

Snohomish County Agricultural Advisory Board

MEETING SUMMARY July 14, 2009

ATTENDEES

Board Members - Present

Jesse Allen	Brian Bookey	Elizabeth Christianson	Dan Douglas
Mike Harnden	Jackie Macomber	John Postema	Dave Remlinger
Nick Van Dam			

Board Members – Excused

Mark Craven	Gerald Labish
-------------	---------------

PDS Staff

Howard Knight	Joan Langlais	Pam Miller
---------------	---------------	------------

County Council

Geoffrey Thomas

Farm Service Agency – USDA

Travis Martin

Office of Economic Development Staff

Ryan Hembree	Linda Neunzig
--------------	---------------

Publics Works/Surface Water Management

Owen Carter	John Engel	Craig Garric	Steve Thomsen
Manuela Winter			

Snohomish Conservation District

Bobbi Lindemalder

WSU Extension

Drew Corbin

Others

<u>Denise Kryger</u>	<u>Ed Moats</u>	Duke Otter	John Spoelstra
----------------------	-----------------	------------	----------------

1. CALL TO ORDER, INTRODUCTIONS, ANNOUNCEMENTS

Chair Bookey called the meeting to order. Introductions were made. There were no announcements.

2. APPROVAL OF JUNE 9, 2009 MEETING SUMMARY (All)

The meeting summary was approved

3. PUBLIC COMMENT

Duke Otter mentioned a newspaper article regarding the Three Rivers Mobil Park and noted a related letter to the county from FEMA. Duke is concerned that the letter may have an impact on farms in floodway zones. He feels it is important for the board to review the letter. Howard Knight will check on the letter and make it available for distribution to the board.

The board again expressed its desire to be represented in meetings with FEMA, or at least to be kept "in the loop."

4. SMITH ISLAND PROJECT UPDATE (Steve Thomsen, Public Works Director)

Steve Thomsen reviewed recent activity regarding the Smith Island Project.

- An initial checklist and threshold of determination (determination of nonsignificance – DNS - were issued on April 9.
- The comment period ended on June 8. About 60 comments were received. There were comments regarding the adequacy of the threshold determination and whether there should have been an expanded environmental document.
- After reviewing the comments with staff, Steve decided to pull the DNS and issue a determination of significance - DS, which will trigger a full environmental impact statement (EIS), a more in-depth and detailed process.
- The DS was issued on June 26.
- The EIS requires a formal public scoping meeting, which is scheduled for July 16.
- Comments will be welcome through July 20, after which, work will begin on the EIS. (John Postema suggested that e-mail comments to public works would be wise since the public comment period is short.)
- Another 30 day comment period will begin in the fall of 2009.
- Comments will be reviewed and followed by the issuance of a final EIS.
- Public works will make a recommendation on the project to the county council.
- The council will make a final decision.

The EIS will give staff an opportunity to address land use, ag uses and mitigation, water resources, fish and wildlife, geology and soils, cultural and historical resources, displacement relocation assistance issues, transportation, reasons for the project, and success of the project in greater depth.

Discussion followed.

- Steve Thomsen said that staff will likely look at two or three alternatives in the EIS but recommend only one, leaving the others on the table, to the council.
- John Postema wondered whether flooding and removing dikes is compatible with the existing use of the area per the use matrix. Howard Knight stated that he does not look at restoration as a use. Pam Miller suggested that PDS and public works have a discussion regarding restoration as a use and return to the board with a response.

- As a result of the DEIS, Ryan Hembree, Linda Neunzig, and Drew Corbin will review public works' soil studies to better understand, look at alternatives, and consider what land might be used for ag purposes. Nick Van Dam and Mike Harnden volunteered to help.
- The board and Steve Thomsen agree that it is important to have the state regulatory agencies, especially Marine Fisheries and Fish and Wildlife, at the table to participate in discussions of management, funding, and strategies to balance all resources in the Snohomish and Stilly valleys.
- Linda Neunzig said that a land and water use summit is planned for the day before Focus on Farming that will bring all players, elected officials, ag boards, and ag commissions in the Puget Sound region to the table. The director of the Land Policy Institute of Michigan State has been invited to address the audience, the issues, and challenge all to develop a strategic, economically beneficial planning process similar to the ag board's sustainability project mapping process to find land that is available for mitigation. Notify Linda with input.

5. SUBSTANDARD LOT CODE REVISIONS (Pam Miller, PDS)

The use matrix subcommittee met on June 17 and had a good discussion. There has since been additional discussion with council.

Pam Miller originally thought there was a tight timeline to make revisions, but the council agreed to another emergency ordinance to address some of the issues and allow time to review the broader issue and the board's concerns regarding the use matrix, etc.

The current plan is to:

- Draft another emergency ordinance addressing issues raised in Craig Ladiser's memo.
- Work on a solution with the board.
- Notify Pam if another meeting would be beneficial.

Dave Remlinger stated that meeting attendees discussed specific language at the meeting. Alison Bridges, PDS, took notes. Dave requested copies of those notes. Pam said she would get them.

John Postema asked about an emergency ordinance that would allow ag buildings for now with a revisit in six months later. Pam could not speak for the council but could follow direction from the board. John Postema moved that the board write a letter to council expressing the board's urgency to fix the problem by exempting buildings or structures pursuant to ag purposes in any zone that allows those uses. The motion was seconded and passed. Brian Bookey will write the letter and circulate it to the board before it is sent to the council.

6. ZONING USE MATRIX & ENHANCEMENTS (Use Matrix Subcommittee)

The discussion for this agenda topic melded with that of agenda item #6.

In the absence of subcommittee chair Mark Craven, Dave Remlinger reported that the subcommittee only discussed substandard lots. Subcommittee members had a good conversation with Pam Miller. The subcommittee primarily talked about ag buildings or anything in an ag vein being exempted from requirements for substandard lots and instead being permitted uses not only in designated farmland but in rural areas and throughout the county. The goal is to have broad, clean language to exempt ag uses from minimum lot area requirements.

The subcommittee did not discuss composting in the ag zone or Mr. Bhend's request to build an RV park. Chair Bookey will remind subcommittee chair Mark Craven that the board has committed to addressing these issues.

7. POTENTIAL EFFECTS OF ANNEXATIONS ON FARMLAND

OVERVIEW OF MAJOR UPCOMING ANNEXATIONS (Jacqueline Reid, PDS)

The following handouts were distributed: Annexation Process – Draft and Snohomish County Annexations, July 14, 2009, PowerPoint presentation. Please refer to them.

During an annexation, a city assumes jurisdiction of land in the county's unincorporated areas; that land then becomes part of the city. This is a Growth Management Act (GMA) goal, which says that cities are the appropriate jurisdictions to provide urban services to unincorporated urban areas.

In the last several years, there has been a phenomenal amount of annexation activity in the county (Jacqueline showed slides of annexation activity between 1996 and 1998 and maps of cumulative and new annexations; see the PowerPoint presentation.) due to a state law known as the annexation tax incentive that encourages cities to provide services by providing cities with a rebate from part of the state sales tax when an area is annexed. This incentive was originally due to expire by January 1, 2010. (A city would have to begin the annexation process by that date to qualify for the rebate.) This date has been extended to 2015.

Jacqueline explained the annexation process; see the annexation process flow chart. There are various annexation methods that usually involve an election by the people who will be directly impacted by the proposed annexation. City councils decide when annexations become effective, when an area ceases being part of unincorporated Snohomish County and becomes part of the city. See the PowerPoint presentation slides for methods of municipal annexation.

When there is an annexation, there must be a transition of services – police, fire, permits, etc. This is done through master annexation agreements that provide a framework for smooth transitions between county and city governments. Although there is an agreement model, each agreement is unique. County departments negotiate these master agreements. There may be additional secondary interlocal agreements (ILAs).

The county and cities have worked together to develop annexation principles, so all are in agreement with the goals and processes associated with the transition of services.

The following five cities are currently in the process of annexing 10,000 to 25,000 people into their cities: Bothell (denied by the Boundary Review Board (BRB); the city may appeal), Lake Stevens, Lynnwood (Mill Creek appealed the BRB's approval of the annexation; the appeal will go to the Superior Court), Marysville, and Mukilteo.

The transfer of county urban land to the cities is an intended result of the GMA. County staff must estimate when annexations might occur and how they might affect permitting activity and revenues.

OPPORTUNITIES TO ADDRESS SURFACE WATER IMPACTS FROM ANNEXATIONS (Owen Carter, Acting SWM Director)

Last month, Owen talked with the board about the Lake Stevens' annexation and ILA. He has since directed staff to look downstream at areas that may be impacted by annexations. Lake

Stevens and Drainage District 2 have signed the ILA, and it is in process to go to the county council for its signature. Drainage District 2 will then receive funding from the draining upland area to clean ditches, etc.

Owen explained that surface water staff begins looking at impacts on surface water, traffic, etc., when it learns of a potential annexation and then begins negotiations. SWM staff needs input, primarily regarding surface water, from the ag board early in the process when it learns about annexations.

The board asked Steve Thomsen to keep it informed of potential surface water problems in future annexations. Steve said he would.

Steve told the board that SWM's mission is to hire a new director who has an understanding of clean water, surface water, ag issues, and NPDES. Public works is close to having a first round of interviews. Steve wants the ag board to be represented on the interview panel. Dave Remlinger will represent the board.

8. UPCOMING SALMON RECOVERY PROJECTS –SNOHOMISH BASIN (Ryan Hembree, Economic Development)

Ryan Hembree distributed a list of Key Agricultural Considerations for 2009 Potential SRFB Projects and relevant maps proposed for restoration funding from the state SIRC board. (Please review.) The Snohomish Forum will have an extensive outreach program to help prioritize the projects and asks for input by August 6.

9. OPPORTUNITIES TO ACHIEVE NO NET LOSS OF FARMLAND (County Councilmen Brian Sullivan, John Koster, Dave Somers)

Councilmember Sullivan stated that he took the board's no net loss position paper seriously. He conferred with John Postema, Dave Remlinger, Snohomish County Executive Reardon, and Senator Mary Margaret Haugen and came up with some ideas. He has prepared an emergency ordinance similar to the Skagit Valley ordinance that placed a moratorium on mitigation banks and set up a six-month process to review development regulations for farmland mitigation and other proposals. Brian wants to meet with the appropriate ag board subcommittee to work on the ordinance and work through a process.

In the mean time, how do we preserve farmland in Snohomish County? Brian foresees:

- A hybrid TDR/PDR and farmland preservation program. (The county council has issued a request for proposal (RFP) to help county staff with the TDR and PDR programs.)
- A fund for farmland mitigation, possibly using a portion of the admissions tax.
- Create and/or purchase new ag land. The county owns some farms. Policies are needed to ensure that they remain in county ownership and are preserved as farms.

Some other thoughts:

- Regulation permits, regulation reform for permits – use facilities related to ag for a rural permit regulation office; a scenic valley ordinance to, through code, ensure that radio towers will not be allowed in the Snohomish, Stilly, or Tualco Valleys. Brian wants the ag board to review the ordinances to see what can be omitted to ensure that the radio tower issue does not rise again.
- Brian discussed the admissions tax that will be collected for the county fair and all parks. It is intended to generate \$400,000, money that will be spent only on the Evergreen

State Fair. Brian wants to prioritize uses of that money for farmland preservation and ag related uses related to the fair, such as fairground building renovation.

- What about economic development for farmers? A contract with a budget note for \$120,000 for the Snohomish County Economic Development Council to work with the ag community to develop a marketing plan is in place and has been signed by the executive.
- Financial assistance is a big issue. The executive is working on federal grants. Linda Neunzig is working on some proposals. Brian has ideas for financial assistance.
- Brian discussed fractural port districts and a bill that would tweak the fractural port district language to allow a county to become a nontaxing port district and the county council to become the port commission and add specific language referencing biotech, aerospace, and farming.
- An infrastructure program is needed. Brian's Public Works Trust Fund bill would allow a local county to invest in long-term, public infrastructure to support economic development. The trust fund and ordinance would allow the county to lend money to itself for up to 20 years at a low market rate.

Councilmember Koster agreed that some of these thoughts and suggestions could help the ag industry remain profitable, and the council should facilitate that to the best of its ability.

John shared some thoughts about preserving farmland. He is surprised that the board is asking government for regulation, and he asked the board how much regulation it wants. Emergency moratoriums move issues to the side but don't solve the problems. To deal with the issues, one must first know where he is going.

Dave Remlinger responded that the board's objective is to achieve a balance between farming and environmental interests. The no net loss position paper was the first attempt to achieve that balance.

Discussion that included the JARPA process followed. John Postema said that JARPA is being misused. He would like to add a review of the process to an agenda. John Koster suggested bringing state (since JARPA is a state process) legislators to the table if there is a belief that the process is being abused, and they need to bring fish and wildlife people. John has talked with Tom Davis from the Washington State Fish and Wildlife Department. He is willing to talk with the board. Drew Corbin said that all of these "players" will be invited to the land and water policies summit the day before Focus on Farming.

Councilman Somers stated that he will send a draft letter that outlines a process that might resolve the no net loss issue for the long term, not the short-term, to the board.

Brian Bookey suggested that a no net loss discussion be an August agenda item.

10. CLOSING: Adjourned