



PIERCE COUNTY

Conservation Futures & Open Space Citizens' Advisory Board

March 17, 2022

(Continued from March 10, 2022 Meeting)

CAB Meeting Minutes

The meeting was called to order by Marcello Mancini, Chair, at 6:03 p.m. virtually via Zoom webinar. A quorum was present.

ROLL CALL:

CAB Members Present: Marcello Mancini, Thomas Ginsburg, Kadie Anderson, Lyndsay Gordon, Ethan Newton, Carol Paschal, Susan Paganelli, Patricia Villa

Staff Present: Kimberly Freeman, Katherine Brooks, Cheryl Saltzman

Maul Foster Alongi: Kate Elliott, ZZ Lundburg

CAB Members Absent: Heather Shadko (excused), Jerome O'Leary (excused), Tony Paulson (excused), Ryan Hebert (excused), Brett Larabee, Terry Reid, Sarah Chun, Sue Potter

MEETING MINUTES:

Motion: To adopt the March 10, 2022 meeting notes as written. The motion was moved (Ginsburg), seconded (Paschal) and passed unanimously.

PUBLIC COMMENT: No public comment.

CF CODE UPDATE

Chair clarifies that we are continuing from last meeting, Kimberly adds that the meetings, agendas, and information have also been added to the CF CAB website.

Focus of this meeting is the Selection Criteria section, 2.97.060.

SUMMARY OF SELECTION CRITERIA 2.97.060

A. Eligibility and selection of properties – 1) Legal lot of record; 2) Shall have legal access; 3) General public can use property if within approved property land use; 4) Property won't be current or potential eminent domain process; 5) Application fully complete and complies with PCC 2.97.030; 7) Will not contain structures that can't be removed immediately, except for operationally, culturally, historically, or archeologically significant or included in life estate; 8) Not less than one acre, unless connected to other preserved space; 9) County will only offer to purchase for price established by County's appraisals; 10) Property shall not already be protected from development by current historic/conservation easements; 11) Applicant will match 10% of purchase price.

CAB Discussion: Public access requirements are fairly broad, i.e., farms, extremely sensitive environments have limited public access, most properties open to public during dawn to dusk.

Does CAB support the flexibility of 'public access' and will continue to respond to each application or would CAB prefer to recommend something different?

Kimberly: Public access is fairly broad, and we've had a lot of flexibility around it. Farms, in general, or working forests, have allowed a guided tour once a year, or once every two years. Most properties are open all the time, definitely if they go to a public agency. If property is owned by Forterra or Nisqually

Land Trust, sometimes they do have restrictions, especially for very environmentally sensitive areas. Some properties have limited access during specific times of the year, due to environmental sensitivities. Last year was first year that we had two easements come in on properties that were not working farms/forests. Minter Creek Austin and Soundview Camp were first two conservation easements (CE's) on private property that were not farms or working forests and both have extremely limited public access.

Does CAB support allowing CE's on private property with limited public access or should CE's be limited to farms, working lands, and properties fully open to public or are there instances where the conservation values are more important than their rarely being open?

Marcello: This is a big issue – using public funds for conserving properties there is an expectation that taxpayers can use it. I understand with Soundview, but in the future, there needs to be some discussion/agreement that gives others an opportunity to use that camp without necessarily having to pay fees for use. For properties like Soundview, there should be expectation to allow some public access for camping and utilization based on the use of public funds for preservation.

S. Paganelli agrees that when using public funds there absolutely needs to be public access, but with Soundview Camp, it is open quite open for public events on Key Peninsula –farm tours and other public access.

“If it's a question of whether it's a private property but we lose access to this important land or if it's controlled access, but we get the conservation future, I think there should be some give.”

Ethan: Using public funds, these should be lands that are open in an equitable way for public. There was mention of restricting public access due to environmental conditions for times of year, which makes sense, because it limits access to everyone. When you get into situations with private ownership, I'm not familiar with property being discussed, but it doesn't seem as equitable. Not only should it have conservation protections that are purchased with CFT money but should have public access requirements as well.

Patty: Agrees that we need to maintain public access requirements and that they should be kept fairly broad because of the types of properties we have, sensitive title lands, sensitive forest lands, sensitive farmlands, we don't want people walking on them, don't want people in there. To recognize these as properties that maybe have easements purchased using public funds, it's important to remember that these properties are also serving broader public purpose as well...aquifer recharge, wildlife sanctuary or corridor. A variety of services being provided naturally in these environments that the public would otherwise have to pay for to have them artificially reproduced. Don't get bogged down in idea that we're spending taxpayer dollars and not getting taxpayer use out of them because we are. Still like idea that once a year or once every couple of years that access to some of these very sensitive areas need to be maintains because of current policy. It basically boils down to sensitive nature of properties, the services that those properties are providing for the good of the public, as well as public access, and keeping a small window of opportunity for visiting these properties with tours is a good idea in some cases, and in other cases, it's a great idea to keep them open year-round.

Carol: Would hope that we would make access requirements explicit and tailored to properties. If Soundview Camp does that voluntarily at the time - would hope we'd have something in the deed or agreement with landowner that makes it specified.

Kadie: Agree that public access to taxpayer properties is important, but there are places that maybe people shouldn't be going that still have value for Pierce County and community in general whether it's to protect habitat for sensitive species or not. Could we include that as part of the ranking for a property? Could or should it be considered as part of the grading process? Is the public going to have access to this site?

Marcello: Adding on to that, it should take a little more of a point criterion with regards to public access. If it's 24/7, 365 days per year rates higher versus one/year. I understand points regarding sensitive areas, but again, when you schedule things, how do you get information out to the public? As part of selection criterion, when it's public access, part of it is how they are going to advertise it? How are they going to allow others to get on there? If it is once a year or once a week, how does that get out to public so that they can take the opportunity?

Kimberly: Good discussion, good ideas – we will come back to you with options.

Do we think one acre is too onerous for cities? Should there be a minimum or is one acre minimum acceptable?

Lyndsay: Do we have any awareness of projects that might have considered this, but it was below one acre threshold?

Kimberly: I can't think of any that came in under an acre and that we've turned away. Tacoma 52nd Street Wetlands, several properties, together they were more than an acre, but individually I don't think they were. None of the cities have ever said it's too onerous. It's just a question we wanted CAB to think about.

Patty: There are times when a couple of properties could have a connector that could maybe considered, and that might be a reason to look at something like that, maybe as a special circumstance. If you are looking at Conservation Futures as a whole, and properties that are significant, that would have to be a pretty high-value small parcel in order to deserve the attention and pull funding away from larger properties that will perhaps provide a greater good.

Ethan: I work as the applicant in my day job incentivize people to bring projects with larger size or acreage. I sit across as the applicant in day job, and in cities we're often buying single size lots under an acre, we use CFT in county that I work in – at the same time I know that some properties are really small that we wouldn't even consider a grant application for so we kind of select ourselves out of that process. Wonder if applicants would self-select to be able to say this is a high value conservation land that actually is going to be expensive and we need help in grant money, maybe that gets brought forward, or if it's small and not a heavy lift for city or jurisdiction they might not want to go through the grant application themselves and just use existing funds. Does this even come up as a necessary filter?

Kimberly: Kate, I think we have this earmarked for discussion or survey with the sponsors as well, Through that we'll get some responses from the cities and get an idea if it's an issue or not.

Should applicants be required to bring greater than 10% match? Any comments?

Kimberly: while you think about that, just a reminder that - the more match they bring and the more secured it is, and the more private it is, the higher they can score.

Lyndsay: Do we have any history of projects struggling to get to the 10% match? What is the range of match?

Kimberly: Before code change in 2012, no match was required, and 10% since 2012. No one has complained or said they couldn't put in application because of that 10% requirement. On average we're seeing between 50-70% matches.

Ethan: Question regarding mechanics of match, and number 10 regarding property not being protected by current historic/conservation easements. Are they matching grants against grants? They can have two different conservation grants, and that's not an issue?

Kimberly: Yes.

Ethan: Nice to have tiered system that allows agencies to score a little bit better if they bring more funding to it. From an equity lens it could be criticized a little. Are underserved areas getting points to offset bringing their own money?

Marcello/Kimberly confirmed that isn't happening currently.

C. The Evaluation Point System – CAB to use individual discretion, Conservation Futures Evaluation Categories and Points table and definitions to score applications. Note: The definition for "Exceptional Opportunity" contains a requirement that the property qualifies for at least 60% of the available evaluation points on Table 2.97.110-1 as determined by the Department: "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.

Currently points are distributed: 60% Conservation Values; 25% Program Goals; 15% Funding.

Is this an appropriate distribution of points?

Kimberly: Suggest reviewing the scoring sheet to explain this question.

Thomas: Looking at the lower end where it's 15% for funding, from an equity lens we could lower the funding percentage and distribute the 5 points either in conservation values program goals and keep the funding minimum at 10%.

Carol: Going back to question of underserved communities perhaps we could switch some of the points to put in a program goal that addresses that.

Lyndsay: One thing with funding notes as far as reducing the points there if they bring more match on their end it does allow us to fund more projects. Two different uses there. I like the idea of putting underserved communities into the program goals.

Marcello: I agree, the idea of focusing more funding to underserved communities would be a great opportunity for us as a CAB here to really make a difference. When you talk about serving underserved communities, I'm going to backtrack to the usage part. On the ratings we don't specify anything in terms of usage. If we're going to use these funds to help serve the underserved communities, then the projects really need to impact those communities as part of them being able to

utilize them. Patty has talked about preserving the more sensitive areas does help community, but I look at it as are individuals being able to utilize the properties that fall under this and really focusing on underserved communities it needs to be something that they can actually utilize and not on occasion.

Ethan: Reaching the underserved communities and making the program work for projects that will be in those areas and those jurisdictions is a difficult one. Maybe that's a good open-ended question to cities on the surveys – what would be meaningful for them? I sit in meetings with the “have” communities as well as the have not” communities and trying to work out something that works for both is challenging. But idea of focusing some program goal or some way to recognize and benefit those underserved areas and communities is good, but also trying to capture those communities that do have the resources to bring in higher levels of match. What is the balance?

Carol: What about if we add the program goal that the property is designated ag resource land, you could have more than one category there and make that same five points available for serves underserved communities.

Kimberly: We'll come back with some possibilities.

S. Paganelli: We all tend to have a general understanding of what we mean by underserved community. My question is will that term stand the test of time on this matrix, or until the next code revision, and is there something that we would need to clarify for this? Is this the place to do it? It's all in our consciousness right now, but I'm not sure it will be the same vocabulary in five years. I do like the idea of having that option in terms of scoring for underserved communities.

Kimberly: Maybe worth having a conversation as what we view as underserved. If we were to put in so many points for serving underserved communities, that would go in the definition and would be very specific.

Lyndsay: Question for county staff: is there a definition of that used in county today in other programs?

Kimberly: Yes, there are a variety of definitions in other programs, for us at Parks, we look at a number of different data points, and the lowest scoring of all these different data points, then it ranks into underserved. As we move forward in this, there will have to be something about population density and open space, and proximity of that open space to the population density.

Should we add this 60% requirement more overtly in Section C instead of having to find it in the definition or in 2.97.110.B.1? (Scoring chart is attached to end of matrix for reference.)

Kimberly clarifies that this is referring to Opportunity Account.

Thomas: I concur that that should be overtly in the Opportunity Account, it should be explicitly defined and specified that that is the minimum threshold.

D. Scoring of the Conservation Futures Application – This section provides criteria for rating and compiling scores for applications. CAB to hold at least one public meeting and score applications, which shall be compiled and ranked to establish priority for applications.

Is the scoring process working? Is it working well, or areas to improve?

Marcello: Scoring process is effective. We've all been on same page in the final numbers.

Ethan: Agrees – the test of whether it's working is that at the end do we agree, and the one process I've been part of, we were agreeable to results.

Should there be a minimum number of points that need to be scored to receive funding like the 60 point minimum to qualify as an Exceptional Opportunity?

Ethan: Is there something that disqualifies a project like a pass/fail regardless of scoring? If not, it is important to have.

Kimberly: Really, this question is asking if you think there should be a minimum score to receive funding at all. There have been applications that have been under 60 points. Those coming in under 60 points, like the PLU project and 52nd Street Wetlands. Only the TAC can throw things out and they look at whether it is overall worth funding and in all the years they've done that they've only thrown out one project, and that project was literally in the middle of the water.

Patty: I think current scoring system is unambiguous for the cycles that I've been involved in – it has worked really well and provided a clear set of guidelines for us to follow. I don't know if we need the 60-point minimum.

Thomas: I concur with Patty, we don't need a 60-point minimum. There's opportunity for not having a minimum score other than for the Opportunity Account. Scoring process works effectively and efficiently, and at least for the main applications, there should not be any minimum.

E. Evaluating Intended Future Uses, Including Active Recreational Uses- CAB may impose additional property covenants and restrictions including allowance of active recreation uses on all or a portion of the property. Active recreation uses must include cost estimates for development, maintenance, and operation. Future uses and covenants/restrictions must be included with the priority list of properties and included in the Council Resolution.

Is it useful to have Active Recreation provide future costs of park development?

Marcello: Kimberly, are we talking about maintaining the properties after they fall into Conservation Futures?

Kimberly clarifies that it relates to E 3 – “when an application indicates active recreational uses are intended future uses of conservation futures property, the Board shall determine if such uses should be recommended for approval and shall identify the specific active recreational uses to be recommended. Applications that include proposals for active recreational uses shall include cost estimates for the development, maintenance, and operation of proposed active uses.”

Kimberly: The Board needs to look at what are the conservation values and is the active rec preserving those values or doing something to destroy those values. Is it useful for you to have a cost estimate for what's its going to take to build and maintain that park? So that's a question.

S. Paganelli: I'm not sure it's useful to have numbers, but it's useful to know who is going to be responsible for it and how it will be consistently maintained. The numbers may change. That happens when people get a grant sometimes, but there isn't maintenance and upkeep. Is this here to ensure that people thought about that who are applying for these monies? What is the purpose for including that? Is it the value that's important or more important to know that someone is responsible for that?

Kimberly: It's more of a question to the CAB...is it useful for you to know the capital costs of a future project and/or or the future maintenance estimates?

Marcello: Is there an example that we've had in the last two cycles where that was something that was an issue? There was a project over in the Peninsula that we added on that we were concerned about them maintaining access to the creek that was running through the property to make sure people weren't riding bikes – that kind of maintenance?

Kimberly: No, you are definitely responsible for looking at if they are developing an active rec park, where are they putting the horseback riding, the mountain bike riding, the playground versus where the location of the conservation values – i.e., Where's the creek, woods, bat habitat? But this goes beyond that and asks applicant to include costs for developing and maintaining. It is odd because only active rec needs to do that, because there is cost for maintaining and preserving all of these properties but sponsors aren't asked across the board how they are paying for the maintenance in the future.

Ethan: Don't the applicants have to provide a stewardship plan? Is it not asking for specific cost?

Kimberly: for the most part everybody provides a stewardship plan.

Ethan: maybe this could be reworked so it's not asking for development and maintenance costs directly, but maybe saying that the stewardship plan should describe the agencies plans and ability to take care of property and whatever plan they have for it, including improvements if they are so included. I don't think I need to see development costs when evaluating a project.

Carol: This came up on the wetlands that was going to have some active recreation on one portion of it. We asked whether there was anything in the budget to pay for these improvements that were part of the value that we were rating the property for. There wasn't anything and they couldn't make a promise that it would get into the budget. There's a difference in scale when you are making a bunch of improvements versus maintaining and existing system. Maybe they have to put several million dollars into building improvements, which is a lot different scale than maintaining trails. Do they have the money?

Marcello: Is there a different part in the code that if a project comes through that's approved but also this is how they're going to maintain property and make sure it meets what expectations are based on the application, what kind of accountability is there? If they say they're going to spend x amount of dollars, who is responsible for seeing that that's happening? I don't know if that's a consideration or something to be concerned about later on?

Kimberly: - whoever owns the property or holds the easement. In many instances, that's us, or Nisqually Lands Trust, or Forterra.

Does CAB have any other concerns or ideas about conditioning future uses of the property?

Kimberly: Patty and Terry have been here long enough to remember more than one cycle where conditioning the properties was difficult.

You have a lot of flexibility in the code, the TAC sends you their recommendation and assessment, you listen to the presentation, you score, you discuss and consider the conservation values and how you think they're best protected, and then you send your recommendations for conditioning out to Council. Is that working, or do you have questions or concerns? Any ways to make it better?

Ethan: Our dollars go for acquisition and conservation goals rather than development. It's important to understand vision and intended uses for the properties, our dollars aren't going towards that development of intended uses. I get stuck on evaluating based on whether they get developed or not. They just need to stand alone as their own conservation projects whether they get developed as intended or not. Has the expectation been to make sure development happens, that there's an obligation or is it just an allowed use that allows property owner the jurisdiction to do that in the future if it so becomes funded?

Kimberly: The one type of application that has development is active recreation. There's nothing that requires the jurisdiction that has submitted to provide that active recreation, however, most jurisdictions aren't coming in asking for the money without having a plan for doing that. This question, however, also gets to instances where we have, like the Minter Austin property – they had Minter Creek running through it and they also had the forested property. There were conditions on setback from the creek and limitations on cutting. It's really limitations on use of the property to ensure that those conservation values are preserved into the future.

Ethan: Makes sense, that does seem to make it pertinent. I know its difficult getting funding because sometimes these projects are phased and need to get different levels of funding.

Patty: In terms of community that is developing a local park and they wanted a ball field, acquisition is one thing, it's the maintenance and operation costs and how they address those. How will they fund those? (Computer voice distortion) Are they going to have fees for use to help with maintenance? I think it's good stewardship to have a plan.

Kate: It sounds like it is helpful to have that level of detail for such uses. If I misrepresented, please put it in the chat.

Lyndsay: Conditioning of future uses I definitely felt on the last round was something that was useful from the standpoint that there were some of them where some of the proposed active uses seemed to actively compete with the conservation values, just from the standpoint that there were so many considered active uses. Having that option to make sure that the conservation values are maintained is helpful.

Kate: I believe that's it. We have a number of items that we need to follow up on and we hope to have some of those items outlined and organized internally to share the next time we meet. We are working on outlining the draft code for you to review coming up.

Kimberly: Next week we will be looking at an Opportunity Account application and carbon sequestration proposal from the sustainability group to put carbon sequestration into the code. Does anyone have any questions on anything we've discussed tonight or last time?

Marcello: Does that take care of code update? Anyone else have anything regarding code update? No comments.

OTHER BUSINESS:

Thomas: Want to thank everyone. Honored and proud to be working with such thoughtful, inquisitive, and knowledgeable board member is so refreshing. Thank you everyone, and the staff, and our consultants for putting the matrix and making discussions just flow, and our fearless leader, Marcello.

Marcello calls for motion to adjourn today's meeting to be continued on March 24th at 6pm.

Motion: To adjourn today's meeting to a time and date certain, Thursday, March 24, 2022. Motion was moved (Ginsburg), seconded (Gordon) and passed unanimously.

MEETING CONTINUED: The meeting was closed at 7:11 p.m. to be continued on March 24th at 6 pm on zoom.