



PIERCE COUNTY

Conservation Futures & Open Space Citizens' Advisory Board

July 7, 2022
CAB Meeting Minutes

The meeting was called to order by Thomas Ginsburg, Vice 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, Carol Pashcal, Sue Potter, Heather Shadko, Lyndsay Gordon, Ryan Hebert, Jerome O'Leary, Tony Paulson, Patricia Villa

Staff Present: Kimberly Freeman, Cheryl Saltzman

Maul Foster Alongi: Kate Elliott, ZZ Lundburg

CAB Members Absent: Terry Reid (excused); Susan Paganelli (excused) Ethan Newton, Sarah Chun, Brett Larabee

MEETING MINUTES:

Motion: To adopt the June 23, 2022 meeting notes as written. The motion was moved (O'Leary), seconded (Ginsburg) and passed unanimously.

PUBLIC COMMENTS: No public comments.

DISCUSSIONS:

A. Code Update

ZZ Lundburg (MFA) led discussion through sections of the code follow-up from previous meeting.

2.97.020 – Definitions

ZZ and Kimberly explained that the average score for an Opportunity Account project was 67, and the median was 70, and staff proposed between 75-80.

“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.

Board Questions and Comments:

Marcello stated that he thought at the last meeting we'd agreed that 75 was the bare minimum, and if that's the case, we can call it good and move on. Board agreed. Definition will change to “at least 75 percent...”

Public access - Kimberly added that last week, as reflected in the minutes, there was great conversation around public access. Largely, the group agreed that there should be flexibility and not a one-size-fits-all and is dependent ownership and conservation values. Our code currently has no definition for public access so we are putting a definition in and based on the conversation, we are also looking at and want to have discussion with you around scoring public access in the score sheet. We would change the score sheet to add five points for public access, the more it's open to the public, the more people that can use the property, the higher the score would be.

“Public Access” means the physical ability of the general public to reach, view, touch and enjoy properties acquired through the conservation futures program regardless of race, creed, color, sex, religion, national

origin or residence of the user. Some restrictions may apply based on necessary protection of conservation values.

After Board discussion, the definition was edited to **“Public Access”** means the physical ability of the general public to visit, view, or experience in order to enjoy properties acquired through the conservation futures program regardless of race, creed, color, sex, religion, national origin or residence of the user. Some restrictions may apply based on necessary protection of conservation values.

Board Questions and Comments:

Lyndsay: On the “reach, view, touch, and enjoy” that to me means that you have to do all of the above, and I just want to check that that is the intention and what we want to do.

Kimberly: The intention of this definition is saying there must be some kind of public access and what that public access is would be determined by staff and the applicant. For farmlands or private conservation easements, those are guided tours once a year, or once every two years, and that’s the absolute minimum. Maximum would be something more like a park that is open all the time.

Jerome: Two questions – 1. I wonder if inserting the word “or” in some fashion so it’s either/or situation, because when you read it, it appears that it’s all together – you have to be able to do all of those things, and 2. At the end of the statement where it says necessary protection of conservation values, would we want to say conservation easement itself, doesn’t the easement describe exactly what happens on that particular property? If it is not one size fits all, shouldn’t it address the easement and not the values overall?

Kimberly: Yes, it’s not one size fits all, but it should not say easement because some things are fee simple purchases, so there are different kinds of purchases, we don’t want to limit to just easements.

Tony: I was thinking of the definition and your point schedule for general to reach view touch and enjoy properties, and I was thinking of the North Tacoma property that there is ample access to it, but there is no parking, so in terms of access, it should be both literally and figuratively accessed. Anyone can enjoy it during daylight hours but there is no parking and that should be considered.

Kimberly: Thank you, Tony, as we put the guidance for scoring, we can include that.

Sue: I also thought that the first line might benefit from an and/or statement. For the last line, is there a rule or a WAC that can be inserted there so that people can understand what those conservation values might be?

Kimberly: We have the administrative guidelines that support the code, so the values are all listed in the comprehensive plan in our code and then explained in detail in the guidelines.

Sue: Can we refer back to that, so people know where to go to see what that means?

Kimberly: This is just a definition that is in the definition section. There are other parts of the code that refer to the admin guidelines. The code is basically saying this is the code and is supported by admin guidelines so look in the admin guidelines for detail, but we can take a look at it and see if it makes sense to put it here.

Carol: I have a bit of a problem with the “touch” word as one of my experiences is being associated with a park here on Anderson Island in the last twenty years, watching it being stripped of all life over time with people taking things and handling them, and killing wildlife. I wonder if there is some alternative to giving people the ability to touch things automatically.

Kimberly: What if we removed the word? The physical ability of the public to reach, view and enjoy?

Carol: I would feel better about that.

Ryan: About the additional five points for public access, I know it goes back to the conversation in the last

meeting, but what's our rationale as the conservation futures for giving bonus points for public access. It's really hard for a project in an open space area that doesn't have public access to qualify for conservation futures status, and I feel like that is one more disadvantage that would be added on to a type of property like that.

Kimberly: Just a couple of things looking ahead, we are bringing changes to the scoring table in the next couple weeks that will include carbon sequestration and equity. The reason we're suggesting including public access on the score sheet is twofold: One is because of the conversation had by the CAB last week that maybe properties that have greater public access should be prioritized over those that do not have public access, and the second reason is that there are many cities and towns and unincorporated Pierce County that are grotesquely short on park and open space land that is accessible to the public.

Lyndsay: With the removal of touch, a potential word swap that might help the group is "experience."

Kimberly: Can we stay on that for a minute...how about swapping out "touch" for "experience"?

Consensus: swap out "touch" for "experience."

Tony: I would think if we have "experience" we can probably delete enjoy. I assume people go to the parks to enjoy them.

Thomas: I like enjoy in there.

Marcello: Going back to public access and points, I think it needs to be a part of the scoring and I don't think it's a deal breaker. If something doesn't have a lot of public access it's a 1, versus someone that's like a park that we did for Sumner which would be a 5 for public access. I think it needs to be part of it, and I don't have a problem with a points system and adding that as part of the criteria.

Sue: Marcello brings up a thought. Will that just inadvertently impact farms because we hardly ever get farms but that public access...could that wipe out a potential farm candidate for this program?

Kimberly: No, and I want to be clear about something, because Ryan brought this up as well with Tacoma potentially not being able to compete. We've looked at this and gone through different scenarios and combed through the last ten years of projects and met with sponsors, cities, towns, non-profits. There's clearly a difference between the non-profits who understand the application and what they can and can't do. We have a lot of educational outreach to do with the cities. Tacoma has now a goal to provide parks and open space within a quarter mile of all homes, so this actually would help Tacoma with expanding their park system. They wouldn't be negatively impacted. To Sue's point about farms, two things on farms. One, remember that on the score sheet, farms are actually given five points, there is that ARL category for farms, and then I suppose if a farm is willing to have a tour once a year versus once every two years, then maybe it's a point more. But yes, given limited public access farms aren't given a ton of points.

Ryan: I want to acknowledge that point you made about Tacoma's park goals, and follow it by saying that it's not all inclusive. Properties that become park properties in Tacoma that are managed by Metroparks Tacoma, it ends up outside of a couple of exceptional examples, like Point Defiance or Swan Creek. More often, it's a very different land, it's not a conservation land, it's a very manicured park space, so for green space access, wonderful. The reason I brought up open space specifically is because that is a different program managed and has nothing to do with Metroparks, and more often than not, there's not public access to those properties. They serve really important conservation functions and natural space functions within the cities, but they aren't large, stand out, flashy properties, but I just want to make sure they don't get lost.

Kimberly: Thank you for bringing that up, conservation versus parks.

Jerome: I had a question on the word "reach," what is the intention of that, what does it mean in this context.

Kimberly: I think reach is the public access. Believe it or not, we definitely need to be watching our properties as we're taking in our application to make sure there is some sort of public road access or public walk-in access, public waterway access.

Jerome: Would it be better to say access as opposed to reach?

Chery: Or enter?

Kadie: How about visit?

Board agreed to visit instead of reach.

Lyndsay: On the point regarding the farms from the standpoint that if you do have five points that farms can specifically get, and then we have five points they are very unlikely to get, it does essentially neutralize, it's actually equity neutral to the farms themselves from the standpoint that there's something that cancels out the advantage that they get from that. One thing we can consider doing, if we want to add the public access for five points, to make sure farms are still competitive, have that be more like ten points for the farms, that way they still maintain their priority, they'll be more competitive if they have more access but it helps keep them inside potentially a higher bracket by getting points that others aren't going to that aren't neutralized by points that are less accessible to them by default.

Kimberly: I am not sure I'm understanding what you are saying about the ten points, and the second thing is, again, it's hard to talk about scoring without looking at the whole score sheet because the other thing that actually in some ways favors farms is there is five points for properties that are 40 acres or greater, and I think all the farms we've taken in have received those points. That aside, Lyndsay, can you please re-explain what you were saying.

Lyndsay: If you have two criteria for a project, one that they're likely to meet, and no one else is, because they are a farm, and then you have one for the exact same value, so a five point to five point ratio, that they are very unlikely to meet, and lots of other projects are able to, then the public access at that point would essentially neutralize the advantage that five points has given them before, because now they are going to, assuming that a lot of other projects have significant public access because they'll score more on points where the farms are not likely to, so as a result, they no longer have the five points. So, for example, in the grant program I run, one of the intentional things we did because we want to be a statewide program, is there is five points that you can get if you are east of the Cascades, because a lot of our investments are in the Puget Sound and the west side. There are other points that do help benefit projects for being close to water, but they aren't worth the same amount as those five points that are east of the Cascades which are weighted significantly more, to ensure those projects make the top of the list and do get funded. It just depends on how much of a priority based on the fact we haven't had many farms that we think farms should be.

Kimberly: Okay, so the first thing just so we're clear, we should look at the data on farms versus other things because we've actually had a fair breakout of farms, marine shorelines and forests. The last round we had two farms, actually three...two were under one application. Are you suggesting that if we add the five points for public access, we should add another five points for farms?

Lyndsay: If the assumption is that farms would be no longer at an advantage because they aren't going to be able to provide the same level of public access of other projects, and we as a group think that they should still have priority regardless of public access based on the conservation value, then yes.

Kimberly: The scoresheet currently does have five points for agricultural resource land, now we could change that to agricultural resource land and rural farm, but rural farm doesn't meet the definition of the soils for agricultural resource land, and that's a whole other conversation. I'm just suggesting that we could change the other farm criteria that is already there, but farms do get five points that others can't get based on their zoning and their soil.

ZZ: I'm going to jump in to be a clarifier, I understand what you're saying Lyndsay...I think what Lyndsay is saying is that since there's five points in for farms, and then there's a potential five points in for public access, and they will likely not get those, it will cancel out the current five points for farms. The question was if we want to increase the number of points for farms, then that would give them a little bit more of a leg up if they are a priority for the program.

Carol: Farms typically have other qualities that get points, they have conservation values for wildlife, and open space, too, so I guess I don't see a big reason to add additional points for farmland.

Jerome: Owning farmland, I can say that public access is a challenge, the concept of it is a challenge because of what we do on the land, day in and day out to keep production of given crops. I would support what's being said here as far as giving some additional value to farmland if farmland is something that this committee and the practices of it wants to focus on trying to preserve because if you are going to get in any way knocked down because of limitation on public access, that certainly going to happen on a working farm, whether it's a grow crop or a ranch cattle operation, public access is not something that lends real well with a business being operated different from a piece of land being set aside, walking trails or something in that nature.

Marcello: Farmlands get extra points that other projects don't, and even if it's a wash. Let's say one property goes up against another, and as far as public access, and the public access property gets five points, but farmland gets five points, so they are a wash there, but they're going to get at least one, maybe two public access points for the once a year or biennial tours. They are going to get a little, not a huge advantage. I understand the concerns of making sure farmlands has a part, and the County Council has asked us as a group to really focus our attention on farmlands as well, so I don't think it's a huge disadvantage that they wouldn't get a high score in public access, but again these are tax dollars, and that's part of our conservation futures that there is some access to the properties that we improvement. It's not a huge advantage but they get a little bit.

Patty: We're discussing the scoring regarding changing scoring based on public access, is that what we're talking about now?

Kimberly: Yes, adding five points for public access.

Patty: The question I'm hearing is the indication that some lands are just not cut out for public access, and they may have limited public access, and so other lands, like a park, would be intended for public access would get extra points because that's their nature, and for example, farmland is not, so they don't get the extra points.

Kimberly: There's a sliding scale of points, based on how much it's open to the public. I appreciate this conversation because it wasn't intended to favor parks and trails. Remember that we don't have a definition of how to do public access, we're just saying that it has to be open to the public. There's a certain amount of creativity that applicants come up with in these applications. Like Nisqually Land Trust and the "community forest" that they did, and how it was fully open for cross country skiing and snowshoeing in the winter but closed down in the summer because of Marbled Murrelet habitat. Any discussion around farmland and public access should also apply to working forests.

Patty: I'm going to interject. The reason they've got those extra points, and the reason agriculture is so important is because it's disappearing at a terrible pace, and we need to be able to support our own communities in the future down the road, we need to be able to feed ourselves, and that was the whole point of that. In my opinion, I think it's short-sighted to assign extra points for projects that are naturally inclined for additional public access, I think it's short-sighted and I'm biased perhaps. I don't think that's the right way to go. I think public access is doable in a number of ways, different projects call for different things. Our lands serve a lot of public good in a lot of ways beyond public access. So those public funds are serving that community regardless of whether they get to walk on that land or not. They are providing

aquifer recharge, drainage, all sorts of resources to the community, as well as ag lands giving us the ability to feed ourselves and our future families, so I for one would not be in favor of that scoring method.

Lyndsay: I think you said we're going to be looking more globally down the road at the scoring piece and have it in front of us, and understanding that this may not be feasible, I don't know if this is something MFA can help with, but when I adjusted scoring in my job for competitive grant programs, in order to walk the management team through it, to the best of my ability, is essentially rescored a select group of projects with the changed criteria and weighting. Granted, you're not going to get a perfect understanding of how that changes things, because you have to make some sort of assumptions as far as how people would score things, but for some of these larger questions, as far as whether or not a) if we were to do this if ag lands would fall off the funded list, those types of trends you usually can see in that type of sensitivity analysis. And if we do it in a certain way, you can also adjust numbers so you can see what it would take to keep them on, as far as what type of priority. It doesn't give you anything perfect, but it gives you a better idea. I'm hearing varying assumptions of what it would do, and I've only been through one scoring and ranking and we were able to fund all the projects, so it's a little hard for me not having that context of how often things fall off, when. It could help kind of center everyone in the same data.

Heather: Patty said something that perked my ears up. We're creating a definition for public access and Patty said public good. Farmland does provide public good, feeding ourselves, and so maybe there's a way to balance it with looking at the public access is great, but there's also benefit to public good of being able to feed our communities and providing food, so maybe there's a direction we can go there...just a thought.

Kimberly: Staff will throw ten points on farmland and see how that goes, and rescore some projects. Heather, thanks for that idea for considering something for public good. We could include that in the guidelines for scoring for the CAB when considering public access. We'll be looking at all of the scoring in the future so more to come on this conversation. To close this out, summarizing tonight's decisions – CAB is comfortable [KFI] with the revised definition of public access, and like the flexibility of how that is determined. In general, CAB is okay with scoring public access but the details of that we will look into again, particularly to make sure farmland is still competitive.

Match

Currently, applicants are required to bring a 10% match. On average, applicants are bringing a 50% match. Scoring on the match currently is at 15 points (15%) based on how much match they are bringing, and they get extra points if the match is from private sources, or if they have match in hand because often, they are going after other public sources of money and are not secured yet. My first question to you: 10% is currently required, we've talked to several other programs across the state. King County requires 50%, most of the counties have no requirement for match. The requirement for match was put in in the last code update in 2012 and was intended to help our public funds go further by having each jurisdiction or sponsor bring a 10% match. Would you like us to consider increasing the amount of match, or whether you are fine with 10% or would you like to discuss getting rid of it?

Board Questions and Comments

Sue commented: Raise it.

Lyndsay: As someone who also runs a grant program with match, I definitely understand the intention to try and make funds go further because you can only fund so many projects if you have to provide for 100%. In my grant program, the match is 50%, it's also for cleanups which are multi-million dollar, very expensive things to do. If they are economically disadvantaged, they get 75% state share and only have to provide 25%, and if it's a smaller project, we have the option to give them up to 90% state share match, but they have to be under 5 million dollars for the project. That way it does limit the amount of match you are essentially waiving and the amount you are committing to one project. One thing I do like is the idea of

being able to waive match for smaller organizations or smaller cities/towns, that don't have access to a lot of money from the standpoint that having a 50% match could be very difficult when your tax base is very small, so you're not necessarily going to have the ability to get those funds very easily.

Kimberly: Am I hearing a proposal to raise the match to 50%?

Lyndsay: I was just giving an example of a tiered option that is from my public service that has a standard match, a reduced match, and some other programs have a complete waiver of match, which I would be, from an equity lens, in favor of. If we wanted to consider increased match, that we make sure we have that equity component to balance out so that it's still accessible to entities of all sizes as opposed to being more accessible that have larger tax bases to pull from.

Tony: I think 10% would be a minimum. Thinking on the lines of a parent making sure that the kids have some skin in the game and having a community need to pony up 10%, they are leveraging it ten-fold. 10% would be a minimum for a match, and I definitely agree with the issue that it could be waived for under certain circumstances, which would probably require about four meetings to come up with the waiver policy.

Marcello: How is that all defined? Where do you rate it as far as small town? What's the minimum? I agree there should be skin in the game. I'm just curious how these levels of match are determined with projects?

Lyndsay: For our program, the economically disadvantaged has a definition in our rule for our grant program and it's related to median income of the county or the city or town in comparison to the median income of the state. If they fall below the median, they are considered economically disadvantaged. We look at if it's a county applying, we can compare them to other counties, if it's if it's a city/town, they are compared to city/town list. The 90% one for our program is on a case-by-case basis for smaller projects that are under \$5 million, which for a cleanup is small.

Patty: Question for Lyndsay: you were talking about counties, communities, people with a tax base. A lot of our projects come from nonprofits working with the private property owner. How do you deal with them? Are they always going to get waived as a nonprofit entity bringing a project?

Lyndsay: Excellent question, something that would definitely need to be considered further. There are financial tests you can do regarding nonprofits or you can ask to see their budget in comparison to what their request are, but that would be a lot more complicated and a lot more difficult to standardized.

Patty: So it is means testing, basically.

Carol: It seems like we assign a lot of weight to extra match. I wonder if we want to consider whether that's really the most important way to get points.

Kimberly: That's a good point. If we removed some of those bonus points for bringing more match, I think I'm still a little bit back on the basic question...so currently we're at 10%, I heard Tony say that's a minimum. I heard Lyndsay talk about her program that has the standard, reduced, and match-waiver, we're definitely bringing forward a match waiver or reduction regarding equity, I'm not hearing anything clear from the group about increasing match. If we were to reduce points for sponsors that bring more match, should we be increasing the basic standard match that people are coming with. In ten years, many projects and maybe we need to get the data on this have brought 50% match and the nonprofits are coming to us for match, and then they are going to the state for match. The nonprofits, unlike the cities, the nonprofits actually get an administrative fee from the grant program to pay for their staff time, so there's ways that the programs already kind of equalizing.

Chat:

Sue: A lot of nonprofits we see in this program have a great ability to get matching funds.

Patty: I like the minimum, but equality is important. There should be another way to ensure

underrepresented areas are given a fair shake beyond match-ability.

Kimberly: I apologize for this because I feel like we're going a lot of different directions. As we look at match equity, we will be looking at the smaller jurisdictions that don't have that ability to bring 10% or more than 10%. We're also probably bringing you five points in equity based on an equity index for Pierce County and looking at population and health indicators of the population and the open space in that community.

Sue: I like what Lyndsay said around area median income, and you can do it on budget size of nonprofit, but it's not uncommon to see matches based on area median income at least in my nonprofit world. I'm guessing here but it feels like I've seen over the years, those organizations that can get the match are the ones that can complete the project. The more they are able to complete the project, the more projects we can do. I absolutely like the sliding scale, tiered approach, but based on history, we can raise the match some and just know that those groups that come in with that kind of money as a match actually fulfill the projects, they don't fall off as much.

Kimberly: That's true.

Thomas: As Kimberly said, some of the nonprofits will go to the RCO or the Surf board (SRFB), and list as application with us as matching funds that they put in, then they're coming to us with an RCO or Surf board application and they really have nothing in hand, but they're hoping that one or the other strikes so they can get those points to get grant funded. Wards Lake is an example. I like definitely awarding extra points or favoring those that come with the match in hand and secured, whether public or private.

Kimberly: I want to be clear on what you're saying, Thomas, currently we have up to five points for when they're bringing over the 10% and then another 10 points around whether it's private or secured. I hear you saying that we should keep the incentive around private and secured, and then raise the required match appropriately based on our past history.

Tony: There has been a suggestion that projects that come in with a low match aren't finished. Could we get an analysis of that? We could have for the last three or five cycles to look at the rate of success and the match rate. We could do a nonparametric principal component analysis on it and figure out what the reasons for success. I don't think we need to go that far.

Kimberly: We can look at that data. but we also need to be mindful that sometimes the project didn't close for another reason outside of match. I'm hearing support for some kind of tiered approach. Lyndsay, can you send me your code so I can look at your program. When I'm hearing tiered approach, I'm hearing what Lyndsay suggested in her program where there is a standard match, a reduced match in certain circumstance, and a waived match in certain circumstances. I hear the group saying yes, we think there should be a standard match and we're okay with taking that up somewhat, and we think there should be a reduced or waived match, but I'm not hearing consensus of if it should be waived or if it should be three tiers. Does that sound right?

Thomas: That's where I'm at, and I'm interested to see how it all fits in with equity to see if we're not overlapping efforts in terms of equity and trying to encode it in the match scoring also.

Lyndsay: This is the link <https://apps.ecology.wa.gov/publications/summarypages/2009055.html> to the grant guidelines for our most recent solicitation and has the rules at the back included. I would probably just look at the WAC because that will be more similar than the guidelines for what you are looking for. The analysis comment was related to if we look at the amount of match versus whether or not they completed to the point that was made in the room that will show us correlation, but unless we control for other factors it won't show any causation but could still be useful.

Patty: New ideas may require some time for digestion.

Jerome: I like the concept. My only comment would be we're a county, and I'm not sure how we'll set up

the qualifiers for any kind of advantage or disadvantage in given areas because this is a county-wide program, and I don't envy anybody trying to set it up, but I like the concept.

Carol: We're adding two categories for agriculture and for access, are we still having 100 points total, and if not, where are the points coming from?

Kimberly: We're looking at scoring and our preference is to keep the points at 100. We've been asked to add for carbon sequestration and equity, and we're talking about adding another ten for agriculture, and then we probably will play with the points in match because it's been pretty easy points to for people to get because they're bringing more than 10%. And sneak preview: we are going to bring to CAB the possibility of removing the five points that have to do aligning with jurisdiction's plans. There's five points for being in line with the local jurisdiction's plans and we're saying no you need to be in line with the local jurisdiction's plans and instead require all applications to be consistent with the local adopted plans as part of Selection Criteria. I don't know if we'll still be at 100 or whether we'll exceed that.

Lyndsay: If we're requiring them, what does that mean for unincorporated areas of Pierce County? Would they need to align with Pierce County goals and have we done an inventory of if all of our smaller towns have those?

Kimberly: Pierce County is a growth management county so all the cities and towns in the county have to have those plans. If you are unincorporated Pierce County, you have to align with Pierce County, if your Tacoma, align with Tacoma, Sumner align with Sumner.

Jerome: I was reading through the balance of this and I'd like to look at if we could please section 2.96.010, Purpose section, could you bring that up on the screen?

The second line down under C, where it says any lesser property interest...is lesser supposed to be lessor or how is that intended?

Kimberly: It's less than fee simple.

Jerome: Okay, that was the question, thanks.

OTHER BUSINESS:

Thomas: housekeeping there are people in the chat that are unable to make it, just let Cheryl know.

Ryan and Lyndsay not available.

MEETING CONTINUED:

Motion: To continue the July 7, 2022 meeting to July 21 at 6 p.m. The motion was moved (Ginsberg), seconded (Villa) and passed unanimously.

The meeting was closed at 7:17 p.m. to be continued on July 21st at 6 p.m.