

**Skagit County Conservation Futures Program Advisory Committee
(CFAC)**

Meeting Minutes

Tuesday, June 11, 2013

Members in Attendance:

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| Keith Wiggers | Carolyn Kelly | Mike Hulbert |
| Alan Merritt | Andrea Xaver | |

Staff in Attendance:

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| Kendra Smith, Program Director | Linda Christensen, Skagit County |
| Ryan Walters, Skagit County | Dale Pernula, Skagit County |
| Dan Berentson, Skagit County | |

Others in Attendance:

Allen Rozema, Skagitionians to Preserve Farmland
Eric Nelson, Skagit County Monitoring Contractor

Open

Meeting opened at 7:10 a.m.

Meeting Minutes

Keith Wiggers suggested that the CFAC receive draft meeting minutes for review as soon as possible, not a day or two before the next CFAC meeting.

Mike Hulbert moved to approve the May 14, 2013 meeting minutes as presented, correcting a couple of typos and Keith seconded. The motion passed.

Member Update

Alan Merritt spoke about USDA funding generalities.

Financials

Kendra Smith said that two separate private Farmland Legacy donations were received: One in memory of Ralph Sorensen, and the other in memory of Mary Heinricht.

Kendra noted that USDA has not reimbursed the county for the first half payments of payouts made December 2012. Linda will send USDA/NRCS in Olympia another reminder e-mail.

Kendra also noted that second half easement payments have been issued for all of the properties that closed last December

Kendra said that the state budget has not been approved. Once the budget session is over we will know if there will be funding available from the Washington State Recreation and Conservation Office (RCO) and the CFAC can make funding decisions for our pending applications. Kendra mentioned that appraisals are starting to expire, however this may not be an issue since properties will still need to have third party review if funded by the RCO. It is an issue ~~as it is~~ for USDA properties.

Kendra is moving forward on two properties (Lee and Kuiper) that have matched funds through Ducks Unlimited. These funds were paid to the county in 2012.

Transfer of Development Right (TDR) Project Update

Kirk Johnson provided an update for the TDR project. He provided a handout describing the TDR discussions to date.

Old Business

Monitoring Update

Eric Nelson reported that as of May 2013, all properties have been monitored with the exception of one. The 2012 monitoring cycle is complete. There were a couple of non-compliance issues that have subdivision issues. Mostly, everything looks good.

Eric submitted a contract renewal proposal to the county. He is ready to start the 2013 monitoring cycle in time to fulfill USDA requirements. Eric said that he would need to start in July in order to meet the USDA deadline.

Keith distributed a monitoring report spreadsheet and this is still in draft form as others are making suggestions to add information. Alan Rozema suggested that private funding partners be added. Keith mentioned that this report is a tool primarily for the federal and state funding partners. Kendra noted that partners are all listed on the master matrix. The monitoring matrix is to show what other agencies are listed in easements and need follow up monitoring results per contracts.

Kendra said there are four non-compliant properties. Carolyn suggested a separate monitoring report for those; something like a check-off list, but separate from the monitoring report that is sent to USDA. A simple matrix or narrative would be nice. Alan is concerned on how properties when sold do not inform the new owners of the conservation easement requirements, especially the rule not allowing parcel divisions. Keith made a suggestion that the title companies should be made aware that the county needs to know when a conservation easement parcel is acquired by a new owner.

Kendra and Eric discussed the 39/1 easements (a Planning Department separation of a parcel with a house and the remaining acres then put into a conservation easement) and how the parent parcel and sectioned off parcels did not get recorded correctly. They are working to get this corrected.

Skagitians to Preserve Farmland Memorandum of Understanding (MOU)

Alan gave an overview of the MOU draft contents and asked the CFAC to review and prepare to present comments at a future meeting. Keith urged the CFAC to move forward cautiously when moving into agreements with the private sector. Keith asks what the county take is on these types of agreements. There was an in-depth discussion regarding the MOU specifics. Dan Berentson said if the county signs this MOU then they should have MOU's with all other private funding partners, i.e. Ducks Unlimited, TNC, Land Trust, WDFW etc. Carolyn Kelly suggested that the CFAC review the draft MOU and bring comments to the next meeting.

New Business

Subdivision and Development Rights

The conservation easement language presented below was used in two easements that are going forward and discussed with Ryan Walters.

B. Subdivision and Development Rights:

- 1. The legal or de facto division, subdivision, platting, partitioning, or planned unit development of the Protected Property is prohibited. Legally-created lots of record existing at the time of recording of this Conservation Easement may be conveyed separately but no other tracts of land may be alienated into separate ownership.*
- 2. The boundary line adjustment of any lot, parcel, or tract that is encumbered, wholly or partially, by this Conservation Easement may only be permitted by amendment of this Conservation Easement per Section XIV.*
- 3. The boundary of the Protected Property may only be changed by amendment of this Conservation Easement per Section XIV.*
- 4. Grantor may not exercise its development rights in the Protected Property, transfer such development rights to any other portion of the Protected Property as it is now or hereafter may be bounded or described or to any other property adjacent to the Protected Property or otherwise, nor use such development rights or the area of the Protected Property for the purpose of calculating permissible lot yield of the Protected Property or any other property.*

Van der Veen Reconsideration

Kendra provided an update, considering USDA allowances for impervious surface. Carolyn asked Kendra to map up different impervious surface scenarios. The CFAC determined to approve this request based on the 5% impervious surface provision given to other dairies in Skagit County.

Monitoring Contract Renewal for Eric Nelson

The CFAC reviewed the contract renewal and recommended the hourly rate be increased to \$70 per hour with a compensation cap of \$35,000 in order to meet the USDA monitoring deadlines. Additionally, the contractor has worked the program well enough and set up files where the yearly monitoring will be done quickly and efficiently.

Alan moved to recommend Eric Nelson's hourly rate be increased to \$70 per hour with a \$35,000 cap on the annual compensation. Keith seconded the motion and the motion passed. Dan Berentson will take the CFAC recommendation to the county administration team for their approval.

The meeting adjourned at 9:15 a.m.

Submitted by: _____

Linda Christensen

Approved by the CFAC Board on:

Chair Carolyn Kelly