

Agricultural Advisory Committee Meeting

Approved meeting notes for November 16, 2009

Meeting Summary

- ◆ The public comment period resulted in a discussion of the Critical Areas Ordinance and new agricultural uses.
- ◆ Meeting notes from October 26 were approved.
- ◆ Business from the previous meeting:
 - A resolution requesting that the County Council evaluate costs and benefits prior to adopting new land use regulations passed.
- ◆ Follow-up discussion to the November 2nd Critical Areas Ordinance/Conservation Program on Agricultural Land workshop.
- ◆ Purpose of the AAC was reviewed from Whatcom County Code (WCC 2.34) and the Committee's business rules.
- ◆ Discussion of adopting Robert's Rules of Order as part of the Committee's Business Rules (decision for next meeting).
- ◆ An Economic Development Initiative (EDI) grant application was discussed, led by Henry Bierlink, Whatcom Farm Friends.
- ◆ Purchase of Development Rights (PDR) program was discussed.
- ◆ General committee discussion regarding work plan and issues.
- ◆ Next meeting: Dec. 7, 2009, at Northwest Annex, 7:00 – 9:00 P.M.

Meeting Notes:

The meeting was called to order at 3:00 P.M. by Lesa Boxx, chair.

Quorum

A quorum was present with 8 of the 13 voting members in attendance at the start of the meeting (see sign in sheet at the end of the meeting notes). Three additional members arrived during the meeting.

Open Session for Pubic Comments

Jim Unruh commented about the CAO/CPAL workshop held on Nov. 2nd. He expressed concern about the requirement to use development standards when bringing land into agricultural production if it hasn't been used for agriculture for five years. It can't be used for farming if you have to use the CAO development standards. And if you can't use it for farming, what can you do with it? George Boggs (Whatcom Conservation District) stated that the county recently adopted a resolution for a minimum of 100,000 acres of farmland. To support this, land that is farmable should be able to be brought back into farming. Oliver Grah (PDS – Natural Resources) indicated that this is an issue that Planning is looking at. It's not a policy to require new agriculture to comply with the CAO standards, but a regulation since new agriculture is not specifically dealt with in the current CAO. He brought this issue (expansion of new agriculture) to the attention of the Committee at the July 30 special meeting regarding CAO and CPAL.

Meeting Notes Approval

Brian Cieslar move to approve the October 26 meeting notes; second by Debbie Vander Veen. Approved by all members present and voting.

Critical Areas Ordinance and Agriculture

Whatcom County staff (Peter Gill, Oliver Grah) provided information to update the Committee and as a continuation of the November 2nd workshop on critical areas and agriculture. Meeting notes from Nov. 2nd were handed out. Staff had also met with 4-H and FFA leaders on Nov. 10 for discussions and input. Staff has been working on changes to how the CAO is implemented on Ag land in Whatcom County pursuant to adaptive management that is a parameter of the CPAL program.

We need to get our administrative procedures, policies, and code interpretations down on paper so everyone knows what is and is not required and how the county administers these regulations. Policies are being updated in regard to fees, monitoring, prioritization of work, and related issues. What is the approval process? Can we use self-created farm plans? What does it look like? Can we use self assessments to document proper implementation? Property access seems to be a concern. We need to document our access policy. We don't go on property without agreement from the property owner.

Fees – the fees were \$200 in 2008 to file farm plans; they are now \$100. The Unified Fee Schedule is up for its annual revision and Planning has suggested that the fees be eliminated for farm plans developed with assistance from the Conservation District. If an outside consultant develops the farm plan there would be a \$100 filing fee and \$200 inspection fee. We would also like to get additional guidance from the Council in regard to outreach activities and geographical priorities. There will be some discussion of CAO and CPAL on a farm tour this Saturday (Nov. 21) sponsored by Futurewise. Planning is looking at the possibility of hosting a tour early next year to look at CAO/CPAL issues in more depth as part of our outreach program.

The department uses adaptive management to implement this program and is open to revising our management strategies to be more effective. We contract with the Conservation District. There was a question about the percentage of farm plans that were not approved. Oliver Grah responded that the process is one of coordinating and sharing information and almost always has positive results for Planning and the landowner. To his knowledge, there has been only one farm plan prepared by the CD that PDS had substantial issues with involving the grading of wetlands. The issue primarily related to effectiveness of sharing known information on a site.

Debbie Vander Veen stated that the Conservation District does a very good job and she would like CD approval to be sufficient for the county's approval process.

Unified Fee Schedule recommendations have been provided to the Executive's office. The next steps are for the Council to consider it and then approval. The Council has two meetings left this year; November 24 and December 8. It is likely that an ordinance will be introduced on the 24th with a vote on Dec. 8th.

The Ruckelshaus project (on CAO and Agriculture) was to have a meeting on Friday, November 13. This is reported to be a deal-no deal meeting as it relates to making recommendations to the governor and legislature on critical areas and agriculture.

Note: Application of the CPAL program to on-going Ag is in effect in Whatcom County because our CAO was adopted and updated prior to May 1, 2007 (per SB5248). Pending completion of the Ruckelshaus process, Whatcom County's CAO cannot be updated or modified in regard to agriculture until after July 1, 2010.

Larry Helm asked about the water quality impacts of organic chemicals from road and storm water runoff (benzene, toluene, xylene, hydrocarbons, etc.). Peter Gill indicated that he would try to bring back information on this.

Wesley Kentch indicated that he had been placed in the Drayton Harbor watershed by mistake and that there was no effective means, short of spending a great deal of money, to correct the error. Staff commented that the Drayton Harbor Shellfish Protection District was defined through a legal description by the Council.

Purpose

The purpose of the Committee as described in the Whatcom County Code (WCC 2.34) and the Committees business rules was reviewed by Lesa Boxx, Chair,

WCC 2.34.020 Purpose.

The agricultural advisory committee provides review and recommendations to the Whatcom County council on issues that affect agriculture. The AAC also provides a forum for farmers and others interested in enhancing and promoting the long-term viability of Whatcom County agriculture. (Ord. 2001-036).

2.34.030 Function.

To report directly to the county council or other appropriate advisory boards, commissions and committees as necessary to carry out the following functions:

A. Review and provide recommendations on zoning, comprehensive plan, subarea plans, regulations and annexation issues, and of proposals which directly affect lands or agricultural activities in or adjacent to the agricultural district or the agricultural protection overlay district, or other lands of agricultural significance; and

B. Assist the county and make recommendations in the effort to establish, promote and implement a comprehensive agricultural protection/ preservation program; and

C. Analyze and develop recommendations that will assist the county in addressing other issues which affect agriculture at the county, regional, state and federal levels; and

D. Assist, upon request of the director of planning and development services, that department by providing review and comment on comprehensive planning and zoning related issues in or adjacent to the agricultural district or the agricultural protection overlay district, or other lands of agricultural significance. (Ord. 2009-002, Exh. A; Ord. 2001-036).

Business Rules

The business rules do not currently include a reference to Robert's Rules of Order as part of how the Committee conducts business. Language was provided to the Committee for consideration. The business rules require that any proposed changes be provided to the committee members at least seven days prior to a vote. This proposed change, to include Robert's Rules of Order as part of the Committee's business rules, will be considered at the next meeting.

8. QUORUM – DECISION MAKING

A majority of the entire membership (one more than half) is required for a quorum to conduct regular business.

Meetings of the committee will be conducted using Robert's Rules of Order, as modified by these business rules. Decision-making will endeavor to be by consensus with the positions of each member having been heard, respected, and seriously considered. A simple majority of the voting members present shall prevail. ...

Resolution from the July 30 meeting

At the July 30 meeting the Committee decided to postpone definitely a motion that stated, "The Agricultural Advisory Committee recommends to the County Council that they not create any more critical areas without conducting an Environmental Impact Statement (EIS) to assess the burden on the public as required by home rule charter."

Following discussion on October 26, it was agreed that Larry Helm would work with Dean Martin to draft language for the Committee to consider. Revised wording was introduced and moved for approval by Larry Helm; second by Dick Yoder.

Prior to adopting any ordinance creating new/expanded Government oversight in land management in any part of the County, the County Council shall require the completion of a fiscal analysis that estimates the financial costs and benefits of the ordinance to citizens, businesses, and local government entities.

Discussion included a question about whether this was part of the Committee's function and how much such a fiscal analysis would cost. It was suggested that the cost could be very little by using county staff to get a ballpark figure. People want to know what the effects of county proposals are in dollars and cents before the council passes new rules. Todd Jones said he was curious to know – If this had been in place, would policies be different? A lot of what the Council does is driven by state and federal requirements. There are definitely a lot of problems with communications. Dick Yoder said that it might make the Council slow down and look at things better. If we didn't do all of the "you 'may'" provisions, things wouldn't be as bad. We are doing a lot of non-mandatory things.

Dave Buys said that there is a lot of frustration due to the lack of evaluation of cost-benefit for the farm plans. They can be very costly to implement. An individual farm plan needs to be assessed. Does the farm plan cost justify the benefits? Regulators should have to look at individual parcels to see if that's feasible.

There are resource concerns that need to be addressed and levels of protection that need to be provided. We can develop a number of alternatives; need to reduce pollution. One of the issues is that Terrell Creek is polluted.

John Bayer asked why the rules are different for cattle, where they have to be fenced away from a ditch. It appears that dairy operations don't have to do this.

Debbie Vander Veen called the question, and there was no request for further discussion.

The motion passed with Mike Finger, Todd Jones, and Debbie Vander Veen opposed.

Economic Development Initiative

Henry Bierlink provided an overview of the Economic Development Initiative that Whatcom Farm Friends is working on in conjunction with a number of other entities. Protecting farmland and the ability of farmers to continue to farm is important to Whatcom County's people and economy. The initiative is a grant proposal that will look at integrating land and water policies; irrigation, drainage, and land use are all related. We are looking for partnerships to participate in the Economic Development Initiative. Members of the County Council want us to come to them with some ideas. There are four elements:

1. Out of stream water use. Who needs to use water outside of the stream? PUDs, cities, water districts, irrigation, and others.
2. Working on tools for the protection of Ag land; several tools were recommended to the County Council this year by the Agricultural Advisory Committee. The county is involved in other land use issues as well that might work with these concepts.
3. Integrating these issues through a Natural Resources Marketplace; and incentive-based processes (trees for credits, water rights, drainage permits). Have a market develop as opposed to government regulations. Need to include PUD, Ecology, others.
4. Public education and involvement around this issue.

Larry Helm indicated that he is real interested in water and has been involved with WRAI 1 for the past six years. There are regulatory hurdles to this proposal. We won't be getting any additional water rights out of Ecology. Dick Yoder advised everyone to keep track of their water rights and watch the legislature for developments there.

The working group (EDI – Economic Development Initiative) is developing an application.

Purchase of Development Rights

Dean Martin gave a brief update of the Purchase of Development Rights program. The NRCS has announced the evaluation date for applications is January 15, 2010. Staff is working with Kulshan Community Land Trust to provide more outreach to let landowners know about this opportunity. The PDR program purchases development

potential off of land from willing sellers. An easement is placed on the land for agricultural uses in perpetuity. In other parts of the country this is a very popular program and there are many more applications than can be funded. The interest in Whatcom County has not been that strong. Staff is looking at ways to improve participation. Some options include having the program administered by a different organization that does not have regulatory responsibilities, improving information and outreach efforts, and other administrative changes. Committee members expressed that there was concern about what might happen in the future. If development potential is sold off and farming is no longer profitable, what is the landowner to do at that point? Farming has been very challenging lately. Someone had heard that a dairy farmer was having difficulty in getting approval for a concrete slab due to PDR; will look into this.

The county recently completed the purchase of an Agricultural Conservation Easement using state match funding (from the Recreation and Conservation Office) for the first time. Previous easement purchases had all been with federal match.

If anyone is interested in finding out more about the PDR program, or in applying, contact Samya Lutz at Planning and Development Services (360) 676-6707 x 51072.

Signage for Traffic Safety

Membership changes were requested. Lesa Boxx, Chair, approved the changes and the committee now consists of Vicki Hawley, Brian Cieslar, Shane VanderVeen and Fred Likkell.

Work Plan and Future Agenda Topics

Staff has been working on policies, administrative procedures, and code interpretations that bring clarity and transparency to how PDS implements the CPAL program and that applies adaptive management to modify the program to better achieve the intended results. They also have the AAC recommendations for tools to protect agricultural land for long-term production to work on, as well as the regular work of supporting the Committee, administer the PDR program, and other duties. The update to the county's comprehensive plan will also involve important agricultural issues that the Committee and staff will need to address. The Committee was requested by staff to help prioritize work plans for the next one to two years.

Discussion and Committee Member Comments

Dick Yoder brought up an issue that is coming up for the cattle industry; the proposed increase in the wolf population for Washington State. The Washington State Department of Fish and Wildlife has a draft wolf management plan that calls for 15 breeding pairs. In Idaho, they are having serious problems with wolves destroying and harassing livestock. Ten to twelve breeding pairs equates to about 1000 total wolves in Idaho. The proposal for Washington is for 15 breeding pairs; the cattlemen propose 8 or fewer breeding pairs as being sufficient. In Idaho, one rancher lost 92 sheep in one night; another lost 25 of 200 head of cattle. And the cattle have gotten spooked and very hard to handle. A request was made to have the wolf issue on the next agenda. Comments are due to

WDFW by January 8 (see link). <http://wdfw.wa.gov/do/newreal/release-print.php?id=oct0609a>

See also copied announcement at the end of the draft notes.

Another comment came in after the meeting about the need to address problems with beavers as well.

Pete Kremen plans to recognize Chuck Antholt for his exemplary service to the people of Whatcom County through his work on the Agricultural Advisory Committee. Larry Helm made a motion to support the Executive's recognition of Chuck and received unanimous support from the Committee. This recognition will be on December 8 at 7:00 P.M. at the beginning of the regular Council meeting.

Next Meetings

Summary of upcoming meeting times (all on Mondays):

- ◆ December 7, 2009. Committee Meeting; 7:00 – 9:00 P.M. Northwest Annex.
- ◆ January 4, 2010. Committee Meeting 7:00 – 9:00 P.M.. Northwest Annex.
- ◆ February 1, 2010. Committee 7:00 – 9:00 P.M. Northwest Annex.

Adjourn 4:40 P.M. – followed by additional discussion



Lesla Boxx, Chair, Agricultural Advisory Committee

12/16/09
Date

Meeting notes: AAC November 16, 2009

Agricultural Advisory Committee
Sign in Sheet - Date November 16, 2009

NAME		Voting Members SIGNATURE	Affiliation
Bayer	John	<i>John Bayer</i>	Farmer
Boxx	Lesa	<i>Lesa Boxx</i>	Consumer
Buys	Dave	<i>Dave Buys</i>	Farmer
Cieslar	Brian	<i>Brian Cieslar</i>	Expertise in Farm Programs
Hawley	Vicki		Processor
Helm	Larry	<i>Larry Helm</i>	Farmer
Finger	Mike	<i>Mike Finger</i>	Farmer
Kentch	Wesley	<i>Wesley Kentch</i>	Farmer
Jones	Todd	<i>Todd Jones</i>	Farmer
Schilke	Ken	<i>Ken Schilke</i>	Farmer
Thornton	Tom		Whatcom Farm Friends
Vander Veen	Debbie	<i>Debbie Vander Veen</i>	Farmer
Yoder	Richard	<i>Richard Yoder</i>	Conservation District Board
Ex-officio Members			
Antholt	Charles		Honorary Chair
Bierlink	Henry	<i>Present</i>	Whatcom Farm Friends
Boggs	George	<i>Present</i>	Conservation District
Gilles	John		Farm Expertise
Hall	Alex		NRCS
McConnell	Craig		WSU Extension
Lutz	Samya		Whatcom Co.
Martin	Dean	<i>Dean Martin</i>	Whatcom Co.
GUESTS: Please Print Name			Affiliation