

AGENDA

Conservation Easement Program Oversight Committee

Planning & Development Services – Northwest Annex

5280 Northwest Dr, Bellingham, WA 98226

Central Conference Room

or

Join Zoom Meeting:

<https://us02web.zoom.us/j/85943818935?pwd=K2Y0Y2VBRUlPvKkE4WTQvZXRMNytSdz09>

Passcode: cepoc

Friday, October 25, 2024

8:30 – 10:00 AM

- 1. Welcome, introductions, public comments, & agenda review (10 minutes)**
- 2. Approval of previous meeting minutes (5 minutes)**
- 3. Updates and announcements (10 minutes)**
 - o Updates on funding
 - o Open Space program and staff capacity
 - o Farmland Access Committee (FLAC)
- 4. Discussion items/business (60 minutes)**
 - o Conservation Futures Fund: 1% banked capacity, raising CF levy lid, and REET 3 (review materials beforehand)
 - o Short presentation on impervious surface restrictions (Lauren)
 - o Review CEP participant survey questions (to be sent out beforehand)
 - o Barbaggio-Satushek CE Update
- 5. Next meeting (5 minutes)**
 - o Next meeting:
 - Friday December 6, 8:30-10:00 AM (no meeting in November)
 - Agenda items? (Ideas: survey, levy lid discussion)
 - o 2025 meeting schedule
 - o Quarterly in-person meetings?

Included in the meeting packet:

- September meeting minutes
- Background on REET 3 (RCW 82.46.070) and REET 4 (RCW 82.46.075)
- King County handouts about conservation futures levy lid and REET 3
- 2020 PDS staff summary about the CF fund

If you require special assistance to attend, contact Alexander Harris at least 4 days prior to the meeting: 360-778-5979, aharris@co.whatcom.wa.us

Conservation Easement Program Oversight Committee

Meeting Summary – September 27, 2024

Start Time:	8:30 a.m.
Location:	Online Meeting and In-Person at Northwest Annex, 5280 Northwest Drive, Bellingham, WA

Attendees – Members	Affiliation	Present
Paul Schissler	Farm Supporting Business	<input checked="" type="checkbox"/>
Dave Kershner	Real Estate	<input checked="" type="checkbox"/>
Alison Moon	Farmer	<input checked="" type="checkbox"/>
Trevor Gearhart	Farmer	<input checked="" type="checkbox"/>
Alex Jeffers	Easement-holding entity	<input checked="" type="checkbox"/>
Burr Neely	Non-Farmer, Unincorp.	<input type="checkbox"/>
McKale Jones	Farmer	<input checked="" type="checkbox"/>

Quorum Present	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
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PDS Staff	Affiliation	Present
Lauren Templeton	CEP Administrator	<input checked="" type="checkbox"/>
Alexander Harris	CEP Outreach Coordinator	<input checked="" type="checkbox"/>

Attendees – Guests	Affiliation	Present
Corina Cheever	Conservation Planning Manager, WCD	<input checked="" type="checkbox"/>
Gavin Willis	Executive Director, Ag Water Board	<input checked="" type="checkbox"/>
Elizabeth Bragg	Outreach and Technical Assistance Coordinator, American Farmland Trust	<input checked="" type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>

1. Welcome, introductions, public comments, & agenda review

We have a Quorum for the meeting starting at 8:30.

No changes to the agenda or public comments.

2. Approval of previous meeting minutes

Dave pointed out a grammatical error in the meeting minutes:

"Lauren and Alex will do a quarterly meeting with Skagit and Snohomish County to learn about their purchase/transfer of development rights program, and what they do to_____"

Dave moved to approve minutes with the amendment of adding "...promote farmland conservation." to the above sentence. Paul seconded. **The motion passed with all in favor.**

3. Updates and announcements

The committee discussed changing the meeting time to better accommodate farmer's schedules which should hopefully help increase farmer participation in the CEPOC meetings. The Committee determined that weekdays from 3 to 5 may work. CEP staff will send out a new poll to determine meeting times. Paul mentioned needing an announcement for the combined November/December meeting. Lauren said it is usually the first Friday of December.

Debrief: presentation before Whatcom County Council

Alex H. and Paul provided a summary from their presentation to Whatcom County Council's Climate Action and Natural Resources Committee on September 10. The presentation included an update on the program and visuals for current applications and anticipated acquisitions. Councilmembers asked about funding sources and Paul provided a background on previous conversations about increasing the funding sources, including the Conservation Futures Fund levy lid and REET 3.

Councilmembers were amendable to a quarterly CEP presentation to the Whatcom County Council's Climate Action and Natural Resources Committee. CEP Staff will present in January 2025 to approval of the ranked application list and approval to purchase the Taylor Property easement.

CEPOC members discussed how CEP staff and committee members can engage with council members so they can better understand the program. A farm tour with council members was recommended. Paul requested rewatching the Council presentation to address critiques and provide ideas for future presentations. Future presentations should discuss the County's Transfer of Development Rights program and conservation easement restrictions and flexibility. Alison mentioned the WhatcomTalks coverage was helpful and that we need more news coverage and other PR to get the message out about the CEP. Lauren will present at a future

CEPOC about impervious surface limits as it is a commonly misunderstood restriction and has multiple definitions.

CEPOC members discussed circulating a survey to CEP participants to see if there are any restrictions that are negatively impacting the farm business and if there are opportunities to improve the CEP and easements for landowners. Alex J. mentioned he didn't want landowners to think that there was flexibility in amending their easements retroactively. Alison mentioned that landowners want to know the pros and cons of any decision – if we had more info from a survey, we could share that info with potential applicants. Paul mentioned we should include a question about whether the landowner would be open to hosting a site visit in the future. Alex H. recommended the survey come from the CEPOC, not staff. Alex H. said he will draft survey that asks for feedback on the CEP as a program for CEPOC feedback.

Debrief: Joint Comp Plan committee with Agriculture Advisory Committee

Paul and Dave met with members of the Agricultural Advisory Committee to discuss joint goals. They talked about the goals and policies associated with the Comprehensive Plan update and how to find common ground amongst the various County advisory committees. They discussed how to implement the goals. CEPOC has submitted feedback on the Comprehensive Plan. Staff and consultants will review, and then the CEPOC will have another opportunity to review the Comprehensive Plan language in early 2025.

Update on funding (NRCS, RCO, FLP, Whatcom County budget)

Lauren provided an update on funding. The NRCS Parcel Contract (grant agreement) for the Taylor property has been approved. There is approximately \$850,000 of funds remaining on the NRCS RCPP agreement. CEP staff plan to use the remaining funds for the Sanfi Acres Canyon Creek forestry property.

RCO released their ranked applicant list for the WWRP Forestland Preservation grant, Whatcom County's two projects (Sanfi Acres Maple Falls and Sanfi Acres Canyon Creek) were the only two projects ranked. Given their positive ranking, they're likely to move forward.

CEP staff applied to the Forest Legacy Program, administered by the US Forest Service and WA Dept. of Natural Resources (DNR) – funds would go towards two conservation easements (Sanfi Acres Maple Falls and Koblitz Red Mountain).

CEPOC discussed the Conservation Futures Fund and the General Fund's budget deficit. The CFF is independent of the general fund and should not directly be affected by the deficit; however, the CFF still has limited funds due to it being utilized by multiple departments. Council has not consistently utilized the annual 1% levy lid for CFF. As such, CFF only collects approximately 3.25 cents per \$1,000 when CFF is legally allowed to collect 6.25 cents per \$1,000. Council could approve the 1% lev lid increase annually. CEPOC has asked that the departments coordinate their use of the fund. This is happening through the Coordinated Land Management

group. CEP staff will also schedule someone with expertise in the CFF to speak to the CEPOC.

CEPOC discussed whether Council should approve the 1% levy lid increase for CFF in 2025. Trevor said we need to show the need to increase the fund before taking the 1% increase. Alex J. said the CFF has successfully support important characteristics of Whatcom County: outdoor access, natural areas, and farmland and working forestland preservation. We should review what Conservation Futures Fund has supported over the years. It was recommended to reach out to the Whatcom County Parks Foundation.

Dave said if we're exploring the excise tax, we can point to the San Juan Land Bank. Trevor said he much more agrees with increasing funds through a real estate excise tax than by increasing property taxes. We should think about who is impacted by these increases – we don't want to adversely impact farmers. We should be cognizant of the anti-government sentiment in the county right now, especially in the context of the water rights adjudication. Paul said for next steps, we should learn more about the CFF, banked capacity, raising the levy lid, and the Real Estate Excise Tax (REET 3) idea. Staff and CEPOC would have to make the case of what the county could do with increased funds, and what kind of matching funds could we pull in if we had more CF funds.

Lauren said we should clarify the two asks here – one is to discuss the bigger picture policy question about increasing the levy lid and/or establishing REET 3. The other is to ask the Council to take the 1% banked capacity. CEPOC asked if we could discuss with someone from another County that has interfaced with the levy lid and REET 3. Dave said if we don't take the banked capacity, inflation and market prices will erode our capacity to conserve land.

Farmland Access Forum (being renamed: Farmland Access Committee, FLAC)

CEP staff are convening an ad hoc committee to help scrutinize the county's approach to facilitating farmland access. This Farmland Access Committee (FLAC) will review:

- Which farmers we work with
- What kinds of parcels are we working on
- How do we do outreach to promote this program (especially farmers looking to sell their land)

Alex H. then reviewed the list of potential members to sit on the FLAC. Alex J. made the point that we can't have more than 4 members of the CEPOC attend one of these meetings per OPMA requirements. Alex J. recommended that we reach out to Washington Farmland Trust.

Next meeting

- o October 25, 8:30-10:00 AM- Online and In-Person Option

Meeting adjourned at 10:00am

DRAFT
