

# **AGENDA**

## **Conservation Easement Program Oversight Committee**

Planning and 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, June 28, 2024

8:30 – 10:00 AM

1. **Welcome, announcements, public comments, & agenda review (10 minutes)**
2. **Approval of previous meeting minutes (5 minutes)**
3. **Updates since previous meeting (5 minutes)**
4. **Discussion items/business (60 minutes)**
  - Introduce New CEP Staff
  - Comprehensive Plan and CEPOC Goals
  - Buy-Protect-Sell Update
5. **Public comments (5 minutes)**
6. **Next meeting (5 minutes)**
  - July 26<sup>th</sup>, 8:30-10:00 AM- Online and In-Person Option
  - Future agenda items
    - Buy-Protect-Sell Updates
    - Outreach Plan Review

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Included in the meeting packet (or provided at the meeting):

- May Meeting Minutes

Community members who require special assistance to participate in a committee meeting are asked to contact the meeting facilitator at least 4 business days in advance. Please contact meeting facilitator, Lauren Templeton, at 360-778-5956 or [ltemplet@whatcomcounty.us](mailto:ltemplet@whatcomcounty.us).



**Determination of a Quorum/ Welcome**

We have a Quorum for the meeting starting at 8:31.

**Public Comments**

Alan Chapman (Whatcom Conservation District & Agricultural Advisory Committee) asked for 1 – 2 CEPOC members to participate in a Comprehensive Plan Review Committee made up of volunteers from multiple Whatcom County advisory committees. Paul recommended we add this to new business at the end of the meeting if time allows.

**Announcements**

No announcements at this time.

**Approval of Minutes – April**

Trevor moved to approve the meeting minutes. Alex seconded. **The motion passed with McKale, Paul, Alison, Alex, and Trevor in favor. Burr and Dave abstained as they did not attend the April meeting.**

**Updates Since Previous Meeting**

Lauren provided an update on upcoming CEP-related County Council business. Lauren provided an overview of the Rural Land Study Report update and asked for a couple of CEPOC members to assist with the review. Trevor and Alex volunteered.

**Discussion Items/Business**Meeting Time Discussion

Lauren provided the results of the new meeting time survey. The results were still inconclusive. The committee decided to keep the current meeting time for now.

Buy-Protect-Sell Update

Lauren provided an update on the feedback for the Buy-Protect-Sell application materials. Lauren mentioned we have only heard from the Ag Water Board and Whatcom Family Farmers, but expect more responses in the next few weeks. Trevor recommended having Anna Chotzen from Viva Farms review it as Viva Farms is starting a land acquisition program. Lauren also mentioned that the Kulshan Community Land Trust said they may be able to support with additional funding for the residence on the property. Paul also mentioned we will want to present the program to County Council.

Water Rights Adjudication Discussion

The committee discussed the Department of Ecology's answers to the water rights questions Lauren provided. Lauren asked if the committee wanted Ecology to

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present to the committee. Lauren also mentioned there are recorded presentations and she could send out adjudication resources. Alison mentioned that the information during adjudication presentations has evolved, so she recommends reviewing the most recent presentations and resources. The committee decided not to have Ecology present at this time. Lauren mentioned the need for water rights data to help with identifying priority areas. Ecology is developing a data set, but it is not available yet. Trevor said Whatcom Conservation District has a data set of water rights, but the water rights are difficult to delineate. Alex agreed it is difficult especially determining the place of withdrawal versus place of use and recommended focusing on rights based on the place of use.

Trevor mentioned he was getting clarification on the relinquishment ruling, but it appears any water right is subject to relinquishment after 1967 based on the response from the Department of Ecology. Trevor also mentioned that since the adjudication is through court proceedings, there technically could be a new legal ruling.

Paul said we will need to identify how the adjudication will affect CEP outreach and recruitment and asked if we need a specific stance or priority. Alex said he could reach out to the Washington Water Trust to see what their criteria are for water rights. Alex also said he would contact land trusts who work in the Yakima watershed to hear about their experience with adjudication. Regarding whether a water right is split between multiple parcels, Alison said the original date of use is based on when the original piece of property used the water right.

Paul asked if we may be able to provide water to properties in the future. Trevor said the Ag Water Board tried to establish a water bank but Ecology said that the adjudication had to happen first. Trevor, Alex, and Alison are all tracking water rights as part of their jobs and can provide ongoing updates.

Lauren said she wants to determine how she can support CEP properties through the adjudication process. Trevor said the WIDs have received funding to give assistance to agricultural landowners. Dave said it may be helpful to provide funding for well meters. Trevor said the Whatcom Conservation District is working on that.

#### Appraisal Process Discussion

Paul said he relistened to the Bob Suttles appraisal presentation. He mentioned the discussion about not being able to appraise the ecological value of properties. Paul also mentioned the comparative analysis discussion to be helpful. Lauren asked Bob about how water rights are appraised. He said water rights are only appraised as part of the whole property, not individually. He also mentioned that Ecology has advised appraising a certificate and claim the same.

Paul mentioned that the conservation easements do not require continued farming and wondered if farmland can be valued with the requirement of continued agricultural activities. Alex mentioned that the northeast uses the Option to

Purchase at Agricultural Value, but it is difficult to use in Washington; however, appraisers in the Northeast may be familiar. Alex also said that affirmative agricultural easements can be challenging to enforce and likely need to be combined with the option to purchase at agricultural value. Alex clarified that the agricultural easements require landowners to maintain their water right.

### New Business

The committee discussed participation in the Comprehensive Plan Review Committee that Alan presented. Burr said more collaboration could be helpful. The committee discussed that it would be important to make sure the CEPOC is in alignment with specific goals to bring to the other committees. Additionally, the CEPOC should review the current comprehensive plan. Paul and Dave volunteered to sit in on the initial meetings on behalf of the CEPOC.

### **Public Comments**

No public comments.

### **Future Agenda Items**

- Introduce New CEP Staff
- Comprehensive Plan and CEPOC Goals
- Buy-Protect-Sell Update

### **Next Meeting**

The next meeting was scheduled for Friday, June 28<sup>th</sup>, 2024, 8:30-10:00 AM. This will be a hybrid meeting with an in-person and remote option.

**Meeting adjourned at 9:46 AM.**