

# **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/86379014229?pwd=VGJ4OGpBUjZUN2pVZEtkZ1RkbGNqUT09>

Passcode: cepoc

**Friday, July 28, 2023**

**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)**
  - Appraisal Value Presentation with Bob Suttles
  - Review WCC 3.25A Recommended Updates
  - Buy-Protect-Sell Outreach
- 5. Public comments (5 minutes)**
- 6. Next meeting (5 minutes)**
  - August 25<sup>th</sup>, 8:30-10:00 AM- Online and In-Person Option
  - Future agenda items
    - Jen's Editorial
    - Committee Positions
    - Outreach
    - New CEP Position

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

- February 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 8:46.

**Public Comments**

No public comments at this time.

**Announcements**

No announcements at this time.

**Approval of Minutes – January**

Paul moved to approve the meeting minutes. Sean seconded. **The motion passed with all in favor.**

**Updates Since Previous Meeting**

No updates at this time.

**Discussion Items/Business**Vice-Chair Election

The committee held the vice-chair election for the year. Jen nominated Paul S. and discussion was had. **Sean motioned to elect Paul S. as vice-chair, Burr seconded, and the motion passed with all in favor.**

CEP Administrator Transition

Becky announced that she is leaving her position as CEP Administrator and is moving to Whatcom County Public Works Department. She and Steve shared that the CEP Administrator position has been posted internally within Whatcom County. Steve expects there to be a couple months before the position is filled and directed the committee to contact him in the interim. Steve and the committee thanked Becky for her work on the program.

Expanding the Farmer Committee Position/ Adding Positions

The committee followed up on a past discussion regarding changing one of the farmer committee positions to also allow a forestry representative. Alex suggested that the committee also consider creating a position for a Whatcom Land Trust representative, since they are heavily involved with the program. Becky shared the Whatcom County Code 3.25A that defines the committee. She proposed changing one of the farmer positions to read "farmer or forestry representative".

The committee reviewed the code and discussed adding a new position for a Whatcom Land Trust representative or co-holder of easements, in the event that a different land trust holds easements in the future. It was noted that the way the code currently reads, Whatcom Land Trust could not serve on the committee and steward applications through the buy-protect-sell process. Becky recommended adding language to give an exception

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for members with ownership interest in properties undergoing a buy-protect-sell transaction.

Paul S. suggested that the committee consider adding two new positions to keep an odd number. The committee discussed having representation from the Watershed Improvement Districts or another a water-related entity. **Paul S. motioned that the committee gather input from others regarding changes to the CEP Oversight Committee membership, Jen seconded, and the motion passed with all in favor.** The committee will follow up on this at the next meeting. It was suggested to seek input from PDS management, Parks Department, Public Works Department, Whatcom Land Trust, Whatcom Conservation District, and Watershed Improvement Districts.

#### Affirmative Agricultural Conservation Easements

Becky and Jen shared that they have not collected more information on affirmative agricultural conservation easements. Paul S. asked that we have Bob Suttles, an appraiser, give the committee a presentation on how a conservation easement is valued in an appraisal. Paul D. stated that King County staff recently shared information on their pursuit of affirmative agricultural conservation easements and noted that they require a significant lift on the stewardship side of the easement. King County staff had shared that their program would require one additional full-time staff to manage the stewardship of such easements. Paul D. also imparted that in addition to King County, Jefferson County, Marin County (CA), and entities in Pennsylvania have used affirmative agricultural conservation easements.

Alex mentioned that an Option to Purchase at Agricultural Value (OPAV) is used by land trusts in New England, especially Maine. An OPAV allows the holder to buy the land at agricultural value in the event that it cannot be sold to a farmer. Paul D. shared that Washington State law has rules against perpetuities, so an OPAV is not allowed. Washington Farmland Trust has pursued a work-around that allows a 10-year term. Paul D. also stated that the Washington State Conservation Commission is completing an affordability study and will have more information later this year on easement provisions that can be added under Washington law.

#### Conservation Futures Coordination

Paul S. brought up the topic of having more dialogue and a coordinated plan regarding the county's Conservation Futures use. Burr suggested creating a de-facto board position to have other departments sit on the CEP Oversight Committee. Christ Thomsen was recommended as a contact from the Parks Department and Chris Elder for Public Works. **Paul S. motioned to draft a letter to the County Council and Executive with recommendations to coordinate Conservation Futures use between departments. Jen seconded and the motion passed with all in favor.**

Steve suggested the committee give an update to County Council. Becky shared that this could be done through the Council Climate Action and Natural Resources Committee.

### Farmland Access Forum Update

Becky shared that the Farmland Access Forum Steering Committee is on hold until a new CEP Administrator can resume the work.

### **Public Comments**

No closing comments at this time.

### **Future Agenda Items**

- Committee Update to New Staff
- Expanding Committee Positions
- Paul's Letter on Coordinate CFF Use
- Jen's Editorial Update
- Appraisal Value Presentation

### **Next Meeting**

The next meeting was scheduled for Friday, April 28, 2023, 8:30-10:00 AM. This will be a hybrid meeting with an in-person and remote option.

**Meeting adjourned at 10:02 AM.**

DRAFT