Adds a second sentence to Finding #146, a statistical sentence describing what has been done in the way of changes to the Rural AG zone to compliment what is used for statistics for the Commercial AG zone.

Change to Cover Ordinance #C-105-99.

Change suggested to cover Ordinance #C-105-99 a technical change, first paragraph on Page 2, the second sentence beginning "These amendments shall not take effect" is not technically correct. The portion of the ordinance that is directed at removing invalidity is the portion that addresses the rural agricultural zone. Mr. Dearborn recommended that after the words "These amendments" adding the following: "that pertain to the rural agriculture zone". The sentence would read: *These amendments that pertain to the rural agriculture zone shall not take effect until the Western Washington Growth Management Hearings Board determines that they do not substantially interfere with the goals of the GMA.*

PUBLIC COMMENTS

John Graham, Citizens Growth Management Coalition, remembered that the AG Remand Committee reached a fine balance on the document before the Board. The Coalition supports that fine balance, and explained "fine" meant that any one card pulled out could ruin the whole thing. The amendments by the Planning Commission do not do that, and he agreed in many cases added to and strengthen the balance; he was in favor of them and urged the Board pass the amendments.

He referred to an e-mail sent to the Board from WEAN this date [4862] reminded that the Coalition is a Coalition and WEAN is a member of that Coalition, one of seven parties in the Coalition, and is a minority view. The Coalition agrees to the consensus of the AG Remand Committee. The ability of a land owner to be moved out of CA status because he cannot farm the land according to wetlands regulations, seems to the Coalition then and now, a good idea. Adding RA land to that is not a deal breaker for the Coalition, and the more Mr. Graham looked at it, agreed it was simply logic and just plain fair. Again, he indicated that the WEAN submission was not a Coalition submission. He did say, however, that many points in the WEAN message were valid, but in another arena, i.e. Critical Areas. The first point WEAN makes, that of building and enlarging roads to get to buildable sites, the Coalition and WEAN both feel strongly about and urge the Board look closely at those views as decisions are made on critical area regulations. The WEAN submission also talks about the functional isolated issue, another issue where the Coalition and WEAN agree and urge the Board look sharply at . WEAN notes that there could be some RA parcels that become R parcels but with wetlands, and that that's a problem; the Coalition believes that is a problem, but is no different than the existing problem of rural parcels with wetlands on them – CAR's must adequately protect those wetlands whether in R, RA, CA or wherever. The Coalition looks forward with anticipation to the BMP Manual and to decisions taken by the Board over the next month or so on critical area regulations and hope for flexibility.

Mr. Graham stated that if the Coalition agrees with the Planning Commission recommendation that a farmer in RA status can now opt out if he cannot farm the land because of critical area regulations, removes the last remaining justification for AG exemption for RA land [exemption from critical area regulation].

Going back to the AG process, Mr. Graham stated his agreement with Tom Roehl that it was a good process used from beginning to end in achieving this result and submitted it was not too late to see this as a precedent for the rural densities issue. For the AG Committee, from the very beginning the majority felt that it made no sense spending a lot of time trying to come up with a solution the Growth Board would reject. The Rural Densities Committee, on the other hand, spent most of its time trying to create a record there was no need for further down zoning when in his opinion it was abundantly clear the Growth Board ruling that some further down zoning was required. The AG committee had agreement that some pain was going to be inflicted and to grin and bear it; but he did not think on the Rural Densities Committee anybody quite got to that point. The Coalition made several attempts to try to achieve consensus. The attempt that came the closest concerned critical areas, proposing 1 in 10 zoning in or near streams and wetlands; in return for that, withdrawal of insisting on 1 in 10 zoning in or near resource lands, and suggested that the RF question be thrown in the hopper – i.e. with RF land leave it at 20 acres with no opt out, but with an EDU program parallel to that in CA land. The Coalition also offered a program called Rural EDUs.

There were no other members of the public who spoke for or against the proposal.

BOARD DELIBERATION/ACTION

For consistency, Commissioner McDowell noted that Amendment # 3, Finding #145, the term "opt out" should be changed.

Consensus: in the second sentence strike the words "opt out"; in the last sentence the words "opt out" be replaced with "be removed from".

Commissioner McDowell discussed further recreational aerial activities and whether or not the proposal properly covered temporary use for such activities for a season and not just for 30 days.

Mr. Dearborn referred to page B-20 of Amendment No. 2 under Temporary Uses that adds glider flights, hot air balloon rides, and parachute events under that section. As written, use would be confined to dates specified, as well as hours and duration, in the temporary use permit. The 30 day provision refers to the time within which, after the event has occurred, all debris and temporary structures are to be cleared from the site. The period of time for the activity is something subject to negotiation or request. The second page of the cover sheet to Amendment #2, Item #10, differentiates the temporary use from the conditional use in terms of staff intent. Typographical error to be corrected in item #10: "ari" should correctly read "air". It may be that a temporary event will occur more than once in a season, but not every weekend for the whole summer. There would probably be increased concern on the part of staff depending on how much traffic would be generated, requirement for porta-potties, etc. For trial purposes to test such an event, it is recognized that that trial period may have to be done more than one weekend. This is not, however, intended to allow someone to create an airport on their property to carry on recreational aerial activities.

Commissioner McDowell wanted to make sure, as was brought up in testimony at the hearing held on Camano, that where a farmer has a cleared area adjacent to the road, that he could still carry on those farm activities and use that area for a glider take off location if using some type of mechanical means to shoot into the air.

In this case, Mr. Dearborn referred to B-20, #7C: lands cannot be removed from agricultural production or substantially interfere directly or indirectly with continued agricultural use of the parcel. Therefore, it would seem there would be a number of ways for the farmer to carry out the activities without doing either of those. He recalled that Linn Emrich was asked questions about that issue by members of the Planning Commission and responded that after he cuts his field he would use it for landing and take-off; and also has an access road he would be using for landing and take-off, and would not be using the field when in crops.

Proposed Amendment 4, item #10, Commissioner McDowell mentioned the question comes of process--how to determine which portion is to come out – his opinion is that it would be the farmer's decision.

Mr. Dearborn presumed that would be the case, and could not conceive of a circumstance where the County would care what portion. There has to be some determination made as to the extent of the area and then the specific area itself.

Consensus: add at the end of the sentence "with the specific location of the proportioned area to be reconveyed determined by the property owner".

Commissioner McDowell commented on Amendment #2, B-9 item G, and B-14 item H; he supported the word "shall" in place of "may".

Additional Public Comment:

John Graham questioned the reason for "shall" instead of "may" on Amendment No. 2, B-9 item G, and B-14 item H; in this case "may" seemed more appropriate.

Commissioner Thorn thought that would be conditioned by the words "if the parcel is not farmable".

With regard to proposed Amendment 4, #10, the proposal to add at the end of the sentence "with the specific location of the proportioned area to be reconveyed determined by the property owner", Mr. Graham agreed with intent but wanted to make sure that the prime soils stay in conservation status if possible.

Responding to Mr. Graham's comment, Mr. Dearborn suggested the Board might want to consider adding a separate sentence to read: "Provided, to the extent feasible, prime soils shall be retained in the conservation easement.".

Commissioner Thorn tended to agree with the added language. However, Chairman Shelton was concerned about adding that language, thinking no one would know what that meant at the end of the day, and who would determine "to the extent possible"? He preferred leaving that language out, and thought the farmer would preserve prime soils, specifically because the farmer's livelihood is dependent upon that, not because words are written in a code.

Another thing Mr. Dearborn pointed out was that it may be the productive portion of the farmer's property is not prime soils; there may be a portion specially cultivated and developed over time that does not show up as prime soils.

Commissioner McDowell suggested not adding that language.

Mr. Dearborn's concern had been about making an absolute statement because there may be an exception to the rule there where prime soils may not be the most valuable portion of the farm.