

# Ag Land Program – Technical Review Committee

## Meeting Notes

Monday, Sept. 22, 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 checked="" type="checkbox"/> Bob Tull
<input checked="" type="checkbox"/> Vicki Hawley	<input checked="" 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, September 8 meeting notes – The TRC ok'ed the addition of a few updates to the scheduled agenda. The meeting notes from the September 8<sup>th</sup> meeting were approved.
2. Updates
  - Defining “Rural” – Makers Study  
An agenda for an upcoming meeting with the Makers consulting group was distributed. This group is seeking to help the County with rethinking the “rural” zones and coming into compliance with GMA. It was noted that there was a large overlap with the work of the TRC.
  - Ag Acres – Assessor  
A report from the Assessor on the changing nature and value of the acres enrolled in the ag open space tax code was distributed. It revealed that just over 105,000 were currently enrolled. It was agreed that while this presented “a” picture of how much farmland we have it was not the only, or the best, measure of the amount of farmland or the rate of loss. Other sources of data include the total acres in ag zoning and the rural target areas (103,459) and the USDA Ag Census which is conducted every five years (last census in 2002 listed 148,000 acres). Paul noted that an article in a local publication had cited the USDA as documenting a 23% loss of farmland between 1997 and 2002. He was checking with the source to determine if this data is accurate.  
  
The confusion over how many acres we actually have and the lack of accurate knowledge of the rate of loss presents challenges to the public acceptance of the entire Ag land Program. It also makes it difficult to determine if the effective implementation of the tools we intend to suggest actually make a positive difference in stemming the rate of decline.

A discussion about what the Council wants us to protect was held. It seemed clear to most that the point of this process was protection of “commercially viable” farmlands was the goal not merely protection of every acre of land that currently remains in some sort of ag classification. Bob discussed the idea of focusing on “intensity” rather than just “density”. Current zoning is all density based but this may miss the mark for some areas.

3. Draft of TRC Recommendations - review, edit, add/subtract, updated table of tools

- Down zoning – further discussion occurred over this idea despite a general consensus that the TRC would not be recommending it as a standalone tool. Henry noted that some other TDR programs around the country had incorporated down zoning into the toolbox and then used the TDR program as the means of reallocating value. There was skepticism about how this might work and still honor the goal of not “taking” value from current landowners. The tool will be listed in the toolbox with an amended Advantage that reads “Elimination of a portion of the development rights in targeted ag areas”. Also part of the Definition will read “Some jurisdictions couple downzoning with a TDR program.”
- Conservation Easements – The Whatcom Land Trust, and a few other entities, have encouraged and held conservation easements on various parcels of Whatcom County lands. A federal tax law change regarding voluntary conservation easements is creating additional incentives to consider such a donation as part of farmer’s tax or estate planning. A November mtg. for farmers and tax and estate planners is being organized by Farm Friends and WLT.
- Parcel Reconfiguration - Larry felt that we might want to consider renaming this tool but most felt that parcel reconfiguration was understandable and descriptive. DR shuffles would become known as DR transfers. Lot-line adjustments would be part of the elements that make up this tool. There was some discussion about if and how to limit the scope of these projects. Some felt we should start slow and limit this tool to family estates. Others felt that if it worked for anyone it should work for all. This would include hearing proposals from multiple owners. This tool will require an active and informed Ag Advisory Committee to make recommendations on the proposals that benefit ag. Henry and John discussed an idea that there may need to be a quid pro quo for approved parcel reconfigurations/development right transfers. Will the public benefit as much as the landowner if we don’t require either a fee or a percentage of the development rights to be deposited in the density bank? Another way to achieve a quid pro quo may be to require that the development rights transferred within the ag areas be required to forgo the ag open space classification.

Dean mentioned that in some areas residences have to be approved as conditional uses. For an example there is no implied ability to locate a house in an industrial zone without going through a conditional use process. Should ag consider this? It was agreed that there is logic in that argument but that most landowners are reluctant to go there recognizing it would add more restrictions on their current rights and values. Siting criteria was also discussed. No decision on these ideas yet.

- Acquisition and Leaseback/Resale – The advantages and disadvantages of this tool should be reworked. Advantages: Short term protection tool. Can be combined with other tools to achieve long term protection. Adaptable, can be quickly implemented. Disadvantages: Needs large upfront cash infusion. Public agencies can be poor land managers.
- Natural Resource Banking – Understood as a needed component of a TDR program. Could also increase effectiveness and efficiency of PDR program. Bob noted Troy Holbrook had prepared an extensive report on the need for a TDR bank. The idea of linking in other resource concerns (i.e. wetland mitigation, water rights, carbon credits, etc.) complicates the possibility of actually getting the bank off the ground but is a wise future vision.

4. Public Forums – October 1<sup>st</sup> in Bellingham, October 14<sup>th</sup> in Lynden, November 6<sup>th</sup> in Bellingham, and November 12<sup>th</sup> in Lynden. Paul reported that 2,600 postcards had been mailed to the audiences that had received the survey. The media has also been alerted and were helping to get the message out. Discussion leaders for each breakout table were being recruited. Paul encouraged TRC member to attend and participate and primarily listen to how the public views the work we’ve been engaged in.
5. Fall Ag Committee retreat – November 1<sup>st</sup> from 9-1 at the WECU in Ferndale - discussion over ag land preservation strategies with Ag Advisory Committee, PDR Oversight Committee and TRC. Samya has Don Stuart of the American Farmland Trust and Jeremy Eckert of the Cascade Land Conservancy coming to help. John is helping us find a facilitator. He will contact George Boggs.

Aug. – Dec.	Expand public discussion of resource land protection programs
October 20 <sup>th</sup>	Agree on Internal draft of TRC’s recommendations
November 17 <sup>th</sup>	Finalize draft recommendations to the County Council, Executive
December 3 <sup>rd</sup>	Present draft to Ag Advisory Committee, Natural Resources Committee
January 15 <sup>th</sup>	Present final recommendation package to County Council

Meeting Schedule

October 6	November 17
October 20	December 1
November 3	December 15