



King County

Water and Land Resources Division

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**King County Agriculture Commission
DRAFT Minutes
Thursday, August 11th, 2016
Snoqualmie Public Library, Snoqualmie**

| Commissioners | P | A | Commissioners | P | A | Commissioners | P | A |
|----------------------------|----------|----------|----------------------|----------|----------|----------------------|----------|----------|
| George Irwin, Chair | X | | Meredith Molli | | X | Shelby Jors | | X |
| LeAnn Krainick, Vice Chair | X | | Bruce Elliott | X | | Amy Holmes | X | |
| Eldon Murray | | X | Bob Vos | X | | Anne Becker | X | |
| Roger Calhoun | X | | Siri Erickson-Brown | | X | | | |
| Leigh Newman-Bell | X | | Larry Pickering | X | | | | |

P=Present; A=Absent

| County Staff Present | | |
|-----------------------------|------------------------|--------------------|
| Patrice Barrentine, DNRP | Richard Martin, DNRP | April Sanders, KCC |
| Steve Evans, DNRP | Megan Moore, DNRP | John Taylor, DNRP |
| Janne Kaje, DNRP | Alan Painter, DNRP | |
| Joan Lee, DNRP | Rick Reinlasoder, DNRP | |
| Guests Present | | |
| Josh Monaghan, KCD | | |

Meeting Action Summary

- **July 2016 Minutes Approved**
- **FFF Presentation + Q &A**
- **Marijuana Zoning Resolution - Discussion and Letter to KCC/Executive**
- **Department of Ecology Proposed CAFO Rules - Discussion/Letter**
- **Updates: KCD, Sammamish Valley Winery Study**
- **Next Meeting: September 8th, 2016, Snoqualmie Public Library**

Meeting Called to Order at 4:11 pm

Approval of Agenda

Bruce Elliott made a motion to approve tonight’s meeting agenda. LeAnn Krainick seconded the motion. The motion passed by unanimous acclamation.

Approval of Meeting Minutes

LeAnn Krainick motioned to approve the July 14th, 2016 meeting minutes. Bruce Elliott seconded the motion. The motion passed unanimously.

Public Comment

There was no public comment.

Farm Fish Flood (FFF) Presentation + Q & A – Janne Kaje, DNRP

Janne Kaje, Snoqualmie Salmon Recovery Manager for King County DNRP, presented to the Commission on the history and goals of the Snoqualmie Valley FFF process, and what effects of the recent “Agreement in Principle” stemming from it could be for County agriculture.

He explained some of the impetus and context behind FFF: behind-pace salmon recovery efforts, and the agriculture community feeling “squeezed” by challenges such as competing land uses, flooding, climate change, and population growth. The Snoqualmie River also holds the only non-hatchery-supported Chinook salmon population in King County, making it a very important salmon recovery area. In the Snoqualmie Valley, most of the crucial salmon restoration locations occur in key farming areas, many of which have prevalent flooding; this confluence of three conflicting issues in one area is why it was chosen for the first FFF process. Mr. Kaje spoke about several factors that contribute to significant flood impacts in the Valley, and also detailed some of the County actions to mitigate flood effects: barn and home elevations, controversial “farm pads,” and several in-progress levee setback projects.

Mr. Kaje then overviewed the history of FFF. The 2012 King County Comprehensive Plan included a call for implementation of a collaborative watershed planning process to address the competing needs of salmon recovery progress, strengthening agriculture, and addressing flood risks. The FFF committee was intentionally comprised primarily of Snoqualmie Valley residents and stakeholders instead of regulators: representatives from the farming community, government entities, tribes, and environmental groups. The timeline would consist of three main phases spanning November 2013 to May 2016 and include meetings, workshops, and public outreach.

November 2014, he said, saw the verge of an agreement with many priorities identified by the three caucuses, but a significant flood on the Snoqualmie River in January 2015 raised additional concerns about flooding and other issues, such as projects on the river potentially affecting its behavior. It also drew more attention to the FFF process itself, and a desire from the public to be more involved. Patrice Barrentine of DNRP elaborated that an additional challenge for the agriculture caucus was their feeling intimidated by the conflict of each of their own members’ individual priorities. She and Mr. Kaje concurred that the subsequent increased community/landowner outreach by entities such as the King Conservation District (KCD) was a significant help in reaching the FFF “finish line,” as the agriculture caucus and landowners felt there was stronger support for their concerns.

Mr. Kaje then spoke about the concerns raised by a series of additional floods on the Snoqualmie in winter 2015, and results of a 2015 study conducted by King County and Puget Sound Energy (PSE) and reviewed by a landowner-selected third party consultant. This study was intended to investigate whether two prior PSE excavation projects above Snoqualmie Falls were impacting the behavior of downstream floods.

The study ultimately revealed an inequity in flood risk management standards between properties upstream and downstream of the falls. The study backed up the prior findings of PSE, which indicated a notable difference in water levels during downstream flood events after completion of PSE’s projects. These were combined together in the public view with the County’s Carlson project on the river, contributing to a perception that all projects on the river were affecting its behavior, as well as increased desire for more public input on such projects. Another project review study, the “H & H” study, bolstered the understanding that enhanced community involvement should be incorporated into all phases of a project. John Taylor of DNRP concurred with Mr. Kaje that a review of projects by a credible third party helps to bolster public trust in the project process.

May 2016 saw an “Agreement in Principle” among the FFF caucuses, resulting in three primary Task Force scopes of work: agriculture regulations (particularly regarding drainage), riparian buffer planting, and a strategic plan for Snoqualmie Valley agriculture. The regulatory task force would seek flexibility, reduction of financial costs, and regulation changes, but without decreasing resource protection. The buffers task force would develop a science-supported buffer strategy relevant and responsive to a Snoqualmie Valley agricultural context. The strategic plan task force is a result of the agriculture caucus feeling disadvantaged during the FFF process compared to the other caucuses, who did bring plans to the table. The Agreement also includes over 30 recommendations to be implemented in the next one to three years under several broad themes: reducing flood risk to agriculture, acceleration of large salmon habitat projects while addressing potential effects to neighbors, protecting the agricultural landbase, and developing a more comprehensive drainage program. There was some discussion between Mr. Kaje and Commissioners on more detailed specifics of these themes.

Mr. Kaje said the next step in the FFF process is to have a complete written agreement drafted and signed by late September/early October 2016, then define near-term (one to three years) budget needs and launch the task force work, as well as set the stage for “FFF 2.0,” which will broaden the scope of the principles and efforts established in the initial FFF process. He then enumerated on a list of proposed duties for the Commission in this phase: endorse committee recommendations, allow Commission support staff participation in task forces, support funding requests as appropriate, provide accountability and guidance on the FFF 2.0 Implementation Committee, and “keep pressure” on all partners to maintain progress. Mr. Taylor noted that the most important concern for the agriculture caucus involves improvements and flexibility for drainage. He stressed the need for tribes and salmon recovery interest groups to stand together with agriculture on this issue, in order to make progress on it at the state level. He added that funding for the implementation of the Agreement is available, but ultimate approval of DNRP’s funding proposal would still lie with the King County Council (KCC).

After the presentation, Mr. Kaje invited questions from those present. Several Commissioners raised points including concern about labeling all drainage projects as “not friendly to fish,” how success in salmon restoration would be measured, the impracticality of fish hatcheries as a salmon restoration solution, and certainty for protection of agricultural land and productivity in the Agreement.

BREAK

KC Marijuana Zoning Resolution – Patrice Barrentine, DNRP

Patrice Barrentine updated the Commission on the status of the recent KCC resolution addressing marijuana land zoning. She said the resolution had passed the KCC, with an amendment, and should be signed by the Executive very soon. The amended resolution will lift the current moratorium on new marijuana establishments. She explained there will be two different zoning studies conducted: retail, and production/processing. Retail zoning will expand, but urban reserves will be unaffected. Growing and processing are limited to industrial areas, and RA-10 and larger properties; this is a total of approximately 51,000 acres. RA-2.5 and RA-5 properties will not be permitted to produce or process, a total of about 140,000 acres.

One study will be to determine suitability of neighborhood business zones for retail marijuana, in an attempt to more equitably distribute the concentration of retail establishments. A total of 10 locations are being sought, or two per Council district. This would make medical marijuana more accessible, but prevent a high concentration of establishments in a particular area such as neighborhoods in south Seattle. The second study will look at suitability of production in the urban reserve zone, and suitability of production and limited processing in RA-10-zoned areas. Results of these studies will be due at the end of April 2017.

For rural areas, growing and processing will be limited to RA-10 and RA-20-zoned districts, and any marijuana use area over 2,000 square feet will still require a conditional use permit. Further studies, she said, would determine if modifications to this resolution will be needed.

George Irwin asked whether the Commission should weigh in on this issue. Roger Calhoon expressed concern about “ancillary” production of marijuana on agricultural land, which John Taylor concurred with: they share the assessment that once urban real estate is saturated, marijuana growers could start buying up agricultural land, potentially saturating that market as well. Mr. Taylor added his belief that DNRP needs to remain diligent and keep the Commission apprised on this topic.

Ms. Barrentine recommended, should the Commission wish to opine to the Executive on this issue, that a letter would be appropriate, and that she had drafted potential language based on prior key points brought forth by Commissioners for review and input. LeAnn Krainick made a motion to send a letter to the Executive and KCC, which Anne Becker seconded and was approved with unanimous acclamation.

Bob Vos recommended amending the language regarding “enforcing” people to farm on agricultural land. Ms. Barrentine re-introduced Mr. Calhoon’s prior suggestion of defining marijuana growth on agricultural land as an “accessory” use only. Amy Holmes suggested adding language asking that a marijuana grow/production/processing permit on agricultural land only be issued once the applicant provides documentation that the property is also a legitimate producing farm. Mr. Calhoon stressed the importance of conveying the Commission’s core concern about farms being converted into marijuana “factories.”

Mr. Calhoon motioned to send a letter with the amended language to Mr. Irwin and then the Executive; Bruce Elliott seconded the motion, which passed unanimously except for Ms. Holmes, who abstained.

WA State Department of Ecology (WSDE) CAFO Update – Rick Reinlasoder, DNRP

Rick Reinlasoder, Livestock Program Manager for KC DNRP, reported on the WSDE’s proposed revisions to the Concentrated Animal Feeding Operation (CAFO) permit and the County’s response. The current proposal operates under a presumption that all non-lined/monitored manure lagoons are leaking into groundwater, and gives farmers two options: get a CAFO permit or double-line their lagoon. He noted even the cheapest lining retrofit would be at least \$150,000 for a small lagoon. WSDE’s presumption is partly based on a lawsuit against big dairies in Yakima County, where it was determined lagoons were leaking into groundwater. Mr. Reinlasoder added that this presumption does not take into account differences (such as dairy size, soil types, and management practices) between Yakima and other parts of the state.

He further explained there are two draft permits currently circulating: one for the state of Washington, and the other a combined permit incorporating both federal and state language. The current letter to WSDE being drafted by King County states that the current system in KC is not “broken,” that there is no data to indicate dairies are a consistent water quality concern here. He said that the letter also states that WSDE’s proposed implementation timelines are too short.

Mr. Reinlasoder continued that the current proposal would render roughly 90% of Washington state dairy cows subject to CAFO permitting, that any facility with at least 200 animals, possibly less, would fall under these requirements. He said that recently WSDE has “pulled back” on their assumption that all lagoons are leaking, and that it is now up to them to prove a lagoon is a problem. He noted additional controversial requests raised by WSDE and environmental groups, such as implementation of manure management plans, as well as placing tire wash stations at every access point on a property – the latter of which the County specifically noted is very difficult to implement due to many dairies having numerous access points.

LeAnn Krainick advised, per information from a recent Dairy Commission meeting, that the proposed permit is not firmly set at a 200-animal threshold, and that the language is not specific to cows and could

include other animals, such as horses. She also stated that even unused lagoons on a property would be required to be lined. She suggested Mr. Reinlasoder confer with the Dairy Commission.

Mr. Reinlasoder also observed that much of the controversy surrounding this proposal is due to perceived lack of clarity of intent in the current language. He solicited feedback on the current draft of the County letter, stating that comments were due August 17th and that final letter should be signed by DNRP Director Christie True soon. The final signed letter will be shared with the Commission and King County's partner entities who have input their comments on this issue. George Irwin asked a copy of the final letter be forwarded to the Farm Bureau as well.

Updates – KCD, Sammamish Winery Study, SWM Briefing, Commission Details

- **King Conservation District:** Josh Monaghan of KCD said he hoped to have the name of their new Executive Director by the next Commission meeting. He added there was also an opening on their Board, for Jason Salvo's old position; Jason will now serve as an associate supervisor and lead a farm input subcommittee for the Board. Mr. Monaghan then reported on the status of the current grant applications process; awards should be completed by the October Board meeting. He also updated on several other topics: that as of May 150 people had signed up for KCD's traditional farm planning services; that their drainage coordinator has entered a contract for projects in the Snoqualmie Valley and two others will start soon; that additional drainage project funding is being coordinated through several sources including ADAP; that a possible disbursement from a lawsuit settled by KCD in 2012 might provide \$1.5 million in additional funding for various projects; and that Amy Holmes has been working on a pilot project to conduct an urban citizen soil map study and improve soil health in urban areas.
- **Sammamish Valley Winery Study:** Roger Calhoon reported that the next meeting would be the next Wednesday, and that he received notification the day before that a proposal would be tabled between now and that meeting. He was also notified the Woodinville newspaper had reported that their city council unanimously approved a proposal to request that King County leave land use rules on agricultural land as is, for rules on rural-zoned land to be strengthened, for more stringent enforcement in requiring proof a residence is not being used as a business, and that the County "raise the bar" in considering updating zoning for the Sammamish Valley.
- **Surface Water Management (SWM) Rate Briefing:** John Taylor of DNRP advised there would be a full briefing and presentation on this topic at next month's Commission meeting, to solicit Commission feedback on the upcoming proposal being submitted to the KCC in September. He explained that SWM fees had been imposed in unincorporated King County areas to fund the program, and that the County has been operating under the same rate for the past four years. The rate proposal will likely be an increase. He added that they were also communicating with the Roads department about the issue of failing pipes under Roads' purview connected to DNRP's pipes.
- **Commission Details:** Patrice Barrentine solicited feedback on the current Commission meeting location, and advised she would continue to search for venues. She also reported that the County's CHOMP festival would be held all day on August 20th, to be preceded on the 19th by a farm dinner with the County Executive. She added that the Regional Food Grant money had been used to implement WSU "Cultivating Success" farming courses that would start in September at Carnation Farm.

Meeting Adjourned at 6:55 pm

Next Meeting

Thursday, September 8th, 2016 at 4:00 pm, Snoqualmie Public Library, Snoqualmie