



PIERCE COUNTY

Conservation Futures & Open Space Citizens' Advisory Board

March 10, 2022
CAB Meeting Minutes

The meeting was called to order by Marcello Mancini, Chair, at 6:02 p.m. virtually via Zoom webinar. A quorum was present.

ROLL CALL:

CAB Members Present: Marcello Mancini, Thomas Ginsburg, Kadie Anderson, Lyndsay Gordon, Ryan Hebert, Brett Larabee, Carol Paschal, Jerome O'Leary, Susan Paganelli, Anthony Paulson, Susan Potter, Terry Reid, Heather Shadko, Patricia Villa, Sarah Chun

Staff Present: Kimberly Freeman, Katherine Brooks, Cheryl Saltzman

Maul Foster Alongi: Kate Elliott, ZZ Lundburg

CAB Members Absent: Terry Reid (excused), Ethan Newton (excused), Brett Larabee (excused)

MEETING MINUTES:

Motion: To adopt the February 3, 2022 meeting notes as written. Minutes to be edited to reflect S. Paganelli asked Narrows West question, not S. Potter. Minutes are approved after amending. The motion was moved (Ginsburg), seconded (Paganelli) and passed unanimously.

CF CODE UPDATE

Kimberly introduced our consulting colleagues from Maul Foster Alongi (MFA) Kate Elliott and ZZ Lundburg. An overview of Council requirements, involvement of TAC, Sponsors and CAB was explained, as well as this is one long meeting broken out over several weeks.

Kate shared the Code Matrix for review and explained we'd be looking at the sections listed, including the code, a summary, and staff recommendations.

2.96.010 - Findings and Declaration of Purpose

SECTION A - Purpose of program is to provide long-term protection of high priority ecological areas through acquisition. This purpose is of public interest and benefit.

Question/Recommendation: Does Conservation Futures have value and still serve a purpose in Pierce County? Do you think it should continue? What is the value of the program to Pierce County?

Ryan: Absolutely has value and should continue, especially due to rapid development in Pierce County, losing a lot of green space. This provides opportunities for regular folks to have a voice in supporting land conservation for future use.

Thomas: Definitely in favor of continuation of the program. It offers valuable funding mechanisms to acquire those properties that reflect the core values stated within the code, such as agricultural lands, archeological, historical, open space – everything that is being consumed by single-family zoning monster and open space and rec areas are vital, as we've seen the last two years. Great funding mechanism for non-profits and grants.

Marcello: Also benefits public use. Those tax dollars are being used for the benefit of utilization of spaces. It's critical to maintain that focus as well.

Patty: Without this program, it is incumbent on non-profits and NGOs to do this and they don't have the wherewithal to function at the level required to protect and preserve properties. Beyond public use, we

also have to make sure funding is made available, so the onus isn't on non-profits to raise the funding to protect lands.

2.96.010 - Findings and Declaration of Purpose

SECTION C – Reflects state law and allows for less than fee simple purchase to preserve high priority areas for public use or enjoyment.

Question/Recommendation: Anything less than fee simple purchases increase complexity and timelines. Staff anticipates bring forward some code changes to ensure applicants are prepared to close those complex projects within 2-year time frame.

Marcello asks if the staff would like the board to just look at the specific sections listed or if the whole code is up for discussion. He also asks if these are things we can come back to later.

Kate clarifies that staff has specifically noted certain sections based on previous CAB feedback that they would like summaries and staff comment. While these are the sections being specified, all the code language is up for review and comment by the CAB and up for discussion now or later in the process.

2.96.040 - Establishment of the Conservation Futures and Open Space Citizen Advisory Board

SECTION B – The CAB will be: 1. One person from each council district 2. One person from City of Tacoma 3. One person selected by government of the 4 biggest towns 4. Two people selected by Pierce County Association of Small Cities and Towns 5. One person to represent agriculture 6. Two people at large from unincorporated area All Board members are appointed by the Pierce County executive and have to be confirmed by a majority of the Council. Chair serves two terms, can serve for one additional application and allocation cycle but cannot vote.

Question/Recommendation: Section B provides criteria for composition of the CAB. Overall, the composition provides representation from each council district, large and small cities and at large positions. Staff would like the CAB to consider including Tribal representation on the CAB and TAC. While Tribes cannot hold CF property, they bring historical, cultural and biological knowledge of the area that could be of benefit.

Marcello asks if we would be including all the tribes in the area.

Kimberly clarifies that it would be one tribal representative.

Kimberly and Kate walk through the current requirements of who is on the CAB and the various sectors they represent.

There is confusion about if the tribal representative has the right to vote on the Board, as tribal land and conservation futures land cannot intersect. Staff clarifies that the tribal representative would have the right to vote, and the land policy stands.

Marcello asks if tribal representatives have expressed interest in being on the Board.

Kimberly answers that the County's tribal advisor have inquired about representation on the Board.

Lyndsay asked if they have discussed with the advisor any concerns about ensuring all the tribes are represented.

Kat said they did not get to that level of detail, but she will meet with the Tribal Advisor again to talk more specifically and bring the answers back to the CAB.

Tony suggested staff speak with the NW Fisheries Commission, which has a tribal representative and could be helpful.

Susan Paganelli said that this advisory council is meant to represent the county. We need to include code that acknowledges that tribes are a part of our community, and we need their input. It's important that it is in words and that we have tribal input.

Susan asked if the CAG was locked in at current number of people? How would we implement an addition?

Lyndsay echoed that the tribal voice should be heard, and staff should have an in-depth conversation with the County Tribal Liaison to determine how that should be incorporated.

Marcello agreed with getting more in-depth opinions, then bringing them back to CAB to provide feedback. We should have tribal representation.

Action item – Kat will speak to our Tribal representative advisor about these various questions, figure out best approach and bring that information back to CAB.

2.96.050 - Duties of the Conservation Futures and Open Spaces Citizen Advisory Board

SECTION C – The CAB would join the TAC in their function as an “open forum.”

Question/Recommendations:

Kate explains that there was language in the TAC section 2.96.070 that indicated the TAC provides a forum for open space issues. This could be a joint TAC/CAB function and companion language was suggested in the TAC section. Staff recommends that this also be included in Section 2.96.050 as a new item C listed below.

Kat explains that this came up during the December CAB meeting as the CAB wanted to be serving in a similar open forum manner. When staff found the language in the TAC section, they felt it would be good to also add into the CAB code.

The group agrees to revisit once they see the language in the TAC section.

Kate opens a CAB Discussion: The CAB/TAC have met at least once per year to discuss open space issues. Frequently these have been used to have a deeper dive on conservation values. Are there other subjects or information the Board would like to explore?

Kate clarifies the question as are the way we are doing CAB/TAC meetings right now working? Does that need some thought?

Marcello said he has no qualms with TAC doing deeper dive because it is not my expertise. It's helpful for me to have them.

2.96.060 – Establishment of the Conservation Futures and Open Space Technical Advisory Committee

SECTION A – A Conservation Futures and Open Space Technical Advisory Committee (Committee) is hereby established to assist and make recommendations to the Board.

Question/Recommendation: Proposing change of language to the TAC board definition “A Conservation Futures and Open Space Technical Advisory Committee (Committee), comprised of subject matter experts to cover each of the Conservation Futures’ values is hereby established to assist and make recommendations to the Board. (APPROVED)

Kat says that this was a staff recommendation to clarify between the TAC and CAB so that roles are understood.

Marcello asked if there were any concerns brought up by the TAC regarding how the CAB operates.

Kat clarifies that the TAC was only focusing on their own role, not CAB. They wanted to clearly state that they would do their best to include a broad group of subject matter experts through specific and at-large positions.

Some discussion as to the need for the clarification, which is due to the CAB being overarching and comprised of more political appointees, where the TAC are subject matter experts in various fields and that expertise is necessary to go through the application cycle.

ZZ added that it was brought up related to the making sure that all the required subject matter experts necessary were covered for each topic on application.

2.96.070 – Duties of the Conservation Futures and Open Space Technical Advisory Committee

SECTION A – The TAC makes recommendations to the board based on selection criteria in 2.97 PCC.

Question/Recommendation: Are recommendations and information from TAC helpful and clear? Is there any other input the Board would like from the TAC?

Thomas and Patty agree TAC input is invaluable, the information meaningful, impactful and concise. TAC is technically experienced, and they bring forth insight we may not have considered.

2.96.070 – Duties of the Conservation Futures and Open Space Technical Advisory Committee

SECTION C – The TAC provides a forum for stakeholders to share information about open space protection.

Question/Recommendation: (Similar language added to CAB – TAC/CAB to share responsibilities) Change language to read “The Committee shall join responsibilities with the Board in providing a forum for open space stakeholders to network and share information on opportunities to maximize protection of open space in the County.”

Marcello comments that the language seems straight forward and there are no further questions or comments.

2.97.040 Allocation: PC Action Item: Survey Questions

Kimberly explained that this section covers how applications are taken in, deals with TAC being able to reject applications and overall process. It is basically the CAG review process up to council. She also explained that where have been some issues with projects not closing on time.

Question/Recommendation: Survey of Sponsor will help determine if the 2-year cycle should remain. Frequently projects are not closing. We want to make sure we are properly aligned with funding opportunities.

Susan Paganelli asked if projects not closing has to do with timing.

Kimberly explained that's why we want to survey. We can make assumptions about why, but we will not know for sure. We are wondering if the timeline just too short. Does it need to be aligned on even-numbered years for funding opportunities? We want to explore these questions with sponsors and bring back to the CAB.

Sue Potter asked if staff knew if the application was not closing on time due to obstacles do in application that people are getting hung up on – does the application need to change?

Kimberly explained that the survey will be addressing that as well. They are also having conversations with legal staff and others who interact to get input. She also explained that there are sometimes unforeseen complications with property boundaries or the way the property is established. She wondered if there is something else going on that we aren't understanding.

Kat echoed Kimberly, saying sometimes property comes in and is approved due to improperly filled out paperwork or misunderstanding by property owners. Then they need to go through process to create separate legal law of record that can be sold. I think we have an opportunity to clean up language and add more specificity. This code update and survey will hopefully have a ripple effect and we can go back and look at application to make sure that these things are very clear and easy to follow.

Thomas said that maybe staff should consider adding a title matter or land use expert on TAC who can screen applications, so we can either point out to applicant or offer options, that type of guidance. This way, we aren't utilizing precious time evaluating process and can open that much more financial opportunity.

Susan Paganelli asked when they rank projects, the top-ranking ones get money the first year and second get them next year. Is there a way where we can start the process earlier?

Kat said that the current process is they start with number 1 and if it doesn't close, then they move onto the next. When we get to that section of code we should look. One issue has to do with funding – if we have enough where all projects have funding, then maybe isn't as important to go in that rank order. But if there's a year where more are approved than funding, then you would want to go in rank order as to allocate money appropriately.

Tony asked couldn't we just ask that the legal description of property being presented be provided in application. Legal description would be easy to come up with and may bring up some of these questions.

Kimberly explained under program purpose code, we don't have to purchase everything in fee simple. Program is set up with built in complexity – when someone comes in, they are coming in to find in if they are going to get funded. For them to do boundary line adjustments first, that costs money that they don't have. We must ensure that they understand everything involved from application to closing within two years. Before 2012, department ran programming until money was out. Exploring that with sponsors, but we are now on a two-year cycle because of purpose because of rapid development and how we want to buy up quickly.

Kat explains that prices are escalating at unprecedented rates. What was lots of money in 2019 for projects, as they are coming to fruition, those appraisals are coming in much higher, so they must find additional funding. This adds another layer of complexity.

2.97.040 Allocation: PC Action Item: Survey Questions

Summary Code Section B - Nominations are submitted to the TAC, and their recommendations are forwarded to the Board. The Board must hold at least 1 public meeting before forwarding their recommendation to the County Council. Notice of Board meetings must be posted in the official County paper.

Question/Recommendation: CAB generally holds 4-6 meetings for presentations, scoring discussions. Is this process working smoothly or are there changes CAB would suggest?

Thomas said generally, 4-6 meetings as well as site visits are working out and making process efficient. Patty agrees.

Ryan Hebert mentioned that it may be good to update language to not just be local paper. He suggested adding web notice or something more modern.

2.97.110 – Opportunity Account – An opportunity account is established to allow for acquisition of exception properties outside of the normal selection process. An allocation of CF funds is set aside for such purposes and shall only be used using the process outlined in this section.

Question/Recommendation: Does the CAB feel that the opportunity account should continue? Is it working?

Affirmed by Thomas, Patty, S. Paganelli, Lyndsay.

2.97.110 – Opportunity Account – With the adoption of each annual County budget, the Executive may propose allocating up to \$250,000 from the CF fund be reserved for the Opportunity Account. Any balance in that account shall be carried over in subsequent years, not to exceed \$2,000,000

Question/Recommendation: Is this funding allocation sufficient?

Thomas stated I believe the amount needs to be revised and increased considering the market. The ceiling for the opportunity account should also be adjusted upwards proportionally.

Ryan suggests making the amount a percentage instead of a set dollar amount. We could figure out what the current percent is and then raise it from there.

Lyndsay said they should be looking to increase. She asked how many previous opportunity requests were funded or if this cycle unique because we got to fund everything. If we could pull past data about sufficient or insufficient in the past, that may help inform the solution.

Marcello stated he would not be in favor of raising because in his time, he has never been a time where a project was denied due to funding.

Kimberly agreed that they will put some information on that together before our next meeting. She also clarifies that the Opportunity Account funds do come out of the larger Conservation Futures funds.

Kat explained that if the current Opportunity Account project is moved forward to the CAB, it will likely use all current Opportunity Account funding, so in 2023 the cumulative fund will need to start again.

Kimberly: We will pull together data before next meeting. From off the top of my head, we've never drained the opportunity account, except at the beginning when it was being established. We've never rejected an opportunity account and so far all of the things that have come in closed.

Thomas asks for clarification of where the funding comes from for the opportunity account. Kimberly clarifies that it is Conservation Futures revenues, not Council or Executive.

Kat adds that the Opportunity Account has been building over the years, but if this last opportunity account application moves forward, the account will be drained as of 2022, and there'll be a \$250,000 transfer in 2023.

2.97.110 – Opportunity Account – Properties purchased through this process must comply with the stipulated selection process. 1. The Board must hold a public meeting no more than three weeks after the Executive announces that the Opportunity account be used. That public meeting will evaluate the proposal using Table 2.97.110-1 and recommend to Council. 2. The Executive will submit a resolution with specific details on the purchase and certification of requirements of PCC.97.110 C.

Holding a public meeting within three weeks is very challenging given what needs to be done to prepare for the meeting and the two-week public notice period with meeting the third week.

Question/Recommendation: Staff recommends the following revision:

- 1. Within four weeks of notification from the Executive of a proposal to fund a conservation futures property through the Opportunity Account, the Board shall hold a public meeting to evaluate the proposal using the evaluation categories in Table 2.97.110-1 and make a recommendation to the Council on the proposal.*

Marcello and Lyndsay approved. Lyndsay asked if 4 weeks is enough or if they should make the timeline longer. Marcello asked if this is something they need to decide today, and Kimberly clarified that they are looking for general direction on the code update and the CAB has until June or July to confirm.

2.97.110 – Opportunity Account – Properties purchased through this process must meet the standard selection of 2.97 PCC and: 1. Be considered an 'exceptional opportunity' as defined by receiving at least 60 points or greater; 2. be under significant threat of development of financial stress such that the acquisition would not be possible within the regular application cycle. "Exceptional Opportunity" means a Conservation Futures proposal that will no longer be viable by the beginning of the next application and allocation process and qualifies for at least 60 percent of the available Evaluation points on Table 2.97.110-1 as determined by the Department.

Question/Recommendation: Is the criteria for Opportunity Account appropriate? Should the requirement for a minimum of 60 points be more overtly called out in this section?

Lyndsay asked what the average scores were and where 60 fell on that line.

The CAB discussed the criteria. Patty, Marcello and Thomas agree that it's a good number, though Thomas and Marcello suggest that it is on the lower end in comparison to other projects.

Lyndsay asked the group if 60 is low then, is it correct to be calling it "exceptional."

Thomas responded that they must take into account that flexibility is positive in the opportunity account.

Kimberly asked if the CAB believes that it should even have a set point value.

Marcello said that a “significant threat by development” is the most important part of the criteria and he would support not adding a scoring value.

Lyndsay echoed saying she assumes that they don’t usually have more than one opportunity account applicant at a time, so they are not ranking in comparison to others. If that’s the case, then she agreed on reconsidering the number value as something we want to use.

Marcello asked what happens if we have two opportunities projects at same time? Then what priorities do we want to consider if one wants to use all the funds?

Patty said one of the comments made about points, in the past some projects have not scored very well and have not had conservation future values. So, if they didn’t score high with main purpose of the program, I would not mind keeping minimum point criteria.

Gerome (chat): Isn't this percentage just for "Exceptional Opportunity"? If so, then don't we need to have some form of a base line identified?

Kat explains that the definition of exceptional opportunity as being 60 points is hidden and asks if it should be called out more in the definition.

Lindsay said if we keep that rule, it should be called out more. From past grant management experience, she explained that there should be two thresholds: one is eligibility the other is competitive. Some are competitive because we have enough money. Would be great to have the eligibility weed out those initially so it’s not brought to CAB and wastes time. I’m not sure about 60 thresholds, if two come in we could set up that if there is competition, then we refer to regular scoring and ranking process. Always opportunity to say no so that public funds are spend for public good.

Carol said she would like to see at least conservation values evaluated, one of projects that went through was low in that area.

2.97.110 – Opportunity Account – Once Opportunity Account funds are spent, no additional properties may be acquired until the County Council allocated additional funding to the account.

Question/Recommendation: Should this section include any guidance on when an Opportunity Account should be denied? E.g., minimum funding levels; the same agency is requesting more than one Opportunity Fund within a funding cycle.

Marcello said if keeping 60 or above criteria, then we assume 59 or below its not approved. Interesting that we bring up two agencies in one cycle of funding– should that be allowed? I guess first come first serve, if they have two projects coming up but if there’s a third then there’s no money left. I can support only having one as well.

Thomas said out of fairness, an agency or applicant can only be limited to one chance at opportunity account per funding cycle. Just so we don’t find ourselves going back to council. Min of 60 pts, exception opportunity is 60 pts –it should be overtly called out and defined in this section instead of having to go all the way back to definitions.

Lyndsay echoed Marcello's thoughts and confliction. If opportunity is there then acting fast, but also recognizing we have a variety of different geography we are responding too. Gig harbor coming back each time makes us ask what our duty is to distribute geographically. Consider that east side is underrepresented. Would encourage geographic distributions.

Tony clarified that any changes we make here will not affect the Gig Harbor application or anything currently under review. Katherine confirms.

Susan Paganelli said I'm torn on the one per opportunity, but it's also an opportunity. People who have the capacity and folks to do this already have an advantage. They know the funding process, so we need to look at funding cycles and being aware to "is this a value to the entire community across the county." If someone comes back twice, we need to look at that much harder – do they have an advantage that others may not? Code isn't written for that, but maybe that's something we need to build in and look at critically.

Gerome (chat): I agree with Lyndsay and feel it is a good policy to limit one request One Opportunity Fund per cycle and may help promote a larger geographical involvement.

Tony agreed about this inequity and said for example, larger organizations that could deal with covid got proposals in and smaller ones weren't able to get proposals in. We are always dealing with inequities of large vs small organizations.

- ***Kimberly commented that she appreciates this discussion, we will come back with alternate language and ideas, and appreciates that you are listening to each other and considering each other and hearing a lot of equity questions that we'll be getting into.***

Kat explained that Staff may be sending out the Opportunity Account Application before next meeting. The next section is large so maybe the group would like to keep it separate so as not to break it up.

The group discusses and agrees, the conclude that part of the meeting at 7:45 pm.

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OTHER BUSINESS:

Marcello asked the group if there was any feedback on how the meeting was.

Thomas asked if there was any intention to bring the group together in person.

Kimberly said that as of now, meetings have been noticed as online zoom meetings. They will think about further opportunities.

Lyndsay recommended always having a virtual option.

Thomas responded that for rural folks, zoom provides flexibility but connectivity issues can cause problems.

Kat said they are still waiting on some direction on the opportunity account, but they cannot guarantee when they will get that notification. She said she will get the Board materials as soon as possible.

Marcello asked if there was anything to discuss, no response.

Marcello calls for motion to close meeting to be continued on March 17th at 6pm.

Motion: To continue today's meeting to a time and date certain, Thursday, March 17, 2022. Motion was moved (Ginsburg), seconded (Gordon) and passed unanimously.

MEETING CONTINUED: The meeting was closed at 7:54 p.m to be continued on March 17th at 6 pm on zoom.