

## **Agricultural Advisory Committee**

**Approved** meeting notes for March 4, 2009

The meeting was commenced at 3:07 P.M. by Charles Antholt.

### Topics Discussed

Farmland Conversion	Membership	Water
Business Rules	Zoning Ag to R5	Rural Element
Technical Review Committee Recommendations	March 18 – next meeting	

A quorum was not present. Four voting members were required for a quorum, three were present.

### Attending were:            (Voting Members\*)

Charles Antholt	Vicki Hawley*	Larry Helm*
John Bayer*	Mike Finger	Debbie Vander Veen
Dave Buys	Todd Jones	Craig MacConnell
John Gilles	Henry Bierlink	Dean Martin

- **Farmland Conversion:** There was discussion regarding the amount to farmland converted to other uses. The National Agricultural Statistical Service revised data estimates a loss of 19 % of “land in farms” in Whatcom County between 2002 and 2007. The NASS data state that land in farms decreased by 23,443 acres over the five year period (about 4,700 acres per year). There was skepticism expressed about the accuracy of the NASS data.
- **Membership** – There are six vacancies for voting members. The County Executive will be submitting names for five of the positions to be considered by the County Council on March 17. The one remaining position is for a person with “expertise in farm programs.”
  - Jim Krecji, introduced himself and discussed his background. He has a 30 year career in agriculture. He was raised on a farm in Illinois where they raised corn, soybeans, wheat, and hogs among other things. He was an Ag teacher in Clarksville Missouri and worked with soil and water conservation in Illinois through cooperative extension. He has a degree in Agronomy from Perdue and has worked on watershed issues and no-till conservation tillage. He has recently worked with Extension in Whatcom County with the Shoreline Stewardship Program.

- **Water** - Larry Helm had some information he shared regarding water issues in Whatcom County. This was discussed by the committee members. There is a great deal of uncertainty regarding the amount and status of water available in Whatcom County. Several studies have been conducted, and more information is needed. Utah State University has done some of the work to understand and model the water resources (groundwater and surface water). It was stated that the USU study had failed to obtain the needed information. The Water Association Caucus and the Environmental Caucus have backed out of the watershed planning process. Need good data. It was suggested that the AAC support needed aquifer studies. Getting good data on the Groundwater-Surface water interaction is essential for water management. Water issues are closely tied to fish priorities (including endangered species issues) in Whatcom County.

There are problems with exempt wells in the county. There are 6-pack wells going in all over. This is drawing down the aquifers and making it more difficult for farmers and water districts. In other places, a large percentage of agricultural water has been taken for residential needs. Large parts of California's agriculture has been left with almost no water. The spreadsheet with build-out potential was provided to the committee. There are approximately 27,000 potential additional dwelling units possible in the rural and Ag zones (outside of the Urban Growth Areas).

The county is in a critical stage of the Water Resources watershed planning process. The Nooksack watershed is WRIA-1 (Dept. of Ecology). <http://www.ecy.wa.gov/apps/watersheds/planning/01.html>. What control over water does the county have? The county might restrict the use of exempt wells for residential development in the future (as stated by one of the members). One of the problems has been that the county has not required people putting in wells to demonstrate that they have water rights. This has been part of the county's code, but has never been implemented (as stated by another member). *Excerpts from the county health code are copied at the end of the meeting notes.*

Bertrand Creek water was limited last year. They are trying to see if there is enough water in the aquifer to pump it for fish enhancement. Water will be on our table shortly. Confidential negotiations are ongoing between the tribes, the county and the Department of Ecology. We need to think ahead about water.

There were 13 pages of bills that got out of committee in the Washington legislature this year. Some of these deal with water. There are reportedly proposals for urban people in Washington to take over the farming water.

- **Business Rules** were discussed. Some minor changes were proposed and will be incorporated. It was suggested that the meeting notes be provided directly to the County Council so that they could be kept up to

date regarding the issues and concerns of the Committee. Dean Martin (PDS) suggested that we could send the council an e-mail with the web link each time new meeting notes became available. Proposed revisions to the business rules will be provided prior to the next meeting.

- **Zoning Ag to R5** - There was additional discussion regarding the proposed zoning change for 60 acres from Ag to R5. The land has been used as a source of sand and gravel. Depending on the future use of the area, the land will need to be reclaimed. If the future use is agriculture, it will need to be reclaimed for Ag; if the future is residential, it will need to be reclaimed to support residential use. The land is not considered to be particularly good agricultural land (even before it was mined). Graveling started in the 1970s.
  - Not interested in passing off farmland. The land used to be farmland.
  - Is there a way to trade off the loss of land zoned as Ag to get Ag land protection elsewhere? *There was a good amount of discussion on this point.* Rezone – how can we use this as a bargaining chip? Approve X if Y?
  - It is very unlikely that this land will ever be used for farming in the future. It is appropriate to make it residential.
  - If it becomes residential, there will be more people there and potentially more wells put in. Conflicts with Ag?
  - When there is a change in zoning to make land more valuable, we should ask the developer who gets increased value, to put some of that value back into protecting farmland.
- **Rural Element** – A brief overview of the rural element and the Limited Area of More Intense Rural Development (LAMIRD) process was provided and a flyer on the upcoming meetings was handed out. At the conclusion of the LAMIRD process, it is likely that the highest density that will remain in the rural areas would be one dwelling unit per five acres.
- **Technical Review Committee (TRC) Recommendations** – The work conducted by the Technical Review Committee (TRC) was reviewed by Henry Bierlink. The TRC developed some ideas for reducing the development pressures in the rural and agricultural zones. Some of the concepts remove residential potential and others are designed to accommodate the residences, but in a way that creates less of an impact on agriculture. Carl Weimer (County Council) recently asked us (AAC) to get any recommendations out as soon as we can. There are a number of things going on in the county – The Urban Growth Area review, Rural Element update, and the Whatcom 2031 planning process. We need to get our input to them (Council) very soon. This all comes together at the Council. We would hope that Ag would be a high priority with the Council. We need to get on the same page regarding the TRC process and recommendations.

The survey conducted by Whatcom Farm Friends regarding the role of agriculture in Whatcom County was a statistically valid survey with a

very good response level. Good data came out of that survey. There is a very high level of support from county residents for agriculture.

The summary tables of possible ways to reduce development pressure on Ag start on page 42 of the TRC document.

<http://www.whatcomcounty.us/pds/planning/pdf/public-involvement-summary20090202.pdf>

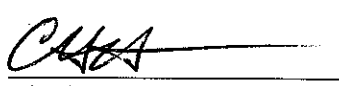
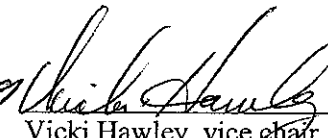
- The Rural Land Study took a couple of years to complete. There are approximately 22,000 acres in this area that could be added to Ag. This land has enough merit to receive extra protection. How to do it? Down zoning is not popular with farmers. Purchase of Development Rights is one tool being used. That uses Conservation Futures Funds at the local level and is matched by state or federal funds. Over the past five years about 84 development rights have been purchased protecting 641 acres. This is a slow and expensive process. There are 4000 possible additional dwelling units possible in the Ag zone and in the Rural Land Study areas. Development rights are parcel-specific. In general if you have a parcel you can put on a house. Each parcel defines the right to develop a house. Non-conforming lots are buildable. The 600 foot rule and other similar exemptions created a large number of these lots.

We need to identify the land to protect, the tools, and the mechanic who will use the tools to protect the land. Moving development rights out is costly and slow; we may need to figure out ways to accommodate them.

- One tool that has had extensive discussion is the Transfer of Development Rights (TDR). This is where development rights are moved from one area that you want to protect from development to another area that you would prefer the development to occur in. There are a number of issues related to this topic including how to get areas to accept additional development and how to make the process work economically. This site <http://www.whatcomcounty.us/pds/planning/pdf/feasibility-transfer-dev-rights-wc20090202.pdf> is a recent report developed by county that looks at the feasibility of a TDR program in Whatcom County.
- Another tool, parcel reconfiguration, puts parcels together in a different way. This tool accommodates development through moving development rights around, clustering, and other strategies designed to protect a portion of the land base for farming while accommodating the use of development rights. The laws in place may constrain some of the options that would otherwise be available. Could the AAC review this (boundary line adjustments, clustering, parcel reconfiguration, Growth Management Act requirements, etc.)?

- Purchase – and lease back (to maintain affordable farming) or purchase and sale; after the development rights have been removed.
  - Natural Resource Banking is a tool that Henry has been working on. This takes a holistic view of the available natural resources. Can development rights be traded in for water rights? For instance. Stay tuned.
  - Right to Farm – keep it strong, and try to improve. It should be a part of the other tools. We need to keep best practices current.
  - Conservation Easement – right now there are very good tax incentives for this tool.
- **Next meeting – March 18.** The next meeting was tentatively scheduled for March 18. We hope to have five new AAC members by then, with their approval by the council on the 17<sup>th</sup>.

Meeting Notes Approved

	<u>3-18-09</u>		<u>3/18/09</u>
Charles Antholt, acting chair	Date	Vicki Hawley, vice chair	Date

**Whatcom County Code (Health Code)**

**24.11.050 General requirements.**

E. Purveyors of public water systems and private water system applicants must comply with Washington State Department of Ecology water right requirements. Compliance will include at a minimum, possession of a water right permit or certificate for:

1. All surface water sources excluding seawater.
2. All groundwater sources using more than 5,000 gallons per day.
3. Irrigating more than one-half acre of lawn or noncommercial garden. (Ord. 2002-024).

**24.11.090 Determining adequacy of water supply for building permit applications proposing to use a well to serve one single-family dwelling or one single-family living unit.**

A. Prior to director approval of evidence of an adequate water supply where the applicant proposes to use a private well, the applicant must submit a completed Water Availability Notification Private – 1 Home Well form (as amended) and all required documents to the director for approval.

B. The director will review the completed form and required documents submitted by the applicant for approval. The director will approve the form if:

1. The applicant met all the criteria listed on the form.
2. The applicant submitted all of the required documents.
3. The well site proposed by the applicant does not fall within the boundaries of an area where DOE has determined by rule that water for development does not exist. ...