

Snohomish County Agricultural Advisory Board

MEETING SUMMARY November 10, 2009

ATTENDEES

Board Members - Present

| | | | |
|------------------------|--------------|----------------|---------------|
| Elizabeth Christianson | Mark Craven | Mike Harnden | Gerald Labish |
| Jackie Macomber | John Postema | Dave Remlinger | Nick Van Dam |

Board Members – Excused

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| Brian Bookey | Dan Douglas |
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Board Members - Absent

Jesse Allen

PDS Staff

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| Joan Langlais | Tom Niemann | Tom Rowe | Terri Strandberg |
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Office of Economic Development Staff

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| Ryan Hembree | Linda Neunzig |
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Public Works / Solid Waste

Matt Zybas

Public Works / Surface Water Management

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| Sean Edwards | Craig Garric | Debbie Terwilliger | Steve Thomsen |
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Cascade Land Conservancy

Nick Harper

Snohomish County Conservation District

Bobbi Lindemulder

Snohomish Health District

Aran Enger

WSU Snohomish County Extension

Curt Moulton

Snohomish County Farm Bureau

Ed Moats

Others

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| Max Albert | Merle Ash | Noah Haglund | Denise Kryger |
| Allison Moon | Harold Ruppert | Terry Soboda | John Spolstra |
| Marv Thomas | | | |

1. CALL TO ORDER, INTRODUCTIONS, ANNOUNCEMENTS

Vice Chair Mark Craven called the meeting to order. All attendees introduced themselves. There were no announcements.

2. APPROVAL OF October 6, 2009 MEETING SUMMARY

There was some concern that the minutes did not accurately reflect Sean Edwards' comments regarding the Stillaguamish Salmon Recovery Plan (page 3, bullet 3 under "Discussion followed." Betsy Christianson questioned having "350 acres now, which is the ten-year milestone." Debbie Terwilliger and Steve Thomsen addressed Betsy's question and will follow up with a clarification next month. In the meantime, the summary was approved as written with an opportunity to revise it next month if necessary.

3. PUBLIC COMMENT

Curt Moulton, WSU Extension, commended the Focus on Farming Conference. It was well attended, seemed to be well supported by the industry, had a fantastic locally produced meal, and had educational activities with top speakers. Jackie Macomber agreed and said that everyone came away with a new word, "inventory," for all of the farmers' "stuff."

John Postema suggested that tracking the types of agencies, active farmers, people, etc., who attended would be a good practice and could help determine what to emphasize in the future.

Bobbi Lindemulder gave a brief update on the Snohomish Conservation District assessment. The county council will make a decision on November 23, 2009.

4. UPDATE ON AGRICULTURAL PERMITTING ISSUES (Tom Rowe, Snohomish County PDS)

Tom Rowe met with Bruce King to discuss and correct statements made during last month's meeting:

- Bruce built a membrane structure. The county did not cite him for grading or building without a permit, only for not having a flood hazard permit that is required in a flood hazard or density fringe area. Bruce did not respond to the citation. He did not attend the hearing examiner's hearing. The hearing examiner ruled in favor of PDS.
- Bruce built a second structure for a certified mobile home. That means it is under L & I's jurisdiction. He was cited. The hearing examiner ruled in favor of PDS. Bruce could decertify and use the mobile home for a chicken coop.
- The hearing examiner will set a compliance date and start fines and penalties from that date.
- Tom talked with Bruce about the Department of Ecology (DOE) grading and water quality violation and citation when someone crossed his property to retrieve sunken machinery. Ryan Hembree and Tom Rowe set up a meeting with DOE officials, but they didn't come. Tom Rowe will set up another meeting to discuss ag issues as they relate to Bruce King, Ruth and Paul Brandal who are in the sunnyside area, and Denise Kryger's animal waste storage facility.

Tom addressed comments John Postema made during last month's meeting. PDS's intent is to help farmers. If mistakes are made, staff needs to hear about them; so corrections can be made. If staff interprets code incorrectly, there should be discussions. The ag board exists to help staff with these issues. Tom cannot condone verbal attacks on his staff. Records are available for anyone who has an issue, and Tom's door is always open.

Part of John's concern was lack of information on the BIOP and Fir Island issue. Staff will correct that. Staff:

- Talked with the board about the BIOP when it was introduced.
- Came to an agreement with FEMA that if we put a habitat management plan in place to deal with "take," we could continue to issue flood hazard permits in Snohomish County. An option was a moratorium and no flood hazard permits. That is not feasible. Tom discussed the habitat management plan and FEMA requirements.
- John Postema had further questions regarding FEMA and the habitat management plan. Tom said that FEMA asks five questions. Snohomish County staff are reducing the habitat management plan requirement and only asking those five questions. Tom will bring those questions to next month's meeting.

Ryan Hembree, Dave Remlinger, and Tom Rowe met to discuss potential changes to the use matrix (Mark Craven was unable to attend the meeting).

Marv Thomas said that a lot of farmers want to compost and would like the board's support for composting horse and cow manure without considering it as solid waste. Tom Rowe suggested having a Memorandum of Understanding (MOU) with the health district and suggested bringing the Department of Ecology into the conversations. Arne Enger, Snohomish Health District, is trying to understand the regulations.

Referring to the handout "County Activities In and Near Designated Ag Lands," dated November 2009, which was included in the agenda packets, Betsy Christianson stated that this is an application for cell towers on ag land. She stressed that the towers are a major threat to honey and worker bees. "Recent experiments have found that worker bees fail to return to their hives when their navigational skills are interfered with by the mobile microwaves. Cell phones that are placed near beehives, these hives collapse totally in five to ten days with the worker bees failing to return to their homes." Discussion followed, and Tom Rowe said that this issue can be discussed during the use matrix discussions. Tom asked Betsy to comment in writing to the project planners and suggested that the ag board send a letter to PDS. Betsy will pull all of the studies and follow through with Tom's suggestion.

Tom Rowe will give an update on Leque Island next month.

5. CASCADE LAND CONSERVANCY'S PDR & TDR INITIATIVES (Nick Harper, Cascade Land Conservancy)

Nick Harper is the Snohomish County Conservation Director for Cascade Land Conservancy (CLC). During the last 20 years, CLC has helped jurisdictions and private organizations protect about 158,000 acres of forest, farm, habitat ground, and urban open space in five counties throughout the Puget Sound Region and in Kittitas County.

- CLC works closely with the counties and cities in Snohomish County to identify land for conservation and to establish objectives, and goals. CLC's only resources are staff and expertise to identify public and private funding sources for land conservation.
- CLC staff have worked with a policy group of stakeholders who have advised the state legislature on a potential regional TDR program. CLC helped assemble a 60-page resource manual for jurisdictions on how to develop TDR and PDR programs. Nick asked the board to review the document and provide feedback to him. (Staff will send a link to the manual to the board.)
- Working with grant funds to conduct demonstration projects for nonindustrial forest land owners for sending areas, CLC has purchased development rights in three counties and has 17 certified development rights in Snohomish County.

- CLC is currently working on a PDR project largely funded by an NRSC (a federal agency the county has used in the past for PDR transactions in the Tualco Valley) grant and is partnering with the county to complete the transaction in early 2010.
- John Postema expressed his frustrations with the ineffectiveness of and lack of progress with TDR programs. Nick agreed; the problem in Snohomish County is the lack of receiving areas.
- John asked about the possibility of a TDR tax. Nick mentioned that 25 years ago, King County bonded a significant amount of money and raised about \$45 million to purchase PDRs. That land has been permanently preserved and is available for farming. None of it can be converted to any use other than traditional farming per King County's ag code or RCWs. Ryan Hembree will send the boiler plate language to the board.
- When asked whether CLC has had conversations with state and federal funding agencies about TDR/PDRs, Nick said that those agencies will not let anyone capture and transfer, as TDR, PDR rights that are required to be extinguished as part of the recorded easement. To change that policy would require a large lobbying effort with active participation by Snohomish County. If making those dollars available to the market is something the board thinks would have merit, CLC would like to participate in the process, in Olympia and Washington, D.C.
- CLC has not closed an ag project in Snohomish County in which the purpose of the project was to benefit the ag industry by permanently protecting a piece of ground for farming, but this is Nick's priority. As resources become available, Nick wants the board and the greater ag community to help him identify opportunities.

6. SOLID WASTE DISPOSAL OPPORTUNITIES FOR AGRICULTURE (Matt Zybas, Snohomish County Solid Waste Director)

Snohomish County Code Chapter 7.35 addresses solid waste disposal and responsibilities of the Snohomish County Public Works Department and the Solid Waste Division. Most of the responsibility, however, resides with the Snohomish County Health District.

The operation of county transfer stations for disposal is addressed in Chapter 7.4.1 of the County Code and includes:

- What waste is accepted and not accepted, how waste is managed, where waste is sent or not sent, how waste is properly managed for disposal.
- The fee schedule, which was updated during the 2008 budget process, for waste disposal. On March 1, 2008, the rate increased from \$89 to \$105 a ton. Although this is a significant increase, solid waste had not an increase for 17 years.

As a result of Brian Bookey's chicken farm fire and his efforts to dispose of many dead chickens, Matt was invited to the ag board to discuss acceptable methods of removing animal carcasses. As of January 1, 2009, the code, 7.4.1, states that solid waste does not accept dead animals, with an exception of animals less than ten pounds provided they are double bagged. That does not mean that the division will not work with a farmer or someone else who has had an emergency.

The Solid Waste Division of the Public Works Department:

- Maintains and manages all solid waste activities in the county. All garbage comes to the county facilities, is loaded onto transfer station trailers or mobile trailers, and sent to a landfill in Eastern Washington.
- Is required by state law to work with the community and plan for the future by meeting six and 20 year DOE planning horizons to ensure proper management of solid waste in the community.

- Houses an MRW (Moderate Risk Waste Facility) for household hazardous waste in Everett.
- Runs a mobile collection unit in the community.
- Manages, maintains, performs quarterly monitoring, and addresses problems of landfills such as Cathcart Landfill and McCullum Park that have been closed.
- Manages trash; does not issue permits or ensure that people are doing things right; that is the responsibility of the health district.
- Doesn't see much waste from the ag community. Assumes that most ag waste, whether manures or other waste from crops, is managed on site. Does not govern or manage how the ag community operates. That is regulated by the health district.
- Has helped some farmers manage waste. Helped Bailey Farms develop an organics recycling program for composting green waste. Everett commercial providers of curbside collection organics (yard waste) pick up the green waste and deliver it to Bailey Farms or Cedar Grove Compost where it is composted on site and sold to the public.
- Has been working on a grant to work with manure producers in the Snohomish Valley on Marsh Road and to establish a biodigester to generate methane for electricity as a supplement to gas from the Cathcart facility.
- Was instrumental in obtaining grant funding for the dryer and crusher at Cathcart.

The farming community is having problems disposing of wraps from hay bales as well as plastic oil barrels and other plastics. Following some discussion, John Postema told the board that United recycling in Maltby will take anything and urged members to contact them.

7. UPDATES ON SNOHOMISH COUNTY'S FARM & FISH WORK GROUP AND ON LAND & WATER POLICY SUMMIT (Ryan Hembree, Snohomish County Agriculture Coordinator)

About 100 people from local, state, and federal agencies; farmers; and environmental groups attended. Speakers were Snohomish County Executive Reardon, Brian Bookey, Mike Shelby, Terry Williams, and Mike Bireley.

Brian Bookey addressed the ag board's no net loss position paper, gave an overview of chicken farming, and explained why his chicken farm is in Snohomish County. He mentioned feedback received from Gary Davis, Department of Transportation, who worked with the ag board regarding mitigation of the Johnson Farm in the Stanwood area, etc. Gary wondered whether there would be more opportunities to work with the ag board.

According to Terry Williams, the Tribes are willing and excited about working with the ag community on solutions for farms and fish. Terry suggested that the farming community look at the productivity and quality of marginal farmland, not just acreage, and try to balance the acres of fish with the acres of farmland that are being retained and consider more intensive ag uses, on roof tops and high-rise apartments, for instance. Tom Niemann encouraged the board to consider this "qualitative" balance. John Postema wondered about applying the same principles to salmon rearing.

John Postema expressed his impatience with the lack of progress of no net loss; there has been a lot of talk but no solutions. He thinks the board should revisit the policy soon. Ryan Hembree responded that the summit provided opportunities for communication and progress. Bringing all of these people together has not previously happened in any Western Washington county. He added that the policy working group had its first meeting and will meet again soon to work toward policy recommendations.

John was also concerned about delays regarding Councilman Somers' proposed stakeholders group and the fact that both groups would be addressing the same issues. Ryan said that he and Geoffrey Thomas have discussed potential duplication.

Dave Remlinger said that doing nothing would result in some loss. There are opportunities to enhance farming and increase habitat. The first thing that Ryan's group needs to do is overlay the salmon forum map with the ag maps and begin to identify regions where a balance can be found and those enhancements can take place. Ryan Hembree said that the mapping is being done.

Ed Moats spoke of status quo. That is, the county council made a legislative determination that certain land is designated ag land. A designation change can only be made through the annual docket process and a modification to the Future Land Use map. There is a difference between designated land and zoning. There are two maps, the designation map (Future Land Use Map - FLUM) and the zoning map. Every designation is associated with possible zones. The question of whether land is designated ag is a question about the county council's designations on the FLUM. That doesn't necessarily have anything to do with zoning. Questions of whether dike breaching is an allowed use on the matrix are zoning questions. Questions of whether land is designated ag and whether it is legal to flood designated ag land are different questions. Both issues must be considered. Land use regulations, the matrix, and anything relating to zoning may be changed by the county council with the adoption of an ordinance any time they want to do it. Designations are different; they must be placed on the annual GMA docket.

Tom Niemann said that status quo designations are the board's challenge. The existing use matrix is status quo, but it can be modified. Current use matrix development regulations allow uses such as wedding facilities, golf courses, etc., that are not ag uses and may be incompatible with ag uses in the ag 10 zone. It is critical to consider the range of uses and their consistency with the county's designation for the long term. This board's recommendation to the county council should specifically state what you want changed.

The board agreed to have a use matrix subcommittee meeting the first week of each month. The next meeting will be scheduled for November 18, 2009, at 10 a.m. Ryan Hembree will arrange for a meeting room and contact the board. In addition to the board, he will invite Aran Enger, Pam Miller, Peter Moon, Tom Rowe, Harold Rupert, and Marv Thomas; Tom Rowe will invite appropriate staff as well. Although composting will be the primary area of discussion, Jackie Macomber would like the board to address the overlay zoning that affects her property and whether the land should be zoned ag 10.

8. AGENDAS FOR JOINT MEETINGS WITH COUNTY COUNCIL AND COUNTY EXECUTIVE

The board reviewed last year's agendas and discussed potential topics for this year's agendas.

- Provide an overview of Focus on Farming. Explain that the conference enhances farming. Jackie Macomber did not think that any county council members or their staff attended Focus on Farming. She wants to know why. Councilman Gossett has not attended any of the conferences but has said that there may not be a Focus on Farming Conference next year. This is disturbing to board members who want Councilman Gossett to understand the importance and success of the conference. Jackie Macomber will address this topic.
- John Postema will address no net loss and ask the council how dedicated they are to solving the problem. The brief discussion should include Leque Island, Drainage District 6, Smith Island, subdivisions, radio towers, and anything else that takes ag land from ag.

- Mark Craven will address the Conservation District assessment. If council passes the assessment, he will thank the council. If they reject it, Mark will ask why council did not support it.
- Dave Remlinger will address the need for infrastructure to help sustain ag in terms of port access, a slaughter house, or whatever the ag community needs. The board's responsibility is to tell the council what it thinks the county needs. He will also address the relationship between FEMA, PDS, and the county.

The agendas will basically remain the same. A discussion about FEMA, however, will be added to the executive meeting agenda.

9. CLOSING