s absence. The County is currently writing Forest Practice regulations to take over the conversion permits. There will be a representative from PDS to speak to the Ag Board at next month’s meeting regarding the regulations. Mr. Rowe then reviewed 25 permits from the month of January. Clarification was requested from the Board regarding permits for marijuana production and processing, as well as for Riverway Commercial Farmland in connection with flood hazard zones.

c. Conservation District Update – Monte Marti, Conservation District

Monte Marti thanked John Postema for organizing the Grower’s Alliance meeting last night. Mr. Marti then encouraged the Ag Board, Linda Neunzig, and the Conservation District to really focus on the future of agriculture in Snohomish County.

d. Farm Bureau Update – John Misich

Mr. Misich spoke of a bill that was presented last year regarding sediment management work in the rivers. There continues to be opposition to this from the state agencies, environmental groups, and Indian tribes. As far as he knows the bills are “still alive” but no progress or changes have been made, as yet.

e. SLS Update – Brian Bookey/Dave Remlinger

The SLS met for their annual meeting a couple weeks ago. Kristin Klesick was elected to fill the vacant Ag seat.

1:05 p.m.

5. Presentation – Skagit County Farm Preservation/CAR

Linda Neunzig introduced Allen Rozema from the Skagit County Preserve Farmland. Since 1989 they have been implementing an approach that includes community support, farmland protection, economic viability, and infrastructure. Skagit County has a long history of advocacy in these areas, and is one of the first counties to create 40 acre minimum lot zoning. In circa 2005, the county passed an ordinance stating that if you haven’t started the process to do a lot certification on a non-conforming lot, you lose the ability to do that after the ordinance comes into effect. Ninety days after the ordinance passed, any parcel of land that hadn’t begun the lot certification process, and was under 40 acres, lost the ability to do so. This eliminated millions of dollars in development rights. The county followed up by creating a lot aggregation section in

their development code so land owners could then start aggregating non-conforming lots. In the 2006 Comprehensive Plan Update, the county created a provision in the development code that stated single family residential homes are an accessory to an agricultural use. In 2009, the Planning Director got together with the Chief Civil Deputy and consulted with the Skagit County Ag Board and farmers and inquired if they would be amenable with an administrative determination that would state you have to actively be farming to build a single family residential home. Hence, in order to build a new house now in an Ag zone in Skagit County, you must sign an affidavit stating that you are earning at least \$100.00 per acre, per year, on the parcel of land on which you are applying for a building permit. Existing homes are exempt from this and are legal non-conforming. Further discussion and questions from the Board followed.

Kara Symonds spoke. She is a Watershed Planner with Skagit County Public Works which administers the Farmland Legacy Program. Their entire conservation future fund is dedicated to their Farmland Legacy Program which recently enrolled slightly over 9000 acres.

Skagit County has a Hearing Examiner's Special Use Permit for habitat restoration projects. Three to four years ago, conservation groups addressed the legislature and passed legislation exempting all habitat and Chinook restoration projects going through an HPA process from local permits. If you are going to try to convert farmland in Skagit county, it will get very expensive, and it is a cheaper process to go through the Hearing Examiner's Special Use Permit process, than to go through a SEPA appeal process.

Tom Rowe relayed that Snohomish County is using the new SEPA checklist which was adopted fairly recently. He added that back in 1984 you could not build a house within Ag designated areas without it deriving some of its income from farm products. When the flood hazard regulations were re-done in 2004, there was a big push by the Ag community to remove this from the code. Since 1996, Snohomish County code has always protected the previous uses, meaning, if you have a legally created use before it was law, you don't have to change that use. Today if you have crops or animals, you don't have to give that up. It's not designated as a critical area that needs protection with a buffer.

6. Board Discussion and Possible Action

a. Farm Plans for Critical Area Regulations – Troy Holbrook

Troy Holbrook spoke about farm plans, and provided a current summary of critical area regulations. He referred to a memo dated February 6, 2015 that was sent to the Ag Board which showed an overall summary of the critical area regulations and the types of changes being looked at. The Planning Commission has been briefed on this, and it will move to a public hearing beginning on February 23rd. Best available science has been reviewed, as well as court and board decisions. After our review, we have determined that there are no major updates required for GMA compliance or for implementation of our policy. Most of the amendments are housekeeping and consistency and implementation amendments. Most of the updates are in 62A (Wetlands and Fish and Wildlife Habitat) where one change will be the wetland rating system which will change based on the Department of Ecology's new methodology that was issued late last year. It does not change the rating of the wetlands, they are scored differently. Other small changes include single family residential exemptions, replacement ratios, and the classification. Quite a few changes are made in the geological hazardous areas chapter, mostly on the landslide hazardous areas with an enlargement of the landslide hazardous area. There are a few minor amendments being made to the Aquifer Recharge chapter which brings us up to speed with the new state law. No changes are being made in the special flood hazard areas at this time. Any changes being done in the critical area regulations will not apply to the shoreline areas. The adopted ordinance was cited by reference in the code that was adopted, so no changes can be made until updating the shoreline management program as approved by ecology, and that will not occur until 2019, creating two sets of regulations.

Mr. Holbrook then addressed the Part 600 document which reflects major farm plan changes. The purpose of the changes is to comply with the State Court and Hearings Board decisions, and include flexibility that is compatible with existing code. He asked the Board for a recommendation no later than April when it will be addressed before the County Council. Most major changes are reflected under 30.62A.640 and these were discussed. Jerry Labish expressed his concerns about some of the wetland regulations and how they would be interpreted, and where do you draw the line in R5 whether it is being farmed or not. Tom Rowe responded that the “right to plow” provisions remain unchanged, so an established farm in R5 would receive most of the provisions that would apply to A10. Mr. Holbrook asked for any suggestions for changes or questions from the Board. Mark Craven made a motion to support the recommendations to the Planning Commission; Jerry Labish seconded the motion, adding that more work needs to be done to better protect farm land. The motion failed with a 5 (in favor) to 1 (opposed) vote.

b. Staff Report on CAR – Tom Rowe

Tom Rowe gave a background on flood hazard permit requirements for power poles and fences. Discussion followed and questions were addressed. Jerry Labish expounded on discussion from last month’s meeting where it was stated that final cost could reach \$5,000.00 when applying for a flood hazard zone permit if engineering is required as part of compliance. Tom Rowe confirmed that the permit itself costs \$309.00. A meeting is scheduled with FEMA for March 9th and Mr. Rowe extended an invitation to the Board to attend it. Dave Remlinger and Marv Thomas accepted.

2:01 p.m.

6. Round Table Discussion of Topics of Interest – All

Nothing discussed at this time.

2:07 p.m.

7. Future Agenda Topics

2:10 p.m.

8. Closing