



Whatcom County

COUNTY COURTHOUSE
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Agenda Bill Master Report

File Number: AB2021-029

File ID:	AB2021-029	Version:	1	Status:	Approved
File Created:	01/05/2021	Entered by:	RSnijder@co.whatcom.wa.us		
Department:	Planning and Development Services Department	File Type:	Resolution		
Assigned to:	Council Natural Resources Committee	Final Action:	01/26/2021		
Agenda Date:	01/26/2021	Enactment #:	RES 2021-004		

Primary Contact Email: rsnijder@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Resolution affirming the PDR Oversight Committee ranking and authorizing Whatcom County Purchase and Development Rights Program Administrator and Whatcom County Executive to proceed with the acquisition of conservation easements on the Lakeland Foundation, Jones-Bishop, Martin, VanderWerff, Kiera-Duffy Forestry, and Kiera-Duffy Ecological applications

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

PDR Program update, please see attached staff memo for full summary.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
01/26/2021	Council Natural Resources Committee	RECOMMENDED FOR APPROVAL	
		Aye: 2 Donovan, and Buchanan	
		Nay: 0	
		Absent: 0	
		Abstain: 1 Elenbaas	
01/26/2021	Council	APPROVED	
		Aye: 5 Browne, Buchanan, Frazey, Kershner, and Donovan	
		Nay: 1 Byrd	
		Absent: 0	

Abstain: 1 Elenbaas

Attachments: Staff Memo, Proposed Resolution, Applicant List, PDR Program Presentation (1/26/2021)

SPONSORED BY: _____
PROPOSED BY: _____ Planning
INTRODUCTION DATE: _____

RESOLUTION # 2021-004

**AFFIRMING THE PDR OVERSIGHT COMMITTEE RANKING AND AUTHORIZING
WHATCOM COUNTY PURCHASE OF DEVELOPMENT RIGHTS PROGRAM
ADMINISTRATOR AND WHATCOM COUNTY EXECUTIVE TO PROCEED WITH
THE ACQUISITION OF CONSERVATION EASEMENTS ON THE LAKELAND
FOUNDATION, JONES-BISHOP, MARTIN, VANDERWERFF, KIERA-DUFFY
FORESTRY, AND KIERA-DUFFY ECOLOGICAL APPLICATIONS**

WHEREAS, Whatcom County government recognizes agriculture and forestry as major contributors 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 and forestry 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 Program 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, Ordinance #2018-065 amended Whatcom County Code Title 3.25A to direct the PDR Program to also offer voluntary agreements to purchase forestry and ecological conservations easements on working forestlands and important ecosystem areas within Whatcom County; 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, The Washington State Recreation and Conservation Office has approved matching funds to support acquisition of the agricultural and forestry conservation easements on the Jones-Bishop and Kiera-Duffy Forestry projects; and

WHEREAS, The Ag Mitigation Fee established to mitigate for impacts to agricultural lands provides matching funds to support acquisition of the agricultural conservation easements on the Martin and VanderWerff projects; and

WHEREAS, The United States Department of Agriculture will review applications for the request for matching funds to support acquisition of the agricultural conservation easements on the Lakeland Foundation and Jones-Bishop projects; and

WHEREAS, The Kiera-Duffy Ecological project has agreed to a 50% bargain sale; and

WHEREAS, The Purchase of Development Oversight Rights Committee met on December 4, 2020 to develop a ranking of active applications received to date and forward that ranking to Council; and

WHEREAS, The Purchase of Development Rights Oversight Committee considered the ranked list of active applications and recommended at their December 4, 2020 meeting that County Council authorize the PDR Program Administrator and County Executive to proceed with the acquisition of conservation easements on the Lakeland Foundation, Jones-Bishop, Martin, VanderWerff, Kiera-Duffy Forestry, and Kiera-Duffy Ecological applications.

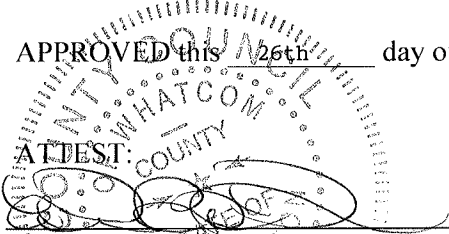
NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that:

1. The PDR Oversight Committee and Administrator proceed with the acquisition of six (6) conservation easements on the Lakeland Foundation, Jones-Bishop, Martin, VanderWerff, Kiera-Duffy Forestry, and Kiera-Duffy Ecological applications pursuant to the process outlined in the PDR Guidelines Document.
2. The Executive is authorized to enter into a Purchase and Sale Agreement for the Lakeland Foundation, Jones-Bishop, Martin, VanderWerff, Kiera-Duffy Forestry, and Kiera-Duffy Ecological properties, 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, and
 - c. Budget authority has been adopted by the Whatcom County Council.

3. Expenditures of Conservation Futures Funds, within budget authority, are authorized to cover expenses associated with purchase of conservation easement, including title search and insurance, appraisal services, easement monitoring and enforcement fees.

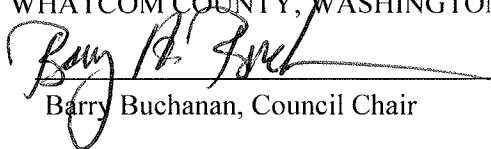
APPROVED this 26th day of January, 2021

ATTEST:



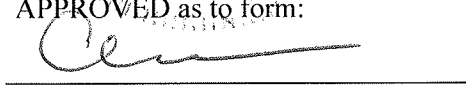
Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Barry Buchanan, Council Chair

APPROVED as to form:



Civil Deputy Prosecutor