

Snohomish County Agricultural Advisory Board

MEETING SUMMARY May 12, 2009

ATTENDEES

Board Members - Present

Brian Bookey	Elizabeth Christianson	Mark Craven	Dan Douglas
Mike Harnden	Gerald Labish	Jackie Macomber	John Postema
Dave Remlinger	Nick Van Dam		

Board Members - Excused

Jesse Allen

PDS Staff

Mark Beardslee	Joan Langlais	Tom Niemann
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Office of Economic Development Staff

Ryan Hembree	Linda Neunzig
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Public Works/Surface Water Management Staff

Owen Carter

Snohomish Conservation District

Alan Shank

Snohomish County Council

Geoffrey Thomas

WSU Extension

Andrew Corbin

Others

Denise Kryger	Mike Rundlett	John Spoelstra	Marvin Thomas
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1. CALL TO ORDER, INTRODUCTIONS, ANNOUNCEMENTS

Chair Brian Bookey called the meeting to order at 10 a.m., asked all present to introduce themselves, and asked for announcements.

Tom Niemann explained the following handouts:

A May 11 memo from Linda Kuller, PDS staff lead for the NPDES project, is an update on negotiations with DOE.

The Order of Summary Dismissal is a response to a previous question as to when and how the county made the decision regarding the consistency of wetland restoration activities with the Ag 10 zone. This is related to the no net loss discussion later in the agenda.

A DOE (Department of Ecology) Notice of Administrative Code updates (Wetland Mitigation Banks) also relates to the no net loss discussion. Tom noted a couple of pertinent sections with asterisks. Dave Remlinger said that Skagit County put a moratorium on banks and wetland projects. He would like the Snohomish County Ag Board to make a recommendation to the county council and the executive to do the same in Snohomish County.

A letter from Mr. Bhend asking the board to consider his previously discussed proposal for an RV park and to respond directly to him. This, too, relates to the no net loss discussion.

Steve Thomsen mailed the DNS expanded checklist for Smith Island to the board. Comments are due by June 8. This also relates to the no net loss discussion.

Betsy Christianson asked that all paperwork be mailed in the agenda packets or by e-mail prior to the meetings, so board members have more time to read the information. Following discussion, Brian Bookey suggested continuing with current procedures but to reschedule or defer discussions to a subcommittee, etc., to provide more time for the review of materials.

2. APPROVAL OF 4/14/09 MEETING SUMMARY (All)

The April 14, 2009, meeting summary was approved as amended: On page 5, in the second paragraph, in the second to the last sentence, the word *accepted* was changed to *exempted* to read, "The contract was changed to reflect the work area, and work in diking districts must be exempted."

3. PUBLIC COMMENT

Marv Thomas spoke about composting, whether it is an allowed use in the ag zone, and whether it could be a discussion item for the use matrix committee. Mark Craven, chair of the use matrix committee, said that the committee would address the issue. A recommendation from the committee for a code change could be followed with a recommendation from the board to the county council and/or the executive who would determine whether they would want PDS to pursue a formal code amendment.

Mark Craven will try to arrange for a committee meeting during the first part of June, target a progress report and, hopefully, a recommendation to the board for the July meeting. Marv Thomas asked be included and participate on the committee.

Chair Bookey suggested that the use matrix committee also address Mr. Bhend's letter. He has asked to have RV parks added to the Ag 10 matrix; and in the letter distributed to the board at this meeting, he asked that the board respond directly to him. Following discussion, Dan Douglas moved to have the committee discuss the issue. The motion was seconded and passed. Brian Bookey will call Mr. Bhend to tell him that the committee will give his request serious consideration and provide a recommendation to the full board.

The board approved a letter to Craig Ladiser, PDS director, recommending that no regulatory permits be required for the decommissioning of manure storage ponds.

4. SNOHOMISH COUNTY SURFACE WATER MANAGEMENT: PROGRAM AND BUDGET PRIORITIES (Owen Carter, Acting SWM Director)

Owen Carter stated that SWM is currently addressing program and budget priorities. Five large annexations will potentially impact SWM fees and result in significant revenue losses that will impact SWM's entire program. Additionally, REET (real estate excise tax) dollars are down.

The board is concerned about upstream activities in annexed areas that impact the ag community downstream and that are taking revenue away from the county. Although the land has been annexed, water is still coming downstream. The board asked whether ILAs to address this concern are required at the time of annexation. Owen answered that the city of Lake Stevens' annexation will go before the Boundary Review Board (BRB) in June. SWM staff is working on an ILA with Lake Steven's staff and could address and negotiate the drainage issue.

The board also asked that diking districts be a party to the ILAs, a SAEDAT Report recommendation that has been ignored. Dave Remlinger said that a couple of drainage commissioners are members of this board and the Coordinated Diking Council (CDC) should be also be involved. He suggested that Owen become involved with the CDC.

Brian Bookey suggested that John Postema, as chair of the board's drainage and surface water committee, coordinate with Owen and SWM. John agreed to help get the process going and stated that there should be an ILA discussion whenever a drainage or diking district is impacted.

The other four annexations are Bothell, Lynnwood, Marysville, and Mukilteo.

There was discussion regarding the Marysville annexation and drainage impacts. Brian Bookey asked Owen to keep the board informed of discussions or potential discussions regarding this annexation. Owen agreed to report back on Marysville and other ongoing annexations at the next board meeting. Nick Van Dam wants to be involved with the Marysville discussions; he will follow up with Owen.

Owen informed the board that last year, Diking District 2 agreed to receive \$20,000/year to maintain their ditches.

5. NO NET LOSS OF FARMLAND AND REFINEMENTS TO AG BOARD POSITION PAPER (All)

The Board approved the Draft Revised 5-12-09 position paper with one wording change.

The Order of Summary Dismissal that Tom Niemann distributed earlier in the meeting responds to the board's question of who, what, when, and how the county made the decision regarding habitat and wetland restoration projects allowed in Ag 10. The decision was initiated by an administrative determination by a PDS staff member in 1995 and appealed to the hearing examiner. The appeal questioned the consistency of the determination. The hearing examiner ruled "... that wetland activities 'do not constitute a specific use subject to regulation under SCC Title 18...'..." There was no further appeal, nor have there been subsequent challenges.

Brian Bookey stated that Smith Island, Leque Island, etc., can under this ruling move forward; there is no threshold issue that it is an allowed use. Betsy responded that that is why the board's no net loss document is so important.

The Determination of Nonsignificance (DNS) for Smith Island is moving forward. The checklist has been made available to the public and stakeholders. All ag board members were mailed a copy. Comments are due to public works by June 8. A phased environmental review is taking place, and the public works department will make decisions on next steps or modification of the proposal based in part on public comments.

David Remlinger met with public works, which is encouraging the CDC to buy into the Smith Island concept. He recommended that there be an option D to protect all but 20 acres of farmland. Mike Harnden agreed that an option D would make sense.

The board discussed its response to the proposal and the DNS. The board then approved the sending of a letter to the county council and executive referencing and attaching the board's no net loss policy and recommending a moratorium (near term) and code adoption (long term) for proposals to convert designated farmland to nonfarm purposes. The board agreed not to mention an option D in the letter but suggested that each board member respond individually.

In a separate action, the board approved sending a letter to Steve Thomsen, public works director, requesting the inclusion, if the moratorium is not put in place pursuant to the board's previous recommendation, of a fourth alternative (alternative D) for Smith Island. This alternative should provide for a dike alignment which maximizes the amount of farmland conserved by protecting all but 20 acres of farmland.

6. CODE ADDITION ALLOWING DESIGNATION OF OPEN SPACE LANDS AS TDR SENDING AREAS (Mark Beardslee, PDS)

Last month, Mark Beardslee briefed the board on a change to a proposed TDR ordinance in response to a Cascade Land Conservancy request to designate certain, individual sites as sending areas. Since then, the planning commission had a hearing and recommended, 6 to 1, that the ordinance be moved forward to the county council. Mark briefed the county council on May 12. The council will set a public hearing for June 3, 2009.

The council asked whether credits would be granted for areas in critical areas. Because this code would be different from existing code, credits would be granted in critical areas; and there would be no transfer ratio. This proposal also differs in that it would potentially allow, as sending areas, all natural resource, ag, or forestry areas; it could include individual sites that have specific uses and areas that are not zoned for resource use.

Discussion, concerns, and questions followed. Mark said that this proposal would allow upland ag and forestry now zoned rural to be designated as sending areas. Two tree farms, for instance, that are zoned rural are being considered as sending areas without the need to rezone them.

Betsy Christianson's recommendation to the county would be to preserve farmland and not forest land.

7. DOCKET XIV PROPOSALS POTENTIALLY AFFECTING AGRICULTURE (Steve Skorney)

Steve Skorney reported on thirteen docket proposals which will be considered by council for inclusion in the upcoming annual amendment process. For briefing the ag board, staff focused on those which would dedesignate farmland, are adjacent to or nearby designated farmlands, and might impact those farmlands. PDS recommends four of the thirteen proposals be placed on the final docket: Michael and Sharon Johnson, Meadowdale gap, Partners LLC and Riach,

none of which would impact ag. Steve explained the proposals and showed their locations on a map.

The Lervik proposal information was included in the agenda packets. It is a two-part proposal. The first part is to dedesignate from local commercial farmland and redesignate to rural residential. The second part is to rezone to the rural business zone and change plan policies that currently limit rural business to no more than five net acres at any one site. The Lerviks want to expand to ten acres. Staff does not recommend approval because the proposal does not meet several criteria.

Mark Craven moved to support the county's finding regarding the ag dedesignation request. John Postema seconded the motion. The motion passed.

8. PILOT WASHINGTON WILDERNESS HAY AND MULCH PROGRAM (Alison Halpern, WA State Noxious Weed Control Board)

Sonny Gorman, Snohomish County's Noxious Weed Board, distributed pertinent information and Alison Halpern, Washington State Noxious Weed Control Board, gave a PowerPoint presentation.

As discussed in May, Snohomish County's Noxious Weed Board does not have funding to support this program. The board could possibly do inspections and complete paperwork, but that would be all, unless it was paid.

Sonny and Alison asked for input from the ag board and help in finding support for the program. Some suggestions from the board were:

- A user fee. Charge for the service.

- The board could potentially make a recommendation to the county council to fund the program.

- Ryan Hembree suggested contacting the Northwest Agriculture Business Center, which is involved with value-added ag. Ryan will follow up with this suggestion.

9. JUNE MEETING AGENDA

John Spoelstra asked for a moratorium on further county efforts within Drainage District 6 until an acceptable agreement is reached to save his farm. Dave Remlinger stated that the board could provide input if a permit is required for conversion. Discussion followed. Ryan Hembree will help John.

Dave Remlinger briefly discussed substandard lots. PDS's interpretation is that the traditional use of a substandard lot must be incidental to a dwelling. This has a potential impact for local farms. Structures such as barns, horse arenas, etc., would not be allowed unless there was already a house on the property. PDS staff needs direction as to how to handle these lots.

Tom Niemann said that Craig Ladiser asked that this be a June agenda item. He will be asking the county council how to address substandard lots though code.

10. CLOSING: Adjourned.