

Agricultural Advisory Committee Meeting

Approved meeting notes for March 1, 2010

Meeting Summary

- ◆ The Mt. Baker FFA gave a presentation on agriculture and critical areas.
- ◆ There were multiple public comments on implementation of the Critical Areas Ordinance and draft administrative procedures.
- ◆ Meeting notes from February 1 were approved.
- ◆ A subcommittee to review agricultural regulations in critical areas was established.
- ◆ The Committee endorsed sending a letter requesting that cities in Whatcom County provide for buffering from agricultural lands as stated in RCW 36.70A.060, and that agricultural water rights not be converted to other uses.
- ◆ The signage subcommittee and Rodney Vandersypen (Engineering) provided a final draft for farm safety signs in Whatcom County.
- ◆ The building permits subcommittee reported on their findings to date.
- ◆ Next meeting set: April 5 2010, 7:00 – 9:00 P.M., North County Fire and Rescue, Station 71, in Lynden (307 19th Street).

MEETING NOTES

The meeting was called to order at 7:00 P.M., at the Whatcom County Northwest Annex by Debbie Vander Veen, Vice Chair.

- ◆ **Open Session for Public Comments:** There were over 80 members of the public in attendance.

Richard Hackett – 1 cow on 40 acres. Would like one cow on 2 acres of open pasture depending on soil and open ground.

Brian Cieslar – responding to a question; came to a consensus on how the meeting should be held. After the public input part of the meeting, then we need to have the Committee meeting and be able to conduct the business of the committee.

Debbie Vander Veen - We need to be able to end by 9:00. We can hold a special meeting or make other arrangements if there is a need for more public input.

Bob Wiesen – Last month, this committee had one of the best meetings I ever saw. When people can't become a part of the meeting – it causes a lot of push back and bad feelings. The public doesn't have an opportunity to comment otherwise on staff presentations and that may be the first time they've heard of some of these things.

Larry Helm – Very glad to have everyone here this evening; and I would like to have more comments from people during the public comment period.

Unknown – I agree with Mr. Hackett. Would like to have these issues done on a farm by farm basis.

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Unknown – You need a bigger room. Larry Helm - The Grange Hall from across the road was checked and it has a maximum of 50 people due to fire code issues. Dean Martin – We will do our best to have a larger room next time. Seb Werre – What about all these schools around that we spend millions of dollars on? Schools could be used for meetings. Can't hear what anyone is saying in this meeting (*chair arranged a closer seating location for Mr. Were*).

Rachel Westby – Have a horse farm. The rules are getting so confusing. You need to be aware of such a cause and effect. There are too many horses in the market; some are being found starved. We also have two goats on the farm. The hay guy is important to our financial success. Don't want the farm plan to put him out of business. I'm part of a long line of farmers and I'm so tired of people who don't know how anything works, who don't know how to clean up what comes out of the back end of a horse telling us how to do our work. My 15 year-old daughter is the future. Where are we going to go? The County is causing us to crunch back. We come in to work with staff and told they are on vacation.

Wesley Kentch – There is a letter from Ecology in the meeting packet. A lot of this stuff is being pushed back at us from Ecology.

Unknown – We come in here, we have questions, we're told we need to take it somewhere else. There are folks who seem to be just going along to get along.

- We need to be able to discuss things amongst ourselves, as well as take comments, so we can take care of business. Agribusiness is important in Whatcom County. People can also talk to us after the meetings and between meetings; we don't need to limit the conversation to the short time we have available for meetings.

Debbie Vander Veen – We have been letting the County Council members know how many people are showing up, and how interested they are in what is going on with Agriculture. We are keeping the Council informed.

Chuck Westfall – Back Yard Farmer – can get help from the Conservation District (office on Hannegan, north of the Pole Rd.).

Unknown – I have a ditch; put it in years ago. Now its plugged and County says I can't clean it out. Not in a drainage district. I was born and raised on a farm. I take care of my land and it takes care of me.

Ron Reimer – Citizens' Alliance for Property Rights – All these little rules add up. Rules often become something not intended. There are lots of other little groups making rules or adding requirements. Things are piling up to the point its breaking people's backs.

Wendy Harris – Concerned about natural resources. We need to consider the purpose behind the rules. We need to work together and understand each other to work for better results for everyone. We have had shellfish closures and other problems we need to address.

Todd Black – We have a few animals, and orchard, and other things. I need a farm plan? I'm not a farmer. I grow food for me and my family. You're restricting my ability to grow my food.

◆ **Special Presentation by the Mt. Baker FFA**

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Todd Rightmire – Mt. Baker High School FFA advisor. I would like to thank the Agricultural Advisory Committee for giving the FFA a chance to present on this topic (Critical Areas Ordinance and Conservation Program on Agricultural Land). Students must present on both sides of the issue. We are preparing for the state competition in May. The students can't express support as to one side or the other. In preparing this presentation they have spoken to people representing various views and are aware of how difficult this issue is. This is their first presentation since they took district.

The team presented and then answered questions.

◆ **Quorum**

A quorum was present with 10 of the 13 voting members in attendance and at the table Later in the meeting there were 12 of 13 members at the table (see sign in sheet at the end of the meeting notes).

◆ **Meeting Notes Approval**

Larry Helm moved to approve the meeting notes from the Feb. 1, 2010 meeting; second by Richard Yoder. Approved by all members voting.

◆ **Staff Reports; Agency Presentations; AAC Discussion, Deliberations, and Decision-making** (Note: a list of items in the meeting packet is near the end of the meeting notes)

- Dean reported that staff had received comments on the interim administrative policy regarding animal thresholds and staff was evaluating those comments and trying to develop a revised proposal. The County cannot go beyond what the Critical Areas Ordinance says by changing the administrative procedures that we use to implement the ordinance. Also, we are not able to make changes to the ordinance until the Ruckelshaus process is completed. There is a proposal to extend that process another year (to July 1, 2011). Wesley Kentch reported that the legislature approved the extension. The Ruckelshaus process mission is to see what the Best Available Science is and to figure out what should be done about it.

It was mentioned that Skagit County has no farm plan requirement, and that generally Whatcom County is doing more than many counties that did not adopt a Critical Areas Ordinance prior to the freeze put on CAO by the Ruckelshaus process. Larry Helm stated that Pierce and King Counties have pretty tough CAO requirements.

George Boggs, Whatcom Conservation District, observed that there seems to be a misconception about farm plans. You do not have to have a farm plan. You cannot be fined if you don't have a farm plan, there is no enforcement action anyone can take against you if you do not have a farm plan. We can use the Best Available Science to get to the smallest buffers possible using NRCS Best Management Practices. People who do not want to do a farm plan, and have ongoing agricultural operations in a critical area, have the option of using the standard buffers that are outlined in the Critical Areas Ordinance.

There was a great deal of discussion in 2003 and 2004 regarding the CAO. The Technical Review Committee determined that Best Available Science (BAS) and NRCS (Natural Resources Conservation Service) Best Management Practices (BMPs) should be available to agriculture (Note: *no other land use or activity has this option and flexibility*).

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There is also a concern that the Department of Ecology could step in and establish practices that are not nearly as flexible as the farm plan BMPs. This might include fencing out livestock from buffers 12 months of the year and a minimum of 35 foot no-touch zones. The Whatcom CD and George Boggs have been communicating with the Dept. of Ecology and the Governor's office on this issue (some of these communications were contained in the meeting materials).

General Discussion –

On respective roles of state and local government – the state establishes the framework under which the county must operate. For instance, the state has established a requirement for local jurisdictions to evaluate critical areas and develop ordinances to protect those areas. The local jurisdictions then are required to implement the ordinances they adopt.

The Department of Ecology also has jurisdiction over Clean Water Act and Clean Air Act issues, and the WA Department of Agriculture also has a big role in working with Whatcom County Ag. The alternatives for on-going agriculture in critical areas, or their buffers, are the Big Dumb Buffers, or farm plans based on Best Available Science and NRCS standards.

Some of the basis for the CPAL (Conservation Program on Agricultural Land) levels (low impact and medium impact) are based on the capacity of the land to accommodate animal waste. With good management practices a person should be able to apply waste at a level of 2 animal units per acre (2AU/acre) on a property. One AU per acre goes to the low impact option. NOTE:

The guidance documents are available from Planning and Development Services – Natural Resources at:

<http://www.whatcomcounty.us/pds/naturalresources/criticalareas/regulations/functions/farmplans/index.jsp>

There are also links on this web page to water quality reports, the development of the CAO, Best Available Science, and administrative procedures.

Is one animal unit per acre a problem for the County or the state? It could be. If you have a discharge or potential discharge into waterways, that could be an issue.

How does the Shoreline Management Program fit into this? Staff note: *It has been reported that the legislature passed a bill this week that should address this issue; pending the Governor's signature.*

Larry Helm: I think the AAC should study a threshold such that a person on five acres would never have to see a government employee. Response - staff (Natural Resources and Long-Range Planning) is working on the comments received to see what might be possible in regard to setting a threshold.

Would it be possible for someone from AAC to sit in with planning staff to see how decisions are made? David Stalheim indicated that that would be fine. Lesa Boxx, Chair, and Debbie Vander Veen, Vice Chair, will be advised of upcoming meetings. NOTE *Debbie Vander Veen attended the Long-Range Planning staff meeting March 4.*

Leroy Plagerman: We're the ones that should be coming up with ideas. Need to take public comments, and if necessary schedule other meetings.

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Larry Helm: Not that I'm volunteering, but I think we should develop a subcommittee on this (animal thresholds, Best Available Science, and related issues). Vicki Hawley moved to establish a subcommittee to review regulations related to agricultural activities in critical areas and to make recommendations to the AAC; second by Larry Helm.

AAC - Subcommittee on Agricultural Regulations in Critical Areas:
Chair, Dick Yoder; members: Ed Blok, John Bayer, Sara Kuljis, Jayson Reimer;
Alternates: Craig Mayberry, Phil Westfall.

The motion to establish the subcommittee passed unanimously. Staff will assist the Subcommittee with meeting space and with information they may request. The Conservation District also volunteered to provide assistance.

Wyburn Bannerman – Colorado State University has recently come out with a lot of research. Very soil dependant; more research is available.

- Dean was requested to review if a recommendation regarding home rule charter language was passed by the Committee and provided to the County Council.
- Dean gave some background on the issue of buffering Ag land from incompatible uses and the transfer of water rights from agricultural use to municipal and other uses. A recent zoning request brought these issues forward. Last year during the Urban Growth Area (UGA) discussions, farmers near residential development indicated that their ability to farm was being impacted by a large number of complaints about their farming operations. The Growth Management Act in Section RCW 36.70A.060 says that incompatible uses are to be buffered from agricultural land. This is done from the development side, not from the Agricultural use side. In one case (Mason County) buffers of 5 feet and 25 feet were found to be insufficient by the Growth Management Hearings Board. Buffers of 50 feet and 100 feet were later found to be sufficient for Mason County.

Regarding the water issue. Water is a big concern for Whatcom County's agriculture. In some cases, cities are requiring landowners to sell their agricultural water rights to the city for possible municipal uses. Agriculture is very dependant on very local sources of water. Municipalities have other options.

Discussion – Greater and greater buffers are being required by EPA for chemical application. They are now requiring up to ¼ mile and more for fumigants, and anyone within the buffer must agree to leave their homes or businesses, or the chemicals cannot be applied. This could be very detrimental to agriculture in Whatcom County including berries, potatoes, high value specialty crops, and others.

Brian Cieslar moved to have a letter prepared expressing the Committee's concern to the cities in Whatcom County and requesting they consider buffers to conserve farmland and to protect the health and well-being their residents. Second by Vicki Hawley.

Discussion – A number of people told Lynden folks that very thing. There was a lot of information provided to them on this and it was not part of their decision-making. This request should be for just the cities, not the rural areas. This would not apply to

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land already developed next to Ag land, right? Right, just looking to the future, we can't undo existing development.

The motion passed 8 to 3.

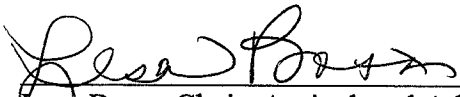
- The work plan for 2010 and 2011, as it relates to agriculture was briefly discussed. The County Council will decide what items it wants to "Docket" at its March 16 meeting. While the docket does not determine the entire work plan, it could impact the amount of time available for other work (such as the Agricultural Advisory Committee). David Stalheim advised the Committee that in addition to the mandated tasks, his intent would be to focus on the recommendation of the AAC, and not a number of previously docketed items. If the Committee has any feedback, contact staff or your council members.
- ◆ Signage Subcommittee. Rodney Vandersypen, Whatcom County Public Works, provided an updated handout on the signage guidance. They would cost about \$150 to \$200 each and would require two signs (one for each direction of travel). They can be purchased at Safety Signs (in Bellingham) or from the internet; they would need to be MUTTC compliant, yellow and black, and be made of reflective materials. Farmers could go together to share or rental might also be a possibility. You can call if you have questions or comments (Whatcom County Public Works – Randy Vandersypen – 676-6730. Staff Note (Rodney Vandersypen): *Signs might also be available to non-profits and government agencies from the Corrections Institute at Walla Walla.*
- ◆ The Ag Buildings Permit Subcommittee provided a brief report. We need to come up with some generic plan for Ag building that we can use. We found that buildings that are specifically Ag and less than 24' by 72', don't need engineering plans. That was good. Debbie Vander Veen suggested that the subcommittee review some of the work already done on this by the Washington Dairy Federation.
- ◆ Next meeting: The next meeting is scheduled for April 5. The space was insufficient for this meeting. *Staff note: The North County Fire and Rescue facility in Lynden (Station 71, 307 19th Street) is the likely facility for the next meeting.*

Adjourn 9:10 P.M.

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Included in the meeting packet March 1, 2010 (or provided at the meeting):

- ◆ AAC March 1, 2010 Agenda.
- ◆ Draft meeting notes from Feb. 1, 2010 meeting.
- ◆ Ag Excerpt from Long-Range Work Plan 2010 - 2011.
- ◆ AAC Recommendations to County Council (April 7, 2009) Agricultural Land Preservation Tools.
- ◆ 36.70A.177 RCW (Agricultural lands. Innovative zoning techniques. Accessory Uses.
- ◆ Annexation maps and residential development adjacent to Ag aerial photography.
- ◆ Final signage guidance for Ag and driver safety (Whatcom Co Public Works)
- ◆ Correspondence between Whatcom Conservation District and Ecology, Governor's Office, and others regarding critical areas and farm plans.
- ◆ Letter from ReSources objecting to interim policy guidance for Critical Areas implementation on Ag land.



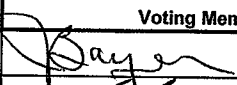

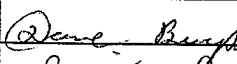
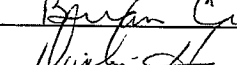
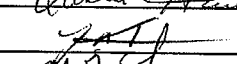
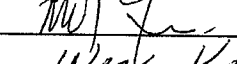
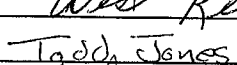
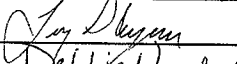
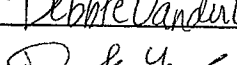

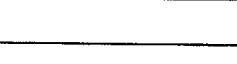

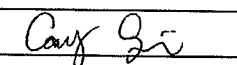
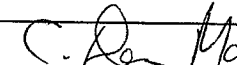
Lesá Boxx, Chair, Agricultural Advisory Committee

4/5/10.
Date

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Agricultural Advisory Committee
Sign in Sheet - Date March 1, 2010

NAME		Voting Members SIGNATURE	Affiliation
Bayer	John		Farmer
Blok	Ed		Whatcom Farm Friends
Boxx	Lesa		Consumer
Buys	Dave		Farmer
Cieslar	Brian		Expertise in Farm Programs
Hawley	Vicki		Processor
Helm	Larry		Farmer
Finger	Mike		Farmer
Kentch	Wesley		Farmer
Jones	Todd		Farmer
Plagerman	Leroy		Farmer
Vander Veen	Debbie		Farmer
Yoder	Richard		Conservation Distict Board
Ex-officio Members and Contributing Members			
Antholt	Charles		Chair Emeritus
Bierlink	Henry		Whatcom Farm Friends
Boggs	George		Conservation Distirct
Gilles	John		Farm Expertise
Gliva	Carly		FFA Youth
Hall	Alex		NRCS
McConnell	Craig		WSU Extension
Lutz	Samya		Whatcom Co.
Martin	Dean		Whatcom Co.

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Agricultural Advisory Committee - Sign in sheet March 1, 2010	
GUESTS: Please Print Name - if your wish to speak during the public input part of the meeting, please indicate. Thanks.	Affiliation
LINDA SMIT	
Carole Perry	
CHUCK WESTFALL	
Kaye Thomson	
Dave Thomson	
Phil WESTFALL	
Elisabeth Brainard	
Henry Sweitzer	
MARK PALMER	
Jeff Rainey	
Don Doudson	
Laura Kidenour	
Wendy Harris	
SUE BROWN	
Charlie McGibbon	
GERALD LANGLEY	
Barry Hamman	
Jim Holien	
GERALD KUDSK	
Rich HACKETT	
Chuck Eaton	
Marian Tetlow	
Sara Kuljis	

Max Peng

Rock Strissel
SEB WERRE

Skip Richards

Alburn Samman

JOAN DOW

Chet Dow

Bob Wiesen

Bub Hento

Gary Knaws

Rodney Vandersypen

TERESA SOMERS

Tyle Snyder

Doug Madsen dlmd@comcast.net

Yvonne Platt Madsen yvonne.n@comcast.net

Craig Mayberry

Jason Vanderveen