

Ag Land Program – Technical Review Committee

Meeting Notes

Monday, Sept. 8, 2008

2:30 – 4:30 pm

Members Attending:

<input checked="" type="checkbox"/> Larry Stoner	<input checked="" type="checkbox"/> Dick Yoder	<input type="checkbox"/> Greg Ebe
<input checked="" type="checkbox"/> John Gillies	<input type="checkbox"/> Bill Querhn	<input type="checkbox"/> Bob Tull
<input checked="" type="checkbox"/> Vicki Hawley	<input type="checkbox"/> Doug Dostal	<input type="checkbox"/> Chuck Antholt

Others Attending:

<input checked="" type="checkbox"/> Paul Grey	<input type="checkbox"/> Mary Dickenson	<input checked="" type="checkbox"/> Henry Bierlink
<input checked="" type="checkbox"/> Samya Lutz	<input type="checkbox"/> David Stalheim	<input checked="" type="checkbox"/> Dean Martin

x = attending

o = absent with notice

1. Review agenda, August 18 meeting notes – The notes were reviewed. Larry commented that section 4 should read “Larry is continuing to work on suggestions for proposed code changes”. The TRC asked if the letter requesting Samya’s continued involvement was sent. Henry had sent it. Paul reported that the administration was agreeable to keeping Samya involved in the TRC process through its completion.

Paul made several announcements and distributed information to keep the TRC informed about:

- The local Growth Management Coordinating Council
- An effort in Klickitat County to create voluntary ag districts
- A recent Smart Growth conference where TDR’s were featured in a report from the Cascade Land Conservancy.

Paul noted Barbara Brenner had attended this conference and wanted the TRC to know she had been proposing new siting requirements for residences in ag areas. The TRC agreed that this was an idea that needed more exploration and that we had not given it adequate consideration. The AAC had been examining this idea but nothing had resulted as yet. The County had developed an RFP to seek help on siting criteria but that is suspended for budget reasons. The TRC would like to see further consideration of siting criteria, perhaps as part of the parcel reconfiguration concept.

2. Meet Dean Martin, Senior Planner with ag responsibilities – Dean introduced himself and the TRC members introduced themselves to Dean. He welcomed the chance to engage in some “big picture” discussions about land use in Whatcom County and to help implement the policies that can help deliver the vision we want to see for the County’s future.

3. Draft of TRC Recommendations - Several tables summarizing the tools we've considered were distributed.
- List of tools and definitions
 - List of Advantages and Disadvantages of each tool
 - TRC recommendations and comments on each tool

The first several tools and their definitions, advantages and disadvantages, and comments and recommendations were discussed.

- a) Purchase of Development Rights – A generally accepted tool. There is some hope that it could be made more proactive in its implementation. Henry noted that he hoped that there may be ways to move the program beyond an application driven program to a strategically applied one where the County, or a third party, could purchase quality ag parcels that are highly vulnerable to conversion, sell the development rights to the PDR program, and return the parcel back to the market as protected ag property.
- b) Lease of Development Rights – This concept deserves more thought. It is more focused on buying “time” then on buying long term “protection”. The idea of including a lease with an option to buy was suggested.
- c) Transfer of Development Rights – It was again noted that the difficulty with this concept was identifying proper receiving areas. It was agreed that while the TRC was not the place to identify actual receiving areas the TRC had an important role in suggesting where the County should try to locate them. The TRC suggests the County consider the following as place to relocate development rights:
 - i. Urban Growth Areas
 - ii. Increased density zones within cities
 - iii. Increased density zones within the County – i.e. converting rural 5 and 10 to higher density zones
 - iv. Creating new cities
- d) Ag Protection Overlay (APO) /Clustering – A litany of problems with the implementation of the current APO were discussed. The conflict with Critical Areas protection and the codes requiring setbacks and well and septic placement have seldom resulted in significant protection of ag land – which is the intent of the APO. John suggested we get a WWU student to do a study of the APO, its intent, history, and result. Henry will check into this. A complete rewrite of the codes related to locating houses in ag and target rural zones may be needed. This might include the siting criteria mentioned at the beginning of the meeting.
- e) Open Space Designation – The TRC has been positive about keeping the ag open space tax relief program working but is suggesting two possible revisions. One is to add ag facilities attendant to the farming enterprises as eligible for open space ag tax classification; the second recommendation is to limit the use of ag open space to actual farmers, not rural dwellers enjoying reduced taxes and not providing the economic activity generated by a farm.
- f) Right to Farm Ordinance – Vicki observed that this ordinance had helped them in a nuisance complaint against their farm. The TRC felt the ordinance was working

reasonable well and that it was important to keep it strong. One possible addition would be to require those who bring nuisance lawsuits against farmers to pay for the legal bills of the farmer and all court costs if the suit is determined to be frivolous.

4. Public Forums – Paul presented an update for the plans for the upcoming forums. Dates will be October 1st in Bellingham, October 14th in Lynden, November 6th in Bellingham, and November 12th in Lynden. Paul asked the TRC to consider if information concerning the TRC’s recommendations should be distributed to the audiences. Since the TRC is scheduled to finalize their recommendations October 20th it was determined to not release the tentative recommendations for the first round of meetings but to release them for the November meetings. Paul noted that invites and public notices are going out soon. He also noted that he and Henry would be participating in a KGMI talk show on the subject the afternoon of Sept, 17th.
5. Fall Ag Committee retreat – Samya presented a plan to discuss ag land preservation strategies with Ag Advisory Committee, PDR Oversight Committee and TRC. She is trying to arrange a date that works for the majority. November 1st – a Saturday morning – was the tentative time chosen.

Meeting Schedule

September 22
October 6
October 20

November 3
November 17
December 1

December 15