

Skagit County Conservation Futures Advisory Committee
Meeting Summary
March 14, 2023

Members in Attendance

Audrey Gravley Owen Peth
Margery Hite Scott DeGraw Trisha Logue (ex-officio)

Members Absent

Keith Morrison Andrea Xaver Jim Glackin

Staff and Others in Attendance

Grace Kane, Skagit County Public Works
Kai Ottesen, Belle Bean Services
Sarah Stoner, Skagit County Public Works

Scott called the meeting to order at 7:05AM.

Review Agenda

Agenda approved.

February 14 Meeting Summary

Audrey made a motion to approve minutes as corrected by Andrea; Owen seconded. All were in favor.

Easement Status, Property Updates

The group discussed updates on the six properties currently in queue for agricultural conservation easements. The queued applicants encompass 730 acres and 15 development rights.

The group discussed status of FLP-175 currently pending a conversion request with Washington State Recreation and Conservation Office (RCO). The conversion is still pending RCO director review.

The group concurred that FLP doesn't want to create potential roadblocks for applicants, for example, regarding use of the H2-A Farmworker Visa licenses managed through the Department of Health. The group discussed the parameters of what defines 'temporary farmworker housing,' for which there is an allowance in the FLP [conservation easement](#). Margery points out that temporary housing refers to the structure being 'temporary housing'; it does not refer to 'temporary use' of housing.

Sarah reports that the second appraiser now on assignment is still pending a completed report.

Marketing & Application Process

The group discussed their preference to keep the FLP application as simple as possible. That means removing all questions that are researched and verified by FLP staff and CFAC members (proximity to other protected properties, etc.). For now, Sarah has made these questions optional rather than required on the application.

Preliminary planning is in the works for the 2022 FLP Annual Report.

Ag Advisory Board Meeting: March 2023

Sarah shared that she attended the March Ag Advisory Board. Members asked her to give a report, and seemed interested to hear current program status. Sarah will attend every three months or so, as possible, given her evening availability.

Quarterly State-wide Farmland Preservation Roundtable: February 2023

Sarah shared that the quarterly state-wide farmland preservation roundtable last month discussed creative easement provisions addressing current and forthcoming issues. Scott points out that our easement doesn't require farming activity. Snohomish Conservation District provided a link to their [Ag Resilience Plan](#). These quarterly meetings are hosted by Washington State Conservation Commission Office of Farmland Preservation.

- Sample Easement Provision Language: Washington Farmland Trust provided a sample of easement provision language can be included at the owner's request; it does not represent all the relevant language incorporated in this easement scenario:

"Notwithstanding the foregoing, as further provided in Section 5.3 below, if Grantor and Grantee mutually agree that commercially-productive agricultural activity is no longer viable on certain portions of the Protected Property, Grantee may allow the protection, restoration, enhancement and management of Habitat Values on those portions of the Protected Property as a Purpose of this Easement even if such activities are inconsistent with maintaining the opportunity for agricultural activity on those portions of the Protected Property."

- Resale formula used in Community Farmland Trust easement:

"If Grantor sells the Protected Property, the purchase price shall not exceed the aggregate of (1) the agricultural restricted value of the land, plus (2) the value of the RDU, which shall not exceed Percent (200%) of the then-median value of the residences in Thurston County, plus (3) the value of all other Improvements, including all other buildings."

WA Legislative Session

Bills of Interest, as provided in the February Farmland Preservation Roundtable.

- [HB 1285](#) - Modifying the scope of locations to which a water right established as a family farm permit may be transferred.
- [HB 1552](#) - Directing the state conservation commission to conduct a study of urban agricultural opportunities and barriers in the state.
- [HB 5156](#) - Expanding the farm internship program.
- [SB 5005](#) - Concerning real property.
- [SB 5107](#) - Increasing the cap on gross sales for cottage food operations.
- [SB 5357](#) - Establishing limitations on detached accessory dwelling units outside urban growth areas.
- [SB 5380](#) - Concerning clean energy siting.
- [SB 5628](#) - Preserving water rights for farmland and economic development

Easement Forum: November 2023

Sarah reported a recent development with Skagitonians Outreach & Education Manager Rachel Sorrels to suggest a joint effort to put together a free community education forum on the county's easement process. Sarah invites CFAC members who have interest in working on the project to let Sarah know.

- DATE: November 15, Wednesday
- LOCATION: Farmhouse Inn, La Conner

New Applicant Review / Property Ranking

FLP 249

The group ranking of FLP applicant #249, comprising 294 acres and 6 potential development rights (pending official Lot Certification). This applicant sits east of existing FLP easements.

The property scored as follows: *Original Criteria 45, Core Criteria 85, Edge Criteria 55.*

The group noted that the location of applicant's land correlates to its scoring value: it scored highest in Core Criteria, scoring criteria developed to emphasize the preservation of a critical mass of farmland.

FLP 251

The group ranking of FLP applicant #251, comprising 100 acres and 2 development rights.

The property scored as follows: *Original Criteria 36, Core Criteria 65, Edge Criteria 39.*

The group noted that the location of applicant's land correlates to its scoring value: it scored highest in Core Criteria, scoring criteria developed to emphasize the preservation of a critical mass of farmland.

Member Updates

Margery discussed a possible tie-in with Farmland Legacy easements for Ag Tourism permits idea.

Financial Summary

The financial summary is updated for 2023.

Monitoring Report

Kai provided an overview of all property monitoring conducted in year 2022. The completed monitoring reviews easement compliance for all properties protected under the FLP umbrella from 1997-2021.

This includes all monitoring completed by the USDA September 1 deadline for preferential scoring, and the County deadline of December 31.

- 187 easements monitored in 2022, of which 70 or so are USDA easements.

Items of note: Kai re-established connection with USDA easement contacts. We now send USDA monitor reports to two USDA people. We also now have their preferred USDA monitoring form. Kai shared that NEST and FRPP numbers in both parties' files were not matching up with USDA's file numbers. Kai resolved the issue this year. USDA has a few easements (FLP-111, 112, 117) that are on a 5-year-only monitoring cycle.

Major monitoring project: Kai's ongoing work to bring the Easement Monitoring Summary database up to date, which includes filling in the spotty to non-existent *impervious surface baseline record*, and the previously spotty notations on changes to impervious for tracking those percentages for each easement.

Kai uses County iMap or Google Earth to stake out the corners of any impervious surface to obtain total existing impervious on each easement. Some easements already were over their impervious *prior* to the execution of the conservation easement with a 2% limitation. Aside from these ‘pre-existing overage’ cases, Kai estimates that fewer than five easements are approaching their surface limitations.

Kai requests getting support on the few easements that seem on the edge of impervious surface calculations to verify those calculations for us, via County Planning if possible. Owen recommends to Kai to be cautious with those iMap overlays and recommends legal descriptions are referenced for the truest measure.

Kai screen-shared the Easement Monitoring Summary excel spreadsheet with the committee. Easement Monitoring Summary columns include: Impervious Surface Permitted, Acreage of Property, Baseline Monitoring Completion Date, Date Observation Completed, Date Report Completed, Report Status.

Administrative

CFAC 2023 Meeting Dates

April 11	July 11	October 10 (tbd)
May 9	August 8 (tbd)	November 14
June 13	September 12	December 12

The meeting adjourned at 9:15 AM