

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=K2Y0Y2VBRUlPvKE4WTQvZXRMNytSdz09>

Passcode: cepoc

Friday, May 24, 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)**
 - Meeting Time Discussion
 - Buy-Protect-Sell Update
 - Water Rights Adjudication Presentation Discussion
 - Appraisal Process Discussion
- 5. Public comments (5 minutes)**
- 6. Next meeting (5 minutes)**
 - June 28th, 8:30-10:00 AM- Online and In-Person Option
 - Future agenda items
 - Water Availability & Water Rights
 - Buy-Protect-Sell

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

- April 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
April 26, 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 9 people in attendance. 5 of the 7 voting members; 1 PDS staff member; and 3 Guests).

Attendees – Members	Affiliation	Present
Kershner, Dave	Real Estate	<input type="checkbox"/>
Jones, McKale	Producer	<input checked="" type="checkbox"/>
Schissler, Paul	Incorporated, Non-farmer	<input checked="" type="checkbox"/>
Neely, Burr	Unincorporated, Non-Farmer	<input 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"/>
	Producer	<input type="checkbox"/>
	Agricultural Supporting Program	<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"/>
		<input 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
Rod Erickson	Dairy Farmer	<input checked="" type="checkbox"/>
Corina Cheever	Whatcom Conservation District	<input checked="" type="checkbox"/>
Ali Jensen	Whatcom County Health & Community Services	<input checked="" 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 8:33.

Public Comments

Ali Jensen (Whatcom County Health & Community Services and Food Systems Committee) and Rod Erickson (previous CEPOC committee member) introduce themselves.

Announcements

No announcements at this time.

Approval of Minutes – March

Trevor moved to approve the meeting minutes. Alison seconded. **The motion passed with McKale, Paul, Alison, and Trevor in favor and Alex abstained.**

Updates Since Previous Meeting

Lauren provided an update on the status of the new CEP staff position and RCO grant submittals for the Canyon Creek Forest and Maple Falls Forest properties.

Discussion Items/BusinessMeeting Time Discussion

Lauren provided the results of the new meeting time survey. The results were inconclusive but the general consensus preferred mornings. Lauren recommended meetings earlier in the morning to limit meeting during regular work hours. Trevor mentioned that mornings can be difficult for dairies and most farmers, so it may be more difficult to get producers involved in the committee. Lauren said we could discuss this further at the next meeting.

Agricultural Priority Areas & Rural Study Areas

Lauren provided an overview of the Conservation Easement Program's agricultural priority areas and other tools used to identify properties and outreach that have been used in the past. Lauren discussed the Rural Land Study Report and how it identified parcels in Whatcom County that have agricultural significance and are in Rural Residential zoning. As the Rural Study Areas have identified more development potential and fragmentation risk, the CEP has targeted outreach in R5 and R10 zoning with the majority of the easements in R5 and R10 zoning. Farmland has the highest rate of conversion to residential development in these areas. When considering adjudication, the smaller parcels are less likely to have water rights which is not a requirement of the program. The selection criteria give additional points to properties in the Ag Zone under 40 acres or in the Rural Study Areas.

Lauren then provided an overview of the Agricultural Zone. The CEP only has 9 easements in the Agricultural Zone. It was mentioned in the April meeting that through the adjudication process water availability in the Agricultural Zone is going to be a priority. Trevor asked if we value Ag zoning differently than R5 zoning for development right cost. Paul said it is the before and after easement cost determined in the appraisal. Lauren said we do see a lower cost per acre on AG-zoned parcels compared to R5-zoned parcels because there is less residential development value.

The Agricultural Zone generally matches the high-priority areas determined in the CEP Priority Land Analysis which was developed in 2022. The analysis used various data sets to identify the lowest to highest conservation value for agricultural resources which includes the Rural Study Areas. The moderate to high conservation land generally follows the agricultural zoning as well as the RSAs. Paul said it would be helpful to identify which of the moderate to high-priority areas have water rights.

Water Availability & CEP Targeting & Outreach Efforts

Lauren mentioned that the Ag Zone, Agricultural Priority Areas, and RSAs are the primary outreach areas and will likely rank higher on the rating criteria; however, properties outside of these zones can still qualify for the program as long as they rank above 40 points. Lauren said with fewer applications coming in the last couple of years, prioritizing specific properties or areas has not been a focus, but with the new outreach position, it should be discussed further. Paul said we should determine what type of property owners may apply in these areas and focus outreach efforts there.

Water rights are also not a requirement of the rating criteria, but receive more points if they have a water right. Paul said it would be helpful to see how the appraiser reviews water rights as well. Rod said one issue with water rights is the "use it or lose it" concept that does not incentivize people to use water conservation methods. Alex mentioned some easements have requirements for water rights to be put towards beneficial use, whether on the property or in a water trust or bank that temporarily stores water rights without forfeiting them. Alex also mentioned that we should consider how junior or senior the water right is. Paul said since it will be difficult to get agricultural applications, we could focus on encouraging those with more senior water rights to apply. Allison asked how the water rights would be verified and if the applicant should submit their adjudication claim. Trevor agreed that having information on usage or a copy of the filing claim submitted to Ecology would be beneficial. As it would be difficult to categorize junior or senior water rights in the rating criteria, Alex recommended identifying a specific water right year may be beneficial. Corrina mentioned that the Department of Ecology said the "use it or lose it" rule would only apply after 1967 but unsure if that will matter during the adjudication process. Lauren also mentioned the potential to partner with River and Flood. Alex mentioned that RCO and NRCS do not allow for flood infrastructure, so could not use as a matching funding source.

Paul said we need to identify who would consider applying for this program. Alex said the outreach coordinator could focus on identifying the target audience. Allison also mentioned we should learn what the concerns are and consider those when moving forward. Paul said we should try and find other incentives for landowners in the program, such as carbon credits. Lauren mentioned she submitted properties to the American Farmland Trust to study carbon sequestration on agricultural lands which may be helpful moving forward. Paul also said we should see if priority can be given to properties with easements through the adjudication process. Allison asked about the water trust. Alex clarified there is a state water bank and a non-profit water trust. Allison asked if that is something that is being considered locally and Lauren confirmed it was.

Outreach

Lauren provided an update on the 2024 Outreach Plan. Lauren also provided an overview of the Farm Bureau Newsletter schedule and topic ideas. Trevor had also recommended creating a document comparing developing, selling, or placing an easement on the property that Lauren will prepare. Paul asked if there was an annual budget for the mailers. Lauren confirmed there is a postage and printing budget. Alex asked if we have tried to reach out to the Washington Farm Forestry Association. Lauren said she is scheduled to present to the Washington Farm Forestry Association. McKale asked about the relationship with Whatcom Family Farmers and recommended the Real Food, Real People podcast. Paul said they have historically been involved and have recognized it as one tool for farmers.

Public Comments

No public comments.

Future Agenda Items

- Appraisal Process
- Buy-Protect-Sell
- New Meeting Time Discussion

Next Meeting

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

Meeting adjourned at 9:49 AM.