

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

RESOLUTION # _____

**AUTHORIZING WHATCOM COUNTY CONSERVATION EASEMENT PROGRAM
ADMINISTRATOR AND WHATCOM COUNTY EXECUTIVE TO PROCEED WITH
THE ACQUISITION OF A CONSERVATION EASEMENT ON THE JACOBY
APPLICATION**

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, Ordinance #2021-037 amended Whatcom County Code Title 3.25A to change the program name to be the Whatcom County Conservation Easement Program (CEP); and

WHEREAS, Council, pursuant to Conservation Easement Program Guidelines Document, must affirm or modify the properties as submitted by the CEP Oversight Committee; and

WHEREAS, Council has reviewed the application ranking and background materials at a public meeting, with input by County staff and CEP 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 Conservation Easement Program Guidelines Document; and

WHEREAS, The Washington State Recreation and Conservation Office has approved matching funds to support the acquisition of the agricultural conservation easements on the Jacoby project; and

WHEREAS, The CEP Oversight Committee met on January 26, 2024 to develop a ranking of active applications received to date and forward that ranking to Council; and

WHEREAS, The CEP Oversight Committee considered the ranked list of active applications and recommended at their January 26, 2024 meeting that County Council authorize the CEP Administrator and County Executive to proceed with the acquisition of a conservation easement on the Jacoby application.

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

1. The CEP Oversight Committee and Administrator proceed with the acquisition of one (1) conservation easement on the Jacoby application pursuant to the process outlined in the CEP Guidelines Document.
2. The Executive is authorized to enter into a Purchase and Sale Agreement for the Jacoby property, provided:
 - a. Appraisals are completed and conservation easements are drafted which meet the requirements of the Whatcom County Conservation Easement 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 _____ day of _____, 2024

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

APPROVED as to form:

/s/ Royce Buckingham via email/LB

Civil Deputy Prosecutor