

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=K2Y0Y2VBRUlPvK4WTQvZXRMNytSdz09>

Passcode: cepoc

Friday, July 26, 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)**
 - Review Applications
 - Comprehensive Plan Chapter
 - Buy-Protect-Sell Review Strategy
 - August Meeting
 - Outreach Plan Review
5. **Public comments (5 minutes)**
6. **Next meeting (5 minutes)**
 - August 23rd, 8:30-10:00 AM- Online and In-Person Option
 - Future agenda items
 - Buy-Protect-Sell Updates
 - Outreach Plan Review

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

- June 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.

**CEP Oversight Committee
Meeting Summary
June 28, 2024**

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

Meeting Highlights
There were 8 people in attendance. 4 of the 7 voting members; 2 PDS staff member; and 2 Guests).

Attendees – Members	Affiliation	Present
Kershner, Dave	Real Estate	<input checked="" type="checkbox"/>
Moon, Alison	Farm Supporting Business	<input checked="" type="checkbox"/>
Gearhart, Trevor	Producer	<input checked="" type="checkbox"/>
Jeffers, Alex	Easement-holding entity	<input checked="" type="checkbox"/>
		<input type="checkbox"/>
		<input 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 – Ex-Official/Contributing	Affiliation	Present
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>

Attendees – Guests	Affiliation	Present
Alan Chapman	Whatcom Conservation District / Agricultural Advisory Committee	<input checked="" type="checkbox"/>
Matthew Whipple	Farmer, member of the public	<input checked="" type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>

Determination of a Quorum/ Welcome

We have a Quorum for the meeting starting at 8:34am.
No changes to the agenda.

Announcements

No announcements at this time.

Approval of Minutes – May

Alex Jeffers moved to approve the meeting minutes. Trevor seconded. The motion passed unanimously.

Updates Since Previous Meeting

Alex Harris was introduced as the new CEP Outreach Coordinator. Alex introduced himself, mentioned that he'll be focused on landowner outreach, focusing on increasing CEP applications, attending meetings and networking with farmers and small forest landowners. Alex Harris is coming from 9 years working in environmental policy for various non-profits, mostly on land use, salmon recovery, and climate resilience – interested in supporting agriculture in Whatcom County's future while also promoting farmland access and conservation goals.

Discussion Items/Business**1. Comprehensive Plan Update**

Alan Chapman had previously requested that a few CEPOC members join a new committee made up of members of various natural resources related committees to discuss goals for the Whatcom County Comprehensive Plan.

The CEPOC reviewed all mention of the Conservation Easement Program in the 2016 Comprehensive Plan. The Conservation Easement Program is mentioned in three chapters of the Comprehensive Plan. [Full Comp Plan – all chapters](#)

David asked if CEP has received funding through the Density Credit Program, and asked whether the additional densities could be applied to areas beyond Birch Bay. Lauren responded that there hasn't been a lot of money generated to date – roughly \$11,000 last year, but these funds are included in the Conservation Futures Fund budget. Lauren said the Density Credit Fee was developed as an alternative to the Transfer of Development Rights (TDR) program, as the TDR program was not successful in Whatcom County.

Chapter 10 of the Comprehensive Plan ([Environment \(Chapter 10\)](#)) mentioned the CEP in Policy 10L-16 and Policy 10P-17.

Policy 10L-16: Consider important habitat areas (as set forth in best available science and Wildlife Advisory Committee recommendations) in the Conservation Easement Program Guidelines site evaluation criteria.

Policy 10P-17: Consider establishing the Drayton Harbor Watershed as an area for directed Conservation Easement Program investments and encourage the cities of Blaine and Ferndale to establish density credit programs that provide funding to the County Conservation Easement Program.

Lauren said she was not aware of the Drayton Harbor Watershed being a focus area for the CEP in the past. Alex J said Blaine has identified Drayton Harbor as a priority, specifically water quality and restoration, in their planning efforts. The CEP has eight easements in the Drayton Harbor watershed. Drayton Harbor is one of two shellfish protection districts.

David recommended seeing if the City of Blaine would implement a density program. Alex J said there is not huge density demand in Blaine. If the CEP has not received a lot of funding from the Density Credit Program, it may not be the most helpful funding source. Lauren said she would follow up with PDS staff to learn more about the success of the program.

Chapter 2 of the [Land Use Chapter \(Chapter 2\)](#) references the density credit program and Transfer of Development Rights. Chapter 2 mentions the Open Space tax deferral program as well.

Alex J said it was interesting that the Comprehensive Plan primarily mentions the CEP in the context of the density program. How can the CEP fit into the larger goals of the comp plan *beyond* the density credit? We have a lot more demand for housing and last year, the legislature mandated increased density. The CEP should be mentioned in the Comprehensive Plan beyond transfer of development rights. How can we strategically use this program to fill gaps around zoning policies?

Lauren said it was interesting that Policy 2UU-4 (below) does not mention the open space program, but mentions the CEP.

Policy 2UU-4: Support the retention of open space and open space corridors through the use of education and incentives, such as Conservation Easement Program, density bonuses within UGAs in association with the density credit Program.

David said open space corridor maps are referenced in the Comprehensive Plan. Lauren said the CEP does not require public access. Alex mentioned sometimes a trail easement will be included in the conservation easement, but majority of conservation easements are working agricultural land. The only CEP easement with public access is the DNR Seed Orchard. Lauren said as we see an increase in forestry conservation easements, there may be more opportunities for public access.

Chapter 8 ([Resource Lands \(Chapter 8\)](#)) of the Comprehensive Plan mentions the 100,000 acre goal for agricultural land. An Agricultural Strategic Plan was also developed by the Agricultural Advisory Committee and identifies the CEP as the tool for farmland preservation. CEP can't get us entirely to the 100,000 acres, it doesn't work quick enough – but it can be used as one of the tools for farmland preservation. David said the Agricultural Strategic Plan should be mentioned. David said that Buy-Protect-Sell should be mentioned when “zoning and other measures” is listed – perhaps this should say zoning “and voluntary measures” or “and incentive-based conservation mechanisms.” We should emphasize that the CEP is voluntary and incentive-based. It would help to mention that the CEP works with willing landowners.

David asked how we can recommend changes in this language for the Comprehensive Plan update. Lauren said the CEPOC could prepare a letter and send representatives to the joint committee. Alex H mentioned the county executive invited various advisory committees to provide high-level comments on the Comprehensive Plan update, but the CEPOC was not formally invited because they're not considered an advisory committee. Lauren clarified that CEPOC was not on the council's list, so didn't provide comments. Alex J said the CEP should have some dialogue with the Ag Advisory Committee about how to coordinate efforts to protect farmland

Lauren and David agreed that in the forestry section, something should be added about the CEP – we didn't add forestry to the CEP until 2019, which was after the 2016 Comprehensive Plan update. We can purchase development rights in rural forestry. David asked Lauren to draft a policy statement that CEPOC could review at the next meeting, and Lauren agreed to do so.

Lauren said the CEP is mentioned as the only program through Whatcom County for farmland preservation and sometimes is mentioned as the only option, but there may be other incentive options to help accomplish this goal. Trevor said he'd like to spell out the other tools to protect farmland – like to see more emphasis on other pathways.

Trevor asked how many acres we're at now toward the 100,000-acre goal. Lauren estimated 83,000 acres in the Agricultural Zone. An additional 28,000 acres were identified in the Rural Zone in the Rural Study Areas. Lauren mentioned she is collecting data for agricultural reserve tracts associated with an Agricultural Short Plat to identify additional acreage protected from development.

David mentioned that at the last meeting, he and Paul volunteered to sit on the committee that brings together other committees. Trevor will be there through the Food Systems Committee. Trevor said there needs to be an actual plan for protecting farmland if we're going to be successful in protecting 100,000.

Buy Protect Sell

Lauren said that no edits made yet to the original draft. Lauren discussed comments received on the Buy-Protect-Sell (BPS) application materials. Lauren said that American Farmland Trust (AFT) referenced "Buy, Protect, Sell" is not very intuitive and recommended the "Farmland Access Program" that follows the BPS model. David brought up that Henry Bierlink had raised the concern that the BPS program might be in competition with larger ag producers.

Alex J said there are various ways for this program to be used. BPS could be used to expand a dairy (while decoupling developing rights). But we've mostly been thinking of this on a smaller scale, with less acreage, and focused on beginning and historically underserved farmers. Farm PAI is focused on historically underserved farmers as well. Smaller properties are going to be more threatened with development.

Trevor said we aren't competing with these larger farms as we don't have money to buy big acreage. If it's land that a big farmer wants, they're going to get it over us. They are more likely to know the landowner and have the capital to purchase.

Alison asked if BPS should have an acreage range that we'll be targeting in this program. David had the same question. Alex J said we could specify that we are trying to target specific acreages, but that doesn't limit us if there's a bigger parcel. Trevor said he would be hesitant to put an acreage restriction on this. Lauren said we should also consider if a residence is a requirement. If a bigger farm is expanding, they likely won't need a residence on the new parcel. David said BPS will seek grant funds that prioritize underserved communities – that also differentiates this.

Alex J said it might be interesting to talk to Whatcom Family Farmers and the WIDs and asked for feedback from larger farmland owners. We have struggled to engage with the large landowners to engage in PDR/CEP work. Trevor said it would be great to get a few larger farmers to join the CEPOC.

Alison asked what counts as a beginning farmer or a historically underserved farmer? Alex H said the USDA defines beginning farmers as farmers who have operated a farm or ranch for not more than 10 consecutive years. [USDA website with these definitions](#).

Trevor had to leave early. Quorum ended at 9:32am.

Alex J said we should table this discussion so we have time at the next meeting to get into the details. Lauren said she could redline the document to include all the comments in.

Lauren briefly discussed some of the important comments:

- Recommended to translate application to Spanish and Punjabi.
- Alex H recommended an ad hoc subcommittee that is more representative of beginning or historically underserved communities to finalize the materials for BPS – that way we don't have to permanently host two committees in the future.
- We should expand BPS to more than just food and fiber farmers – also include flower farmers

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- Paul D'Angolo's comments were helpful – recommended changing the criteria format so that are scored to reduce bias potential
 - Less jargon: write the application directly to farmer audience
 - Brainstorm some different name options

At our next meeting, we will revisit BPS and discuss the Comprehensive Plan in greater detail. In July we'll talk about whether to meet in August.

Public Comments

Matthew Whipple said he's a new farmer, interested to learn more about all these new programs. He works as a farm employee on a farm that grows berries and raise chickens and cattle.

Future Agenda Items

- Comprehensive Plan
- Buy-Protect-Sell Update
- New Applications Review

Next Meeting

The next meeting was scheduled for Friday, July 26, 2024, 8:30-10:00 AM. This will be a hybrid meeting with an in-person and remote option.

Meeting adjourned at 9:55am.