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Planning and Development Services Policy

Subject/Title: Farm Plan Disclosure
Number: PL1-85-002Z
Effective Date: 05/06/10
Submitted By: Peter Gill, Senior Planner
Reviewed By: Natural Resources/Long Range Planning
Approved By: David Stalheim, Director 

Statement:

Whatcom County recognizes that Farm Plans prepared by a Conservation District are exempt from disclosure under the Public Records Act. At the same time it needs to ensure that critical areas are being protected by capturing baseline information and progress towards implementation of best management practices. Accordingly, Whatcom County will not disclose Farm Plan information that is prepared by a Conservation District pursuant to the Conservation Program on Agricultural Lands (CPAL), WCC 16.16.290.

As an exception to the above statement, the following farm plans can be disclosed under state law:

- a) The landowner has given Whatcom County written permission to disclose; or
- b) The plan is to be used for the application or issuance of a permit; or
- c) The plan is developed for a dairy, animal feeding operation ("AFO") or concentrated animal feeding operation ("CAFO") and not required to apply for a National Pollution Discharge Elimination Permit. Note: Portions of a farm plan prepared for a dairy are disclosable only in ranges that provide meaningful information to the public while ensuring confidentiality of business information.

These include:

- Number of animals;
- Volume of livestock nutrients generated;
- Number of acres covered by the plan or used for land application of livestock nutrients;

- Livestock nutrients transferred to other persons; and
- Crop yields.

The Washington State Department of Agriculture rules will be followed in responding to public disclosure requests for dairies.

Rationale:

As of 2007, Farm plans are exempt from the Public Records Act, RCW 42.56.270 (17)(a):

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

Consistent with Whatcom County Critical Areas Ordinance, 16.16.290(C)(5).

Information for high intensity agricultural activities that do not require NPDES permits can be disclosed when business data is aggregated, see WAC 16.06.210.