

VSP Meeting Minutes
November 22, 2011
Okanogan County Commissioners' Hearing Room

Director of Planning Perry Huston called the meeting to order at 7:05 pm.

Huston opened with the introduction of attendees. Those in attendance were Jon Wyss, Craig Nelson, Albert Roberts, Kris Erlandsen, Cindy Andresen, Nicole Kuchenbuch, Casey Kuchenbuch, Rod Haeberle, Jerry Barnes and Ray Campbell.

Director Huston explained the task from last meeting was to put together of list of potential members for the work group. He presented the list explaining the list had been put together with the assistance of the Planning Staff. He said the organizations on the list are in no priority nor is there any recommendation as to who should participate.

Director Huston discussed the State statutes pertaining to the funding of the Volunteer Stewardship Program and participation and identification of watersheds to be included.

He said the County Commissioners do not have to determine who will participate in the work group at this point. The Commissioners only want a recommendation from the group as to whether to opt in or not and whether it should be focused county wide, by watershed or by priority watershed.

Jon Wyss suggested if the recommendation is to opt in, the issue should be addressed countywide by watershed. He recommended opting in as it would give the group six years to do the CAO in the agricultural areas instead of trying to get it done by 2013 as is currently the requirement. He noted there must be funding before the work group can begin to meet to put together recommendations. He said the Okanogan County Farm Bureau has recommended opting in.

Ron Haeberle said he views this as a "taking" and the State cannot do that. He recommended not opting in. He said it is time to draw a line drawn in sand as he views the program as one more step in the taking of his land.

Jon Wyss said he recommends opting in because the farmers fell one legislative vote short of getting agricultural land exempted from the Critical Areas Ordinance (CAO). He said opting in would work towards the full exemption of agricultural lands.

When asked his opinion, Director Huston said he would recommend not to opt in but said the final decision is up to the group. He explained his theory is that a group of people will spend a

lot of time and go through a lot of effort only to come up with something no one is happy with because people can't agree. He explained, this is being directed by statute and the CAO must be updated. He explained the CAO is in the process of being updated. If the decision is not to opt in, the County will have to come up with the regulations for the agricultural lands in the critical area environment. He noted agriculture will not be exempt.

Ron Haeberle expressed concerns with the big corporations and the smaller land owner and who will be exempt.

Nichole Kuckenbuch said this is a big issue for those practicing agriculture. She said the group is being asked to choose between the lesser of two evils.

Jon Wyss said the VSP gives you a six year time out

Director Huston said those supporting opting in are hoping to buy time hoping for legislative changes. Director Huston made it clear the group can recommend not to opt in.

Nichole Kuckenbuch said you can opt out if after getting into the process it appears to be a train wreck. She noted the Planning Department is working on the CAO with huge oversight by the Department of Ecology (DOE). She said opting in would allow the County develop their own CAO.

Jon Wyss said opting in would freeze the process for six years. In that time, we can get the language we need.

Director Huston said if they choose to opt in and the Commissioners agreed, the group would do nothing until there is money available. He estimated there would be nothing done for a year or two. He said the existing CAO will not deal with the agricultural issue.

Ron Haeberle asked the question, "Can you opt out if we don't like it."

Director Huston stated that you can opt out but that does not mean you do not regulate agricultural activities in the critical areas.

Jon Wyss noted that using the countywide watershed approach would address both philosophies of the Okanogan and Methow basins.

Jerry Barnes said he had discussed the option of opting in with other counties. He noted other counties with agriculture were choosing to opt in feeling that was the only way they would have a say. He said they were afraid of Futurewise and the effect the group may have on agricultural land decisions.

Addressing the question of who is Futurewise, Director Huston explained the history of the organization. He said the minute they filed an appeal with Ferry County that it was on the website as a Futurewise fundraiser. He said they have a lot of funding but not necessarily a lot of following.

Director Huston recapped where we are in the process. He said in terms of direction, the County is directed by State statute to create a body of regulation either under GMA or VSP. He said the task of the group is to tell him what to tell the County Commissioners – proceed under GMA or VSP. He said the parts of GMA which must be done whether you are a GMA county or not is Critical Areas Ordinance and resource lands.

Nichole Kuchenbuch stated her concern is with her vision of the process. She said to go ahead and opt in but the group should define the process when they get to that point.

Jon Wyss said they can use the current watershed councils.

Director Huston mentioned Sandy Mackey had offered his council for the recommendation to the Commissioners and suggested the process be more technically oriented with emphasis on agricultural expertise rather than geographies. It was suggested to seek input from a wide array but it is not to say you have to have all areas represented.

Nicole Kuchenbuch noted the list has environmentally conscious partners which might be considered.

Director Huston said he believes the group should be a compact group and should be people with an understanding of agricultural practices and environment. He said the group would make the recommendation when they get to that point.

Ron Haeberle suggested participants should have over 51% of their income from agriculture in order to be involved.

Jerry Barnes noted the biggest problem will be getting people to come.

Participants were asked to express their individual opinion regarding whether or not to opt in:

- Craig Nelson said he had no option one way or the other. He said he came to hear what the participants have to say. He said he has learned sooner or later his organization would be involved. He said the Okanogan Conservation District is committed to the landowner in what goes on with their land. He said this is important to the agricultural

landowner who is working with conservation easements so they can hand them down to their kids.

- Albert Roberts recommended opting in with the watersheds being the lead. He recommended the majority of the work group be actively involved in agriculture. In addition, he said have everyone across the state work together to get the legislature to exempt agriculture.
- Kris Erlandsen do not have a stake as large as others, but with surveying and working with farmers and as a landowner, he would opt in and work on getting the votes.
- Jon Wyss said the best stewards are the landowners who will make the decision what to do with their land. The landowner can clearly delineate what can be done on the land. He said to get modifications, stop the laws, and allow landowners to be stewards of their land or get the agricultural exempt. Otherwise, in two years, DOE will dictate what farmers can do.
- Nicole Kuchenbuch said the choice is the lesser of two evils. She said the issue is the makeup of the work group. She said agriculture should have a voice at the table along with the experts who work with agriculture. With that combination, she said you can build on something we can work with.
- Director Huston said the reality is government can regulate property as long as it does not deprive you of all reasonable use of your property. He said the reality is the folks who want to regulate your land, will. In order to go to court now, you must prove that you have lost all reasonable use of your land.
- Ron Haeberle said he would opt out because in 40 years he has been active in what has been happening. He said he has been to thousands of meetings trying to convince people why they are wrong. He said we need to be on the offense and go to Olympia. He fears incrementalization. He said people are caught in the huge demands on resources. He said it's time to draw a line in the sand and don't cross it. He said he wants nothing to do with it.
- Ray Campbell recommended to opt in. He said we should fight for freedom and in six years we can do it. It's the better of two evils. He said we need to start our battle here. He said these are my rights and if he doesn't stand up for them then he doesn't deserve them.
- Jerry Barnes said his outfit has a lot of shoreline as do the orchardists. He said opting in is the only way in which we will have a say. He said the watershed is the way to do it. He noted the makeup of the current watershed has too many people and now consists of people who do not understand agriculture. He said there needs to be more concentration on people understanding agriculture and water law. He noted the Okanogan and Methow watersheds are two different worlds. The watersheds operate differently. In opting in, they would have some say but you must have people with vested interested.

In closing comments from the group the following items were noted:

- Opt in but not make decisions at this time.
- Issues with who sits on the committee or how to organize the process.
- If commissioners opt in, make no decision until money is available.

Director Huston said it sounds like the only decision is to opt in and by watershed.

Nicole Kuchenbuch said this will be a political stand, opt in and with no recommendations. She said in the Commissioners' minds, they will look over the list and they will get pressure from the organizations. She said the work group should be agricultural organizations and experts.

Director Huston explained his background. His theory is to get in and engage in the processes. His trepidation is they will find funds. Hopefully, a political solution will come forward. He said most of what people are concerned with is already in the shoreline master program. His fear is the first reaction is to open the door and form too large a group. He said decisions are not made that way. He said this process can go on for a long time. He said the work group will determine the benchmarks for monitoring and measurements.

Albert Roberts said, as recommended in the critical areas ordinance revision, with any kind of development, note what has to be done and if the landowner doesn't like it, have an administrative review.

Director Huston said the work would group do an assessment of agricultural activity, assess status of critical areas and come up with criteria. The idea is to have agricultural land that has a management plan which matches up with the criteria and is compliant. He said more emphasis would be based on the management plan and it would not be necessary to have everyone with the same management plan. He said existing agricultural areas can write up regulations. He said the problem areas are those that change status or become new agricultural areas. He noted changing areas or activities in GMA would be difficult but under VSP, they can write a program.

Jon Wyss noted the VSP is silent on new agricultural.

Director Huston said the VSP is a process which tells you how you go about deciding what you are going to decide. He said when the process is done, the program will be with management criteria and benchmarks and as long as that is what you are doing, you're OK. Under GMA, you must protect the critical area.

Nichole Kuchenbuch said she understands pasture rotation, grazing, etc. can be the plan. She asked if the County would house the plan.

Director Huston said the County would have the program but not keep the plans. He said if there was a complaint and the plan is not within the program guidelines, the County would send a letter requesting copy of the plan to review.

In closing:

- The group determined there would be no further meetings.
- The recommendation to the County Commissioners was:
 - ✓ Opt In
 - 6 - Opt in
 - 2 against
 - 2 abstentions
- The recommendation for Countywide :
 - ✓ Countywide
 - 8 for
 - 2 abstentions
- The recommendation to be made by Watershed:
Decision to be made later
- The recommendation for the makeup of work group:
 - ✓ People who know agriculture and understand the process in Okanogan County
 - ✓ Registered voter in Okanogan County
 - ✓ Technically oriented to agriculture
- The recap of what will be done next:
 - ❖ Staff will draft a resolution which will be sent out to attendees for review
 - ❖ Resolution will be presented to the Commissioners by Director Huston for adoption.
- The Commissioners will make decision:
 - ❖ Commissioners will present Resolution for adoption
 - ❖ At this time, Director Huston will explain statute is silent on public notice/hearing

Meeting adjourned at 8:40 pm.

Respectfully submitted,
Sharon S. McKenzie
Administrative Secretary