

SUMMARY

PDR Oversight Committee

August 22, 2008, 8 AM

Agricultural Service Center

6975 Hannegan Road

Members present: Rod Erickson, John Gilles, Allison Aurand, Barbara Dykes (phone-in); Staff: Samya Lutz, PDS; Guests: Dean Martin.

1. Public Comments

There were no public comments.

2. Review of minutes

The June 20, 2008 meeting minutes were reviewed and approved.

3. Discussion of current PDR transactions

Samya reviewed what has been happening with the top-ranked 3 applicants. All have signed Agreements Covering Terms of Sale and are proceeding toward closing. Both the Bouchard & Tjoelker purchases have been approved before Council. The Bauthues purchase will come forward to Council on September 9.

Some complications are present on the Bauthues purchase regarding the retention of one development right. Mr. Bauthues believed that means the right to build a residence plus an accessory dwelling unit (ADU), as allowed by law (smaller unit in close proximity to main dwelling). Samya has had discussions with the Whatcom Land Trust, USDA, and appraiser about this issue. The WLT feels that easements are a negotiation process with no right or wrong formula. The key is to make sure that the appraised value accurately reflects the stated assumptions. The appraiser clarified his assumption was that only the right to subdivide would be extinguished – in his mind retaining a development right means the right to develop on one parcel as defined by zoning code (which in this case means also the allowance of an ADU). Currently, the easement has language limiting square footage of both buildings, as well as limiting total impervious surfaces on the property. The residences would only be able to locate within the defined ‘farmstead’ (as put forth in the WLT baseline data). The consensus of the committee was that this allowance is okay now for the Bauthues purchase, but in the future there is interest to clarify & be as consistent as possible with the easements. If no ADUs are desired, we’ll need to communicate that up-front to the applicants and the appraiser.

4. Discussion of other PDR activities

John gave an overview of recent Farm Friends TRC discussions, and the upcoming public forums planned for early autumn. The conversation was supplemented by materials handed out on the public forum agendas, and materials listing farm preservation tools, definitions, pros/cons, cost, and recommendations for or against by the TRC. The tools are at the center of TRC discussions as they work to identify strategies and priorities for preserving ag lands following up on the Rural Lands Study.

Allison had a number of comments on the tools list:

- Under the PDR definition, development rights are retired (not extinguished) in exchange for compensation.
- Also under the PDR definition, landowners sell a residential development right (not agricultural development right) and retain ownership (not full ownership) and use of their land.
- Under PDR disadvantage, there is a small impact in acres protected on an annual basis, unless the program is paired with a leveraging tool like installment purchase agreements.
- Under TDR funding source, companies who desire to develop parcels pay for the development rights with additional funding required to administer and monitor the program (by government or other administering agency).
- Under Clustering disadvantage, add “no reduction of the need for services and infrastructure” as any development in these outlying areas requires relatively expensive services as compared to retiring the densities or transferring them to more urban areas.
- Under Lease of Development Rights disadvantage, add that it is also difficult to value as no consistent method exists for appraising the leased value of development rights.

Samya showed some of the GIS analysis on the computer being used to help consider prioritization. On a section-by-section basis, they are looking at the relationship of large ag parcels (defined currently as ≥ 35 acres) to small ag parcels (defined currently as ≤ 17 acres) within each section in the ag zone, and focusing on parcels with available development rights, as well as soil types, and family ownership groupings.

5. Fall retreat possibility

The group checked in on this idea that was brought up at the last PDR meeting. There is a desire to hold a half day retreat in Oct/Nov of this year together with the Ag Advisory Committee members and the Farm Friends TRC members. Possible agenda items include:

- TRC presentation of their thinking on the tools they are putting forward as recommendations;
- Guest speaker (Mary Heinricht or ?) to focus on practical aspects - discuss tools and how they are working in other areas of state/country (all those tools on list + others - specifically installment purchase agreements, ?);

- Dialog amongst all committee members to discuss ag land preservation priorities;
- Jones & Stokes representative to gather input related to their contract with the county to update the Comprehensive Plan for 2011.

Samya will follow-up on this idea with PDS management, other committees, and take preliminary steps to identify tentative dates and venues (John suggested a venue near Lake Samish). We will discuss further at the next PDR Oversight Committee meeting.

6. Committee vacancies

This committee is still shy two members (farm supplier, banking/real estate). Paul Schissler has expressed interest in joining the committee and has real estate expertise. He was involved during the formation of the PDR program.

7. Next committee meeting

The next meeting of the PDR Oversight Committee is planned for Friday, Sept 19th.

Signed,

Rod Erickson, Chair PDR Oversight Committee