

# Snohomish County Agricultural Advisory Board

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## MEETING SUMMARY June 9, 2009

### ATTENDEES

#### Board Members - Present

Brian Bookey	Elizabeth Christianson	Mark Craven	Mike Harnden
Gerald Labish	Jackie Macomber	John Postema	Dave Remlinger

#### Board Members – Excused

Dan Douglas	Nick Van Dam
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#### Board Members - Absent

Jesse Allen

#### PDS Staff

Craig Ladiser	Joan Langlais	Pam Miller	Tom Niemann
Tom Rowe			

#### Office of Economic Development Staff

Ryan Hembree

#### Snohomish Conservation District

Alan Shank

#### Others

Merle Ash	Arnold Hansen	Kristin Kelly	Art Olson
Marijke Postema			

### 1. CALL TO ORDER, INTRODUCTIONS, ANNOUNCEMENTS

Chair Bookey called the meeting to order. Introductions were made. Brian Bookey passed draft letters regarding permit requirements for decommissioning manure lagoons and the Lervik Docket XIV Application (AG1) to the board members and asked them to review them. The board found the letters reflective of their 5/12/09 actions, and Chair Bookey signed them.

### 2. APPROVAL OF 5/12/09 MEETING SUMMARY

The summary was approved.

### 3. Public Comment

There was no public comment

### 4. REPORT ON DISCUSSIONS WITH CITIES TO ADDRESS SURFACE WATER IMPACTS FROM ANNEXATION (Owen Carter, Acting SWM Director)

Owen Carter was unable to attend the meeting. This agenda item was deferred.

John Postema, chair of the drainage and surface water subcommittee, stated that Lake Stevens is addressing drainage issues that impact ag land with the drainage districts.

PDS will refer future annexations that may impact ag land to the drainage and surface water subcommittee. Craig Ladiser volunteered to have staff return to the ag board next month to give an overview and status report on the five large upcoming annexations.

## **5. SUBSTANDARD LOT EMERGENCY ORDINANCE AND FURTHER CODE REVISIONS** (Craig Ladiser and Pam Miller, PDS)

As result of a court decision related to duplexes on substandard lots (a substandard lot is any lot that does not meet the bulk regulation requirement for lot area) allowed in a previous ordinance, the county council issued an emergency ordinance modifying the code for substandard lots, remanded it to PDS for input, and asked for the agricultural advisory board's feedback.

Pam Miller discussed the emergency ordinance. Previously, if a lot was created which met life and health safety, lot coverage, building height, and other bulk regulations, any permitted, conditional or administrative conditional uses allowed in the zone would be allowed. The exception was lot area, where a code exemption for single-family residences allowed a single-family residence on a substandard lot if one of three criteria was met. If one of the criteria was not met, the minimum lot area of the bulk regulations would have to be met. The initial emergency ordinance allowed a house but not a garage; because there was no exemption for lot area requirements for garages. The emergency ordinance states that if a house is built on a substandard lot, there can be incidental uses (uses that are secondary to the principle use of the house) to the house, such as a garage, swimming pool, etc., provided required criteria are met.

PDS has the option of accepting the emergency ordinance as it is or of "tweaking" it. In an April 14, 2009, memo to the county council, Craig Ladiser responded to the emergency ordinance; please review that memo, which was included in the agenda packets. PDS staff has sought input from each councilmember and wants input from the ag board over the coming month.

The board assigned this task to the use matrix subcommittee (Mark Craven, chair; Betsy Christianson, Jackie Macomber, John Postema, and Dave Remlinger). The subcommittee agreed to meet with Pam Miller on Wednesday, June 17, 2009, from 3:00 p.m. to 5:00 p.m. to address the issue and potentially form a recommendation for consideration at the full board meeting on July 14. All board members are invited to attend. Staff will reserve a meeting room and notify all board members.

Copies of the use and bulk matrices and related code provisions will be available at the meeting.

## **6. UPCOMING SALMON RECOVERY PROJECTS** (Ryan Hembree, Economic Development)

Ryan Hembree distributed three items: the Stillaguamish Watershed SRFB Round 10 (2009) Grant Cycle Pre-Application Form, the Stillaguamish Basin – WRIA 5 – 2009 SRFB Round Preliminary Applications, and a map of the Klein Farm Acquisition.

These projects have not come to PDS for review; but because some of the projects would affect agriculture, Sean Edwards of SWM asked Ryan Hembree to bring them to the ag board for informational purposes and comments. Comments are due to the local SIRC Board by June 24. The projects are proposed by groups such as the Stillaguamish Tribe, the Stilly-Snohomish

fisheries Enhancement Task Force (a nonprofit group), the Nature Conservancy, and the Wild Fish Conservancy. All of the projects' primary objectives are habitat restoration. Some will be feasibility studies; some will be larger habitat restoration projects. Snohomish watershed projects are part of the Snohomish Forum and will be presented by Ryan at the July board meeting. The deadline for projects to be submitted is June 12.

Projects listed on the Stillaguamish Basin – WRIA 5 – 2009 SRFB Round Preliminary Applications and the Pre-application Form may impact ag. Although these are not SWM projects, Ryan met with SWM staff regarding the projects because of the potential impacts on ag.

Ryan Hembree described the Klein Farm acquisition project and explained that the farm is private property; it is not county owned. The Stillaguamish Tribe, which completed the application, is requesting fee simple SIRC Board funding for the project. Because this is a parcel-based project, the entire farm would be put into habitat if funding were received.

Brian Bookey quoted Section 7 of the pre-application form for the record. "This project will test Snohomish County's stated desire to 'balance' farmland preservation and salmon recovery and determine if salmon recovery work can still take place uninhibited on ag ground in Snohomish County. The Stillaguamish Chinook Recovery Plan will not be implemented fully if these recommendations are enforced as stated, and recovery of Chinook salmon populations will be delayed or prevented. The Stillaguamish Tribe has been unable to fish for Chinook salmon for more than two decades, while agricultural operations still are not required to buffer streams or provide adequate instream flows for fish. We find it ironic that there is talk of 'balance' now, considering that 80% of the salmon habitat in the Stillaguamish floodplain has been degraded or destroyed. If Snohomish County is intent on enforcing the Ag Advisory Board's recommendations, a court case is likely." Discussion followed.

Please see the Stillaguamish Basin – WRIA 5 – 2009 SRFB Round Preliminary Applications form for the Jim Creek Restoration Design, #09-1377, project, a bank stabilization feasibility study for a grazing operation. This project would have potential benefit for salmon as well as the farmer.

The Port Susan Bay Estuary Restoration project would be an overall restoration of the Nature Conservancy property at the mouth of the Stilly River.

Tom Rowe explained that many of these projects may go through a fast-track JARPA (Joint Aquatic Resource Permit Application) process, for which there is an RCW and which is handled by sponsors such as Fish and Wildlife, Army Corps, etc. Tom Niemann will e-mail copies of the RCW to the board.

Ryan Hembree asked for the board's comments. He may be reached at 425-388-7112 or [Ryan.Hembree@snoco.org](mailto:Ryan.Hembree@snoco.org). He will forward comments to SWM.

Ryan stated that he will have a list of Snohomish Basin projects soon. These will primarily be instream, woody debris, potential stabilization work that may have benefits for ag land, and the Smith Island feasibility projects.

With the mention of Smith Island, Craig Ladiser told the board that Steve Thomsen would be withdrawing the Smith Island DNS and issuing a DEIS instead. Steve will be asked to discuss the DEIS at the July 14 meeting.

A moratorium was again discussed. Chair Bookey asked about the status of the board's recommendation to the county council and the executive. Craig Ladiser said that the council has not "weighed in" on that recommendation yet. John Postema and Dave Remlinger met with Councilman Sullivan to talk about the moratorium. Councilman Sullivan has developed an ordinance that includes a large range of goals, one of which is no net loss. He said that he would have a white paper to distribute to the board. That has not yet been received. John and Dave will arrange for additional meetings with the county council and invite all ag board members. Ryan Hembree asked to be included. The board also asked Ryan to seek Executive Reardon's support on a moratorium. John and Dave will invite Councilman Sullivan to the July 14 meeting for continued discussion on no net loss.

## **7. REPORTS FROM BOARD COMMITTEES – NO NET LOSS, USE MATRIX, AG PERMITTING, DRAINAGE AND SURFACE WATER**

The no net loss subcommittee is moving forward working with Councilman Sullivan on the process of codification of the board's no net loss policy and/or a moratorium.

The use matrix subcommittee will meet on June 17 with Pam Miller to discuss composting and RV parks, in addition to amendments related to substandard lots.

The ag permitting subcommittee should be brought up to date on NPDES, FEMA rules, and the BIOP. Mark Craven, chair of the subcommittee, asked about the status. Tom Rowe said that staff is not aware of changes since their last report. Staff is working through issues as they come. This is a federal agency directive, and staff is not sure how to handle it. PDS staff anticipates briefing the board on NPDES in August.

In a few months, Chair Bookey will give a report to the permitting committee and the board about the permitting process and his success in obtaining permits to rebuild his chicken farm, which was destroyed by fire.

The drainage and surface water subcommittee wants to invite Owen Carter to come back on July 14 to talk about surface water impacts and annexations. This topic will be joined by a bigger-picture annexation overview from PDS staff.

## **8. JULY MEETING AGENDA**

July 14 agenda topics will include:

- Steve Thomsen to discuss the SEPA change on Smith Island,
- Ryan Hembree to discuss the Snohomish Forum Projects,
- Councilmember Brian Sullivan to discuss codification of the board's no net loss position paper and/or a moratorium,
- A potential formal recommendation on substandard lots,
- Annexations and potential impacts on farmlands, and
- A use matrix committee report.

Tom Niemann will follow up on the following agenda items.

- Linda Neunzig for an update on ag sustainability,
- Mark Beardslee to provide a TDR update following the June Council action on the latest code amendments.

Mark Craven noted that the County Council will be conducting a public hearing on July 1 at 10:30 a.m. on the Snohomish Conservation District's assessment proposal. He indicated that it would be appropriate for the County Executive to go on record in support of the proposal. The Board then voted to send a letter to the County Executive requesting that he go on record in support of the assessment proposal. Previous Board letters in support of the assessment will be attached to the letter to provide background for the Executive.

**9. CLOSING:** 8:25 p.m.