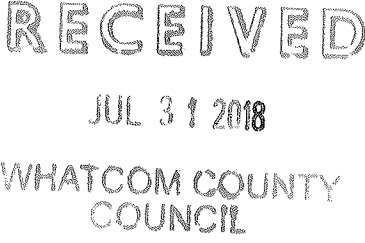


**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2018-223

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	CE	July 26, 2018		8/8/18	Nat. Resources Comm/ Council
Division Head:					
Dept. Head:	MP	7-26-18			
Prosecutor:	<del>AS</del>	7-27-18			
Purchasing/Budget:					
Executive	TM	7.31.18			

**TITLE OF DOCUMENT:**

Resolution Affirming the PDR Oversight Committee Ranking and Authorizing Whatcom County Purchase of Development Rights Administrator to proceed with acquisition process for 2018 applications.

**ATTACHMENTS:**

Memo, Resolution, Purchase of Development Rights 2018 Applicant Ranked list (Exhibit 1)

SEPA review required?    ( ) Yes    ( x ) NO  
 SEPA review completed?    ( ) Yes    ( ) NO

Should Clerk schedule a hearing?    ( ) Yes    ( x ) NO  
 Requested Date:

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** *(If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)*

As required by the WCC 3.25A - Purchase of Agricultural Development Rights Ordinance, applications submitted by landowners interested in participating in the PDR program were reviewed for program eligibility, ranked pursuant to the PDR Guidelines Document, Ranking Criteria, by the PDR Oversight Committee, and matching funds pursued. The ranking by the PDR Oversight Committee is now being submitted to Council. County Council needs to review the ranking as submitted by the Oversight Committee and affirm or modify that ranking list and authorize the PDR Administrator and County Executive to proceed with the acquisition process for Sidhu application and to proceed with the acquisition of title search and appraisal services of the Roper, McLeod, and Vanderwerff applications.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).

**WHATCOM COUNTY**

Planning & Development Services  
5280 Northwest Drive  
Bellingham, WA 98226-9097  
360-676-6907, TTY 800-833-6384  
360-738-2525 Fax



**Mark Personius, AICP**  
Director

## Memorandum

TO: Honorable Whatcom County Councilmembers  
Honorable Executive Louws

THROUGH: Mark Personius; Assistant Director, PDS *MP*

FROM: Chris Elder; PDR Program Administrator *CE*

DATE: July 26, 2018

SUBJECT: PDR Program Update and PDR application Sidhu Request for approval to complete acquisition of agricultural conservation easement

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Dear Executive Louws and Honorable Councilmembers-

The Whatcom County Purchase of Development Rights Oversight Committee (PDROC), in cooperation with long range planning staff, would like to provide an update on program progress, current initiatives, and funding needs. It has been several months since the PDROC has provided an update to council, so we will begin with some program information.

### Background Information

The Purchase of Development Rights (PDR) Program was created in 2002 to contribute to sustaining the farming enterprise in Whatcom County by protecting critically located County farmland. The program is voluntary and pays landowners fair market value for their remaining development rights and places a permanent agricultural conservation easement on the property. The easement restricts future residential development, and restricts (to a certain extent) other impervious surface. Staff develops agricultural conservation easements as the mechanism to retire development rights. This way the farmer gets to keep their land and continue farming activities, but the future residential potential of the land is extinguished. Whatcom County currently partners with the Whatcom Land Trust to perform baseline studies on all properties before closing, and to hold and monitor the easements annually in perpetuity. In the past, the program has received 50-50 cost share for easement purchases from sources such as the Washington State Recreation and Conservation Office's Washington Wildlife Recreation Program (WWRP) Farmland Category, and the Natural Resource Conservation Service (NRCS) Agricultural Conservation Easement Program - Agricultural Land Easements (ACEP-ALE).

Since the PDR program's inception, 919 acres of farmland have been permanently protected from development, and 130 potential development rights have been permanently extinguished through enactment of 19 agricultural conservation easements. The total cost of the transactions (purchase price, Whatcom Land Trust expenses, closing costs, and appraisal fees) is \$6,135,499.10. Of that, Whatcom County's Conservation Futures Fund has paid \$3,225,399.10. The remainder amount was reimbursed back into the Conservation Futures Fund through cost share from the sources mentioned earlier.

## Update on Progress Since 2017

The PDR Oversight Committee last came to Council in September of 2017 to provide a program update and to present recent property applications for approval.

The PDR Oversight Committee and Administrator have completed 3 easements over the past 12 months and have been authorized to proceed with the acquisition of seven (7) additional conservation easements in the order of the approved ranking pursuant to the process outlined in the PDR Guidelines Document as approved under Resolution 2016-029 & Resolution 2017-042. These properties still in process of completion are Cougar Creek Ranch, Matheson, Brar, Greenwood, Carbee, Sigurdson/Neptune Beach, and Broad Leaf Farm (Williams 1).

Since that last update to Council, the current number of active applications is twelve (12) as presented in Exhibit 1 of the attached resolution. Please refer to Exhibit 1 for a breakdown of property characteristics for all current applications. The PDROC has seen and has approved of the ranking for these 12 properties based on the current approved guidelines.

## Match Fund Sources

Whatcom County has been awarded match funding through the Natural Resource Conservation Service (NRCS)' Agricultural Conservation Easement Program- Agricultural Land Easement (ACEP-ALE) Program. This grant provides 50-50 cost share on the purchase price of the following applications(including ones approved for purchase by Council and ones that have not yet been approved by Council):

- Broad Leaf Farm (Williams 1)
- Cougar Creek Ranch
- Matheson
- Sigurdson/Neptune Beach
- Brar
- Carbee
- Greenwood
- Roper
- McLeod
- Vanderwerff

The total match amount is up to \$1,357,500(depending on appraisals)

Staff requested match dollars from the Whatcom Community Foundation- Sustainable Whatcom Fund in the late spring of 2015 and were awarded \$200,000 to be used as match for the purchase of conservation easements.

Staff has used these \$82,500 of these funds for the acquisition of an agricultural conservation easement on the following applications:

- Williams I (Williams 2)
- Williams II (Williams 3)

Staff has also been awarded matching funds through the Washington State Recreation and Conservation Office's Washington Wildlife Recreation Program (WWRP) Farmland Category in the 2016 round for the following applications:

- Cougar Creek Ranch
- Carbee
- Greenwood
- Brar

The total match amount for these projects is up to \$840,000

Staff has applied to this same program in 2018 for the following applications:

- Roper
- McLeod
- TeVelde

These applications represent a \$270,000 request. Ranking for these applications will occur in the fall of 2018 and a notification of award should take place by July of 2019.

Whatcom County staff also applied to the Regional Conservation Partnership Program through the Natural Resource Conservation Service for the Whatcom County Working Lands Conserving Watersheds. This application was awarded for \$1,300,000 to provide matching funds to the purchase of agricultural conservation easements in Whatcom County for the years 2019 through 2022. This grant agreement is currently being finalized and will come back to County Council for consideration sometime in the next couple months.

Additionally, given a strong working relationship with the Whatcom Land Trust, the Whatcom Land Trust board of directors voted to provide a 50% match towards the Sidhu application. This contribution represents the first project that the Whatcom Land Trust has contributed towards the purchase of an agricultural conservation easement through the PDR Program. The total match amount for the Sidhu application is \$40,000.

#### Request

**The PDR Oversight Committee and staff request approval of the current ranked list of properties, authorization for the County Executive and PDR Program Administrator to proceed with acquisition of a conservation easement on the PDR Program's Sidhu application, and authorization to proceed with the acquisition of title search and appraisal services of the Roper, McLeod, and Vanderwerff applications.**

Please contact Chris Elder, PDR Program Administrator, with any questions at (360)778-5932.

SPONSORED BY: \_\_\_\_\_  
PROPOSED BY: \_\_\_\_\_ Planning  
INTRODUCTION DATE: \_\_\_\_\_

**RESOLUTION # \_\_\_\_\_**

**AFFIRMING THE PDR OVERSIGHT COMMITTEE RANKING AND AUTHORIZING  
WHATCOM COUNTY PURCHASE OF DEVELOPMENT RIGHTS ADMINISTRATOR  
AND WHATCOM COUNTY EXECUTIVE TO PROCEED WITH THE ACQUISITION  
OF AN AGRICULTURAL CONSERVATION EASEMENT ON THE SIDHU  
APPLICATION**

**WHEREAS**, Whatcom County government recognizes agriculture as a major contributor to the local economy and a high quality of life for Whatcom County citizens; and

**WHEREAS**, The Growth Management Act and the County Comprehensive Plan support the retention of agricultural lands of long term commercial significance and encourage the use of innovative techniques to do so; and

**WHEREAS**, Ordinance #92-002 enacted a property tax levy known as the Conservation Futures Tax as authorized by RCW 84.34.230 to provide a funding source to assist in acquiring “open space land, farm and agricultural land, and timber land, and a significant Conservation Futures fund balance is available for additional farm land protection efforts ;” and

**WHEREAS**, Ordinance #2002-054 adopted Whatcom County Code Title 3.25A that authorized the creation of a Purchase of Development Rights (PDR) program that offers voluntary farm agreements that include the purchase of agricultural conservation easements on farmable land within Whatcom County, and

**WHEREAS**, Ordinance #2002-054 and WCC 3.25A established a Purchase of Development Rights Oversight Committee to provide review and assistance to the PDR Administrator, and

**WHEREAS**, The Whatcom County Council adopted the PDR Guidelines Document through Resolution #2002-040 which includes specific direction for program administration and conservation easement acquisitions, and

**WHEREAS**, Council, pursuant to PDR Guidelines Document, must affirm or modify the properties as submitted by the PDR Oversight Committee, and

**WHEREAS**, Council has reviewed the application ranking and background materials at a public meeting, with input by County staff and PDR Oversight Committee members, and

**WHEREAS**, Council has determined the ranking in accordance with their policy priorities and the requirements of Title 3.25A and the PDR Guidelines Document, and

**WHEREAS**, Council passed resolution 2016-029 authorizing the PDR Administrator to acquire title and appraisal services for applicants Sidhu, and

**WHEREAS**, The PDR Administrator has contracted appraisal services for all properties listed above, and

**WHEREAS**, The Whatcom Land Trust board approved providing 50% matching funds to support purchase of development rights on the Sidhu application.

**WHEREAS**, The Purchase of Development Oversight Rights Committee met on June 22, 2018 to develop a ranking of all applications received to date and forwarded that ranking to Council; and

**WHEREAS**, The Purchase of Development Rights Oversight Committee considered the ranked list of all current applications and recommended at their May 25, 2018 meeting that County Council authorize the PDR Program Administrator and County Executive proceed with the acquisition of an agricultural conservation easement on the Sidhu application and proceed with title search and appraisal of the value of development rights on the Roper, McLeod, and Vanderwerff applications.

**NOW, THEREFORE, BE IT RESOLVED** by the Whatcom County Council that:

1. The PDR Oversight Committee and Administrator proceed with the acquisition of one (1) conservation easement on the Sidhu application pursuant to the process outlined in the PDR Guidelines Document.
2. The PDR Oversight Committee and Administrator proceed with the acquisition of title search and appraisal services of the Roper, McLeod, and Vanderwerff applications pursuant to the process outlined in the PDR Guidelines Document.
3. The Executive is authorized to enter into a Purchase and Sale Agreement for the Sidhu property, provided:
  - a. Appraisals are completed and conservation easements are drafted which meet the requirements of the Whatcom County Purchase of Development Rights program, and
  - b. Landowners have agreed to the offer price and conservation easement conditions.
4. Expenditure of Conservation Futures Funds are authorized to cover expenses associated with purchase of conservation easements, including title search and insurance, appraisal services and easement monitoring and enforcement fees.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Rud Browne, Chairperson

APPROVED as to form:

\_\_\_\_\_  
Civil Deputy Prosecutor

**August 2018 PDR Applicant Ranking Summary**

Rank	Property/Applicant	Parcel #s	Acres	# of DRs	Priority Area	Zone	Final Score	Final + 15 for funding	Notes	Cost (estimates in gray)	Cost per DR	Cost per Acre	PDR Approval	Appraisal Complete	50% Match Funding Secured	50% Match Funding Secured/Approved	Date of Application
1	Roper	390429130050	26.75	4	No	R5	62.27	77.27	house, plus several ag buildings	\$120,000	\$30,000.00	\$4,485.98	Yes	No	NRCS 2018 ACEP-ALE	Application to WA RCO	December, 2017
2	McLeod	400331212079	16.59	7	No	R2	62.09	77.09	1 house, 1 ADU, 1 outbuilding	\$300,000	\$42,857.14	\$18,083.18	Yes	No	NRCS 2018 ACEP-ALE	Application to WA RCO	December, 2016
3	Vanderwerff	390431263158	19.77	3	No	R5	51.09	66.09	1 house, 1 ADU, additional barns	\$80,000	\$26,666.67	\$4,046.54	Yes	No	NRCS 2018 ACEP-ALE		May, 2016
4	Sigurdson/Neptune Beach	390125496198	15.31	3	No	R5	49.06	64.06	no development	\$80,000	\$26,666.67	\$5,225.34	Yes	No	NRCS 2017 ACEP-ALE		June, 2016
5	Sidhu	400418303325	40	3	RSA	R10	47.44	62.44	no development, retaining 1 development	\$160,000	\$53,333.33	\$4,000.00	Yes	Yes	Whatcom Land Trust		December, 2015
6	VanderVeen	400418485081 400418429058 400418485227	36.9	2	No	AG	60.88		1 house plus ag buildings	\$150,000	\$75,000.00	\$4,065.04	Yes		NRCS ACEP - Wetland		June, 2017
7	Saxon Farm	370517466068 370517458002 370516042012 370520420521	53.55	2	No	AG	57.4		no development	\$100,000	\$50,000.00	\$1,867.41	Yes	Yes	Whatcom Land Trust		February, 2018
8	Chambers & Chambers	390430387437	39.23	7	No	R5	56.97		no development	\$200,000	\$28,571.43	\$5,098.14	Yes				November, 2017
9	Newell	400232451435	20.2	3	No	R5	51.23		1 house plus outbuildings, 13.7 acres	\$80,000	\$26,666.67	\$3,960.40	Yes	No	NRCS ACEP -		January, 2017
10	Hollinsworth	380529329385	80	1	No	AG	55.99		1 house plus outbuildings	\$250,000	\$250,000.00	\$3,125.00	No	No	South Fork NEP		March, 2018
11	TeVelde	410332469169	19.6	1	No	AG	49.23		no development	\$120,000	\$120,000.00	\$6,122.45	Yes		Application to WA RCO		February, 2018
12	Wild Rose Farm	380523208130 380523311085 380523242054 380523311085	115	6	No	R5, RF	38.61		1 house, several outbuildings	\$350,000	\$58,333.33	\$3,043.48	No	No			November, 2017
<b>TOTALS</b>			<b>482.9</b>	<b>42</b>						<b>\$1,990,000</b>							
										<b>Estimated Cost</b>		<b>Natural Resource Conservation Service</b>					
<b>Criteria</b>		<b>Weight</b>								<b>NRCS</b>		<b>Agricultural Conservation Easement Program - Agriculture Land Easement</b>					
Land Evaluation		0.33								<b>ACEP-ALE</b>		<b>Recreation and Conservation Office</b>					
Site Evaluation		0.33								<b>RCO</b>		<b>Washington Wildlife Recreation Program</b>					
Special Considerations		0.22								<b>WWRP</b>							
Bargain Sale Opportunity		0															
Bonus		0.12															
<b>Total</b>		<b>1.00</b>															
																<b>Recommended Cut-off Score: 40 pts</b>	