



PIERCE COUNTY

Conservation Futures & Open Space Citizens' Advisory Board

October 13, 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: Kadie Anderson, Sarah Chun, Thomas Ginsburg, Lyndsay Gordon, Ryan Hebert, Marcello Mancini, Ethan Newton, Jerome O'Leary, Carol Paschal, Tony Paulson, Sue Potter, Heather Shadko, Patty Villa

Staff Present: Kimberly Freeman, Katherine Brooks, Jessica Stone, Marco Pinchot Cheryl Saltzman

Maul Foster Alongi: ZZ Lundburg

CAB Members Absent: Brett Larabee (excused), Jerome O'Leary (excused), Susan Paganelli (excused), Terry Reid (excused)

PenMet Parks District: Matthew Keough, Ally Bujacich, Steve Nixon, Missy Hill

MEETING MINUTES:

Motion: To adopt the October 6, 2022 meeting notes as written. The motion was moved (Newton), seconded (Shadko) and passed unanimously.

PUBLIC COMMENTS: No public comments.

DISCUSSIONS:

- A. Opportunity Account Application – DeMolay Sandspit Nature Preserve, Matthew Keough and Ally Bujacich**
- a. Overview – Kat Brooks introduced Matthew, Ally, Jess and Marco. PenMet submitted the application September 9th, the Executive initiated review October 5, Jess and her team scored it on October 11.
 - b. Property Observations – Jess Stone and Marco Pinchot
 - i. Bulkhead must be removed to maintain shoreline health.
 - ii. Bulkhead contains creosote and concrete, some is falling down, and some is in place, both on evaluated property and existing property.
 - iii. There is some invasive species that will need to be controlled to maintain health of property.
 - c. Presentation – Matthew Keough and Ally Bujacich, PenMet Parks – Ally and Matthew walked the Board through their PowerPoint presentation and discussed key points:
 - i. Critical habitat – 3.57 acres of shoreline, riparian, wetlands, with forested uplands
 - ii. Land is directly adjacent to Tacoma DeMolay Sandspit Nature Preserve, which would make a contiguous shoreline waterfront park of almost 9 acres.
 - iii. Conservation Futures priorities are marine shoreline conservation, open space and passive recreation, and fish and wildlife habitat conservation.

iv. Conservation Futures request \$538,000.

d. CAB/PenMet Parks Questions and Comments

Marcello: What are the two cabins/residential properties – what are the plans for those? Are they currently occupied? What are the long-term plans for that?

Matthew: Those are seasonally used as summer cabins. The families have begun to vacate them. We would not have any intention of using the structures for residential purposes. The aspect of public access, safety, ADA puts into question any public use of them. Our intention of use would be do programming there. We might be able to put a learning pavilion there because of a driveway and parking area that is there would provide public access to the shoreline. We do not intend to use the structures as residential structures. We anticipate them coming down.

Marcello: How have those structures impacted the value of the property? Since you won't be using them, how will that effect the valuation?

Matthew: I think the structures have presented a development right that has some value on the market, because they are in an area that is nonconforming to shoreline regulations. I think it's our duty to remediate that in some regard, get public access to the shoreline in an appropriate way. On the market level, they present a development right. We're concerned about that, and the fact that people would like to have a home that close to the waterfront and be able to utilize that space. The appraisal took into account that we are looking to develop this as a public space.

Ethan: This project fits with this grant program's goals. 1. Are there any known plans for the adjacent parcels, either immediate to what you're planning to purchase with this project or the existing properties, whether acquisition or development by PenMet or others, whether there is anything that's known or happening in this area that would be just across the property line? and 2. Looking through the grant application, it looks like the closing date at one point was to be before September 30 and the purchase and sale agreement looks like that, so has that been extended or what is the status?

Matthew: The property located on Bella-Bella Road which turns into Island Boulevard has historically been summer homes. Adjacent to the property that we are acquiring to the south is a series of family summer cabins. Several of them are tied to the family that is letting go of this property, distant cousins, and if they have any intention, it would be to potentially follow suit to what this family has done, to see further preservation and opportunity for their future generations to come on to the property when their cabins are no longer sustainable. I don't believe they'd be able to fully reinvest in their own residential use because it's non-conforming use – it's in the context of what we've already seen and might expect to happen in the future. I can't say PenMet Parks intends to expand further, although it would be an opportunity given the lead that this is. We do have on our property to be acquired there is a shared access to the three adjacent properties to the south. It was a long-term family access point. That is not a guaranteed access that their family would always have. As we look at clearing such encumbrances, the likelihood is that those properties would not be further developed and could potentially come under public acquisition. On the purchase/sale agreement, Ally, can you speak to that? It's been negotiated on the Executive level.

Ally: The September date is behind us, so we are in discussions with the seller currently, and working towards negotiating a closing date.

Patty: Regarding the structures – one of the first images in the presentation had a structure, is that one of the cabins?

Matthew – That is the remnants of a picnic shelter that had somewhat been enclosed. That

building is to be demolished this month. There has been a resident, a park host house, on the Tacoma DeMolay site. That house is also under contract for demolition this month.

Patty: I thought I heard you say you were considering keeping the cabins for use as like an observation area for wildlife, orca spotting? Would that be for educational purposes or scientific purposes or a combination?

Matthew: A combination, I think our citizen science groups would like a place to be able to get out of the weather, and I don't mean a structure as much as the footprint with a roofline. We are looking to the use of outdoor education and recreation, not indoor classrooms. I wanted to point out that there is a value in the roof footprint of the existing buildings to be used as outdoor education.

Jess: From what we observed, and a TAC observation – just verifying that the intent is to do a full bulkhead removal, and not a removal or a sectional replacement in any way, so it is looking at removing it from the existing park and this new acquisition.

Matthew: Our board has not picked their preferred option. They've seen options for our property. I can't commit to what level of bulkhead removal they are doing. They are looking at shoreline restoration. I've never heard of any indication of retaining any bulkhead on our existing or the proposed properties. I wanted to point out that getting the proposed property leverages an existing study of how to best do shoreline restoration. I can't say that the Board of Park Commissioners has committed to its removal. There is no retention plans of the bulkhead.

Marcello: I saw a little of your presentation from 2021 with regards to the community and the community involvement, and you mentioned about the bulkhead and had pictures of that on the current property...where are you on those plans? That was a strong discussion point during that 2021 meeting. Where are you now with the goals that you set up for that, and how will it be combined into this property.

Matthew: Let me see if Ally would like to weigh in. Pierce Conservation District has been our partner and has actually committed and earned grant funds for the study, and I believe the implementation measures have been under discussion with us, but until the study is fully adopted, I can't say exactly that it's a budgeted item and project.

Ally: The information you provided covers it. Pierce Conservation District has been working on this project in partnership with PenMet Parks as we are looking towards our 2023 capital priorities. We have included that effort to evaluate the options that have been completed by Pierce Conservation District and determine the best direction to move forward. We know the study has been funded, and depending on that direction, we will work with Pierce Conservation District to learn more about next steps including the potential funding for bulkhead removal.

e. CAB Discussion

Marcello: I think it's a great looking property. I did some research before on the site. This is a pretty expensive project that wipes out the Opportunity Account, which won't be refunded until next year and only at \$250,000...3 acres for 2 million dollars...it's 265 feet of shoreline property.

Patty: I think it's a quality project. I am a little concerned about the amount of money that it will take to do it. Shoreline properties, once they've been privately held, are expensive. Are there other projects in the works for this?

Kat: I don't have any other OA interest being shown.

Heather: It's an expensive project, no doubt. I have a friend who has been on Fox Island for many years in an older house, and there are mansions going up out there. They are not little houses. The

cost of that property, while to us, the sticker shock is amazing, but that is probably less than they could get from a developer who has someone who wants a waterside mansion. I realize this will wipe out the Opportunity Account, but when Matthew was talking about the adjacent properties are owned by other family members and they may not have complete access, and they're older cabins, so the opportunity down the road for them to come back and expand that property – shoreline property, especially with what's going on there with eel grass and orca and some of the other things, I think that while it's expensive, we need to help them get it.

Ethan: The property is expensive and to some degree I look at an aerial like this and think maybe they can just do it on their own, they seem to be a wealthy area, but they're coming in with what I think is a reasonable request. It's 20-25% of the value of the property, so they're bringing a lot of local dollars directly for this. I think this is also just a good example of high value conservation land, where quantity isn't the most important, it's the location on the sea, and benefits on nearby land. I do get the concern of wiping out the Opportunity Account, but I think that's the challenge of the Opportunity Account, but I think this is the best project I've seen come through, and we've funded others.

Marcello: I did some research of properties and sales of properties in the area. This property is valued at the very high end compared to some of the properties I've seen sold in the last 4-6 years. That's my biggest concern with regards to that.

Heather: I know there's a property in Puyallup that there is an organization has been trying to get. It's 22 people. Trying to get a family to agree on anything, the fact that they got this family to agree is huge. I think maybe one of the things that came out that we were concerned about is that bulkhead. If we went with this project, can we stipulate that the bulkhead has to be removed, not if they feel like it. It seems like their park board is not sure. It would have to be gone for it to be a nature project.

Kat: You were sent a draft of the CAB recommendations for purchase and use of the property, and I want to speak to a couple things that you've talked about tonight.

1. Appraised value – I haven't seen the appraisal from this particular set of properties, but we saw with the NCSHS-P2, the City thought it was going to be valued at \$7M, and the appraisal came in much lower. We will fund something based upon a match percentage. In that case, it's based on the fair market value as determined by an appraisal and confirmed by a review appraisal. They can say that they're going to pay \$2.5M, the appraisal has to come in to substantiate that purchase price. If it comes in lower, we'll reduce our grant award proportionately by the County match percentage. In this case, the \$535K that's been requested equals 21% of that \$2.5M. If for some reason that comes in at \$2M instead of \$2.5M, they're still only going to get the 21% of \$2M, so they wouldn't get the full \$535K.

Marcello: Is there an option that whatever the appraisal is, that's the price they'll pay? That they are committed to that amount of money? Is it based on the appraisal, or based on the fact that they have the funds to be able to fund it and then our contribution could be reduced?

Kat: I can't speak to what PenMet Park District's requirements are regarding property purchases. I know that the County is a government entity and there are rules around purchasing properties and paying fair market value based upon an appraisal. Our funding award is tied to that percent match. If their appraisal comes in lower than that \$535K grant award will be reduced, based on whatever 21% is of that appraised value. PenMet Parks can pay more for the property, if their park district rules and regulations allow them to pay above fair market value as determined by an appraisal, but we the County won't pay more than the appraised value as determined by that percentage.

2. The second thing I wanted to speak to is any encumbrances on the property. One of the things we find with these Opportunity Accounts is because they're so fast-tracked, we're not doing any evaluation of anything that's on the property. In this case, we know that there are structures on the property, and driveways, and there may be easements, and other things. All of those things get evaluated before the County will disperse funding for a particular project. What I've found over the last year is that it's issues on title that come up that are legal questions, and in this case, I pre-asked the questions about the structure to legal and the position is that these properties are being purchased for fish and wildlife, marine shoreline and passive open space, and that does not include housing structures. There would be a requirement that those structures be removed. The question is whether they be removed immediately or are given a grace period in order to remove them. We proposed in these draft conditions that the structures be removed within three years, which includes the residential structures, as well as the bulkhead. Three years seemed reasonable for them to do that removal, but we do know that they are looking at grant funding to help do all of their shoreline armoring removal or replacement with a low-impact version that would be suitable for a native shoreline that they are trying to get to. Those conditions are at the bottom of the Conditions for Purchase and Use document that I was speaking to.
3. We proposed an impervious surface limit of 5%. We recognize that the existing driveway and the residential foundation itself, as Matthew spoke to, has some value and some of the pavement, because that could be repurposed for the things he was talking about, like outdoor education and public ADA access to the site, so those things could remain and that foundation could be repurposed for that. They have to open up the property within 120 days of purchase, develop a forest management plan if they are going to do any thinning or tree removal. And any new trails to be pedestrian only and non-motorized. We have access to the property. There are certain standard restrictions that go into these stewardship agreements that you'll see reflected in there. They have to turn in a stewardship management plan and enter into the agreement with the County. It doesn't stop with just the CAB making a decision to approve an application and move it forward to Council. There are a series of steps that occur after the funding award is given that still have to be met in order for the County to release the funding for the project.

Ethan: Question regarding the structures – you were speaking to the fact that we might require them to be removed in three years. During their presentation, they were kind of proposing not retaining the structures, but using the footprint, the pad, and putting up some kind of park shelter or education outdoor classroom-type thing. Is that a condition that this program or your legal team would say is appropriate for this or is that not even allowed?

Kat: We do think that it could be allowed, not the house itself or repurposing the house for a living situation or renting it out, but if they took the walls down and repurposed the foundation and put up a roof and used it for outdoor classroom education, that would be in keeping with the passive open space recreation provisions within the code and I think it would pass the legal review.

Marcello: Does that need to be part of the documentation? Is that an add-on that we need to do in order for me to sign off on any agreement that we make here?

Kat shared screen and reviewed the draft recommended conditions for the application.

Kimberly: Jessica and Marco are the ones that went out and did the field visit, and Jessica has noted that when you take the bulkhead down, the structure will come down. If we are asking them to take the bulkhead out, the structure will most likely come down. Katherine,

could we please revise the “develop a forest management plan and submittal to Pierce County within 90 days prior to thinning or tree removal” and set that to within one or two years within purchase, because 90 days before thinning is hard to track in the future. If we could just get the forest management plan within some sort of time.

Kat: Now that the CAB has this, that could be a motion that gets included in here to modify to read submittal of a forest management plan within a year.

Patty: Is it possible to change that to within one-year and prior to any thinning and not lose that thinning piece?

Marco: I concur that the bulkhead is very close to the structures, and there’s a little patio that goes right up to the edge of the bulkhead. The other thing I was concerned about is that they are so far from the road, I doubt that these properties are on sewer, even though the other ones nearby probably are. Based on when they’re built, I wouldn’t be surprised if the septic tanks aren’t in the bulkhead. That is something to be concerned about. There may be a septic cleanup. The other impervious surface is a pickleball court, which I thought was interesting. That is above the houses. Even if they removed those, they still have a pretty big slab of concrete that is further back for their ADA site.

Kat: Marco, would you recommend that where it say “structures” do you think that that is clear enough that it includes the existing septic system?

Marco: I don’t know how it’s been handled in the past, so I wouldn’t know how to answer that question.

Kimberly: We would be best off to say something like ‘existing residential and all pertinent associated structures as well as shoreline armoring’. They’re welcome to build other structures on the property, the 5% impervious surface limitations, but not using these same structures.

Kat: The last bullet actually says that they can keep their residential structure foundation and repurpose it.

Kimberly: Jessica, are all of their structures on the water? Are there structures that we should allow to stay but not as residential structures? Or are they all right within the shoreline and old and potentially have septic and need to be removed?

Jess: I would not recommend retaining any of the built structures. To my comment earlier, each of these structures have associated bulkhead to them. One has a creosote bulkhead, and the other is concrete. Once you remove those bulkheads, the likelihood is that the foundations will have to be removed too. As Marco pointed out, where is your septic system and everything that goes with it? You could pull your bulkhead away, and then very quickly the foundation will be undermined.

Ryan and Kat mentioned there isn’t a sewer system on Fox Island so it would be served by an onsite septic system.

Marcello: Is that something that we’re going to have to specifically stipulate in there, that all the structures to include septic system be removed?

Kat: The language Kimberly was saying in the second to last bullet to say the “existing residential and pertinent structures...be removed.”

Kimberly: For clarification on the last bullet, you are striking residential structure foundation?

Kat: Yes. Do you need to recap for the board on the three things that we’ve talked about

modifying in these conditions?

Marcello: Yes, could you send those on chat? Kat sent in chat.

Tony: As far as the last sentence, the existing driveways, we're striking out the residential structure foundations and pavement, and I heard reference to some court or something that's away from the bulkheads. Can you clarify if that paved court would still be available as pavement for an open educational center?

Jess: Potentially, that paved pickleball court is higher up and still connects to that driveway and access road.

Tony: Would it be undermined when the bulkheads go?

Jess: I can't make that determination. It is further back and higher up than the homes, but that would be part of the study that Pierce County Conservation District is doing.

Tony: By leaving pavement in that last section, we would give the Park system the ability to assess that as to whether it could be repurposed, is that correct?

Kimberly: Correct. They are doing a masterplan within the next year so they'll have these parameters and will know the footprint within they are working. They'll know they can repurpose it or keep it as pickleball.

Kat: There are two questions that came in from Steve Nixon who is on the Board of PenMet Parks.

Steve Nixon: Would the existing septic system be acceptable use under the site masterplan?

Marcello: I'd be curious to know what they have in place at the current park – they have restrooms, are they septic?

Steve: The existing property has a previous home site that was on it with septic, and we use Sanicans on the site. The two properties that are under consideration have an updated septic system that is uphill from the pickleball court. That's a concern for consideration for future use in the masterplan. We know we have an up-to-date septic system out there on the island, which will not have sewer with any reasonable expectation in any of our lifetimes. With the consideration of what the site is, would that be something that could be considered in the future under masterplans. The existing stuff that is on the current DeMolay site is in use for its intended purpose and is supplemented with port-a-potties.

Marcello: It sounds like they want to keep the septic system in place.

Steve: The septic, I believe, was replaced in the last four years to support the two existing cabins out there. It's a good system.

Marcello: With the removal of the bulkhead, is there any chance there could be problems with that? Maybe that's for Jess?

Steve: It's uphill from the cabins.

Jess: From our standpoint, and Marco can weigh in on this, we don't want any non-conforming septic system that is leaching fecal matter into the shoreline with shellfish harvesting and into the waterfront. That is the primary thing. No non-conforming septic system seepage.

Marcello: That would have to be a stipulation in the agreement, that is a priority to PenMet for that.

Tony: There are regulations on how close to the shoreline a septic system can be. Since it was installed four years ago, it has met those conditions. If you take the bulkhead out, then the shoreline is going to change, and the distance is going to decrease, and at that point, depending on the success of the restoration, the septic systems may become non-conforming just because of the restoration.

Kat: This hasn't gone through a thorough legal review either so I'm not sure if legal is going to say it's okay to leave the septic system on the property if the goal is to get it to a more passive condition.

Kimberly: I want to thank the Board for thinking about this. Now you are getting a taste of what Katherine deals with every day with the applications that get passed through and these details come up. We need direction from the Board on this.

Lyndsay: Regarding the passive use, having control over where people go to the bathroom at a conservation site can be very important to prevent damage, especially near water. It's one of the reasons you see in the National Parks there is more infrastructure around toilets in the back country than on U.S. Forest service land, because the National Parks they have the mission to preserve, whereas the forest service land has the mission to use it for the greatest good of the greatest many people. Also, on the septic, to the comment of changes with the bulkhead, as far as that condition, it might be that we just want to say that it has to continue to be protective over time. With climate change, there might be other changes that put that septic system at risk.

Steve Nixon confirmed the septic system is between 4-5 years old. I would hate to see it be written in that it can't be used at the site.

Kat added the proposed language in chat: The existing septic system may remain if it is deemed conforming on the marine shoreline, does not leach contaminants into the shoreline, and protective over time if shoreline recedes, and is addressed in the Stewardship Plan and the Master Site Plan.

Kat added the proposed language in chat: The existing residential structure foundation may remain in if the shoreline study recommends that it may remain and if deemed it conforms to Passive Open Space Recreation uses.

Marcello: As far as changes to the current proposal, we're going to change 1) the development of forest management plan and submittal of the 90 days to one year prior to thinning or tree removal; 2) new language on the septic system; and 3) striking may keep the residential structure foundation.

Tony: I am an environmental geochemist that worked with nutrients, and septic systems are meant to disperse the nutrients and only under certain geochemical conditions does the actual nitrogen get removed due to denitrification. So "do not leach contaminants into the shoreline" is something that is very hard to prove. Do "contaminants" include nutrients? There's going to be nitrogen from the septic system going into the shoreline. We've looked at that with USGS on Hood Canal and it gets out there, the question is how much. I do not like the comment "does not leach contaminants into the shoreline" because we can measure things to picogram quantities, 10^{-12} now, and I they'll find caffeine coming out into the shoreline, so "does not leach contaminants into the shoreline" is not appropriate but "protective over time" would be more appropriate.

Marcello: You are saying to strike "does not leach contaminants into the shoreline."

Tony: Yes, because then you have to quantify contaminants and you have to quantify the

concentrations and you get into mixing zones.

Ethan: The bullet that had to do with forest management plan should be within a year or prior to thinning.

Carol: It says prior to activity right now.

Kat: I heard Patty say she wanted to keep "prior to thinning" as well.

Marco: One consideration about the septic. While we were out there, we got the chance to walk around at low tide, and you all probably don't know this, but I worked in shellfish industry as a sustainability manager for 12 years, and I'm very familiar with beaches and shellfish capacity. I've evaluated beaches for years. This is a prime geoduck beach, it has a diversity of cockles, and butter clams, and varnish clams, and geoducks, and is in very good shape. It is in an approved status by Department of Health. We looked that up. Approved means it's not conditional, it would have to rain over 3 inches in 24 hours for the Department of Health to shut it down, so that's a testament to the fact that the septic systems are functioning in the area because they are being tested by the Department of Health. This is a shellfish resource directly downhill of this that people could potentially be harvested from.

Patty: When we were talking about the removal of the foundation, I believe that started because we were talking about whether or not the septic was involved beneath the foundation or in conjunction with the bulkhead. If it is not, and it's been established that it is uphill from there, which I would imagine they had to do to keep it at a distance from the shoreline, if that's not the case and it's not involved, do you still want to strike the foundation matter, was there another reason for removing the foundation? Because they talked about keeping the existing driveways and stuff for ADA accessibility. Is there any other reason for having to remove that foundation and I miss that?

Marcello: Jess, is that something you can answer? Because I think that removal of the bulkhead puts that structure in jeopardy.

Jess: We could have it set up since they are going to be doing a study with the Pierce Conservation District on that whole bulkhead removal, if we're making it a condition, we want you to remove it all, and part of their study identifies that this is going to undermine the foundation, the study will do that. The study might do this work for us.

Marcello: What you're saying is we want to keep the flexibility for this that once the study is completed, the group has to follow what the study says, so if it says get rid of the foundation, get rid of it, and if they say it's okay to keep, they keep it.

Kimberly: Katherine, I thought I heard you say that legal would not allow the residential structures to remain as residential structures.

Kat: They won't allow the residential structures to remain.

Marcello: Does that include the foundation?

Kat: I think we were splitting hairs there, trying to say that foundation could be repurposed into something that meets the intent of passive recreation. It won't be allowed to stay as a house, but they can maybe make a pole building or something with open air and a roof or something.

Marcello: There are two separate issues, they have the legal issue and also what the study recommends, and legal would have precedence over what the study says. The only change on the septic side is to remove "does not leach contaminants into the shoreline" but

everything else is fine based on Tony's comments. What I'd like to do before we get into the final vote for the whole project, I want to make sure that everyone is okay with making the changes to those three items with regards to modifications within one year, the removal of the existing structure or allowing it to stay based on legal and the study, and the third one was the septic.

Kimberly: I believe what legal is saying they cannot have a residential structure. I'm concerned about doing something that says you can keep the residential structure if you find a study that says it's okay.

Marcello: We're talking about the foundation only, right? The structure is gone, it has to go, so now it's a matter of if the foundation can be repurposed based on what legal says.

Kat offered some proposed language: The existing foundation structure may remain if the shoreline study recommends that it may remain, and it's deemed it conforms to Passive Open Space Recreation uses.

Marcello: I'll know you'll wordsmith that, but that is the gist. Let's go ahead and take a vote to make sure everyone is on board with the modifications to the proposal as stipulated. Are there any additional comments?

Tony: Are we striking the leaching contaminants?

Marcello: Yes.

Lyndsay asked to abstain from voting because she didn't see the full presentation.

f. CAB Votes

Chair asked for motion to adopt the new language into the proposal as identified with regards to what we just discussed.

Motion: To adopt the three modifications that have been discussed tonight and put them into the proposal. The motion was moved (Shadko), seconded (Paschal) and passed unanimously, with exception of one abstention (Gordon).

Chair asked for motion to approve the DeMolay Island Property Project as presented with the modifications from previous motion.

Motion: To approve the proposal DeMolay Island Property Project as presented with the modifications that have been discussed at tonight's meeting. The motion was moved (Shadko), seconded (Paschal) and passed unanimously, with exception of one abstention (Gordon).

B. Carbon Sequestration – Marco Pinchot

Marco shared the minor language changes to the carbon sequestration plan based on the comments from the last meeting. We heard that we wanted "native plants/trees" to be specifically called out, and we changed the three-year maintenance plan to a three- to five-year maintenance plan to allow for a little more flexibility there if conditions change or if some projects need a five-year plan.

Marcello: I just looked at the document that was sent out and the changes are minor and based on our recommendations. Kimberly, is this an action that we need to take as far as adopting this particular part, I don't think so, this is just more information, right?

Kimberly: Right, just ask Marco any questions you have, because we're hoping to bring you all the final changes next week, and we won't walk through this part again. We'll just highlight the new things for you. If you want him to walk through the language, we can do that.

Jess: As someone who works in forestry and habitat restoration, due to climate change situations such as assisted migration with species or looking for more climate adaptive species as we move forward, and we have these hotter temperatures are something we're actively looking at. When approaching native species, I might work with Marco on some of the wording. We're not looking for introducing mass new things but allowing the flexibility to use species whether from different genetics, assisted migration, which is taking a species like Redwoods, for example, and moving them up here because the climate changes are going to be more adaptive for those things. When we look at native species, if it's alright I may work with Marco to accommodate that as well.

Marcello: That makes sense. That's fine, Jessica.

Kimberly: One other thing because it's really a minor change but a big difference. If it gets into a lot of conversation, we can punt it, but ZZ, can you pull up the proposed change to Opportunity Account.

C. 2.97.110 Opportunity Account Changes – Kimberly

Kimberly discussed changes to the OA:proposing we extend the time to six weeks, and have TAC go to the site (CAB can join if they choose), and TAC will provide comments, and then CAB will score it. We've passed a lot of these this year, and they don't get the same kind of scrutiny without TAC and CAB. CAB scores all of the projects, and staff has done a great job, but they may score differently than if CAB were doing the scoring. That's a proposal for discussion.

Patty: I agree that the TAC should at least have some opportunity to review the project and provide comments, that's why they are the Technical Advisory, they have the skill set. If it's possible for the CAB to score it, that would be awesome, too. We usually get to get called in and look at these things anyway. Scheduling so that we have the presentation, and I don't know if you'd want to have the scoring the same day or a week later. That's a great way to make sure that this process is similar to the other process we use for the other projects in the regular cycle.

Marcello: If the TAC is going out to look at the project, because it's only six weeks, is that something that we could coordinate with them and combine that as a visit? Or should it stay separate based on how we do it now?

Kimberly: We could definitely add to the administrative guidelines that when we're inviting TAC to go out and look at the property, we will let CAB know, and any members that want to go and can make the time should go.

Ethan: What if the OA proposals could be submitted during the first week of each quarter or something, so it's only happening four times a year or something like that? That way it opens it up to a little competition, too. I feel like someone could put in an OA application tomorrow, and because of our actions tonight, we don't get to compare it against another project that is happening recently. Whether it's every quarter or every month, whatever is reasonable – just an idea.

Lyndsay: While I like the idea of the OA having the ability to have competition, I think it undermines the point of the OA, especially in the real estate market, while it might be slowing slightly. A lot of closings are happening within days to weeks. I know people who have closed within a day or week. Having to wait a quarter to apply when they are already going to have a longer, extended process by being a public entity, I think would actually hinder the impact and the ability of the account to actually support projects that it's designed to for the Opportunity Account. The other question I had just from being a relatively new board member...we've had a lot of increased number of meetings both due to the OA and the rulemaking. I just want to ask, has there ever been an issue with quorum for the OA pieces, and do we have any concerns with shifting more of the responsibility? I like the idea, but just as far as shifting that responsibility to

the CAB, is there a possibility that it won't get done as a result, just because it is a volunteer board and people may not be able to respond in time.

Kimberly: We would recognize that there wasn't a quorum as we send it forward to Council. We would say CAB recommended an approval, but there wasn't a quorum. It would still keep moving.

Tony: I'm concerned about this quarterly concept, and participants sort of gaming the system and overemphasizing the need of being endangered of being sold. I'm concerned we might turn into a quarterly process rather than biannual if we have set dates then this guy he really wants to sell, and we would have a completely different system. The money is different, too. I am concerned with a quarterly system, but I understand the need for competition.

Ethan: Just to respond to Lyndsay comment regarding timing of purchases and whatnot, I purchase properties on behalf of a city for parks and conservation related items, and the timeline for purchasing is much more akin to commercial purchases when they're government transactions. They aren't happening as fast as private residential market transactions. If anybody is putting together a purchase and sale agreement, there is going to be contingencies and feasibility and inspection periods that are 90- or 120-days. The one we saw today from PenMet had a contingency that was a couple months out. I can't remember the exact period. That's still coming to the OA, so while there's a sense of urgency, I don't think things are turning around on 30-day periods on these purchase and sales. And Tony, I get your point. I wouldn't think that we would lift any of the requirements off of the OA showing some sort of threat, and not waiting for the regular grant application cycle, so this would just be for any normal projects we've seen, but they just wouldn't be able to submit it to the first of the quarter. If other people don't like it, we can still move ahead with the current process. It just seems like every day is a potential cycle, not four times a year, it's 365 days a year.

Marcello: It's a valid point, without a doubt. Is that something that as a group we feel that we add right now or maybe we can take a look at that at some time? There is no specifics on time frame except that the OA is usually once the cycle is over during our normal project cycle. I can go either way. For myself, what has been proposed here I'm okay with. If there's others that feel strongly about what Ethan is saying, please share your thoughts.

Ethan: I'm fine with what's presented as well, I was just throwing out an idea.

Lyndsay: If we do think there's an issue with the number coming in to the OA, and if we feel like people are authentically going around the standard cycle to access a different pot of money and to be able to skip competition, there's other ways beyond regimenting the timeframe, such as addressing whether or not we feel like our criteria regarding "under threat" are significant enough, and they have a significant enough burden to prove they can't wait for the next cycle. If we do feel like that is a problem, I would encourage us to revisit that as opposed to regimenting a quarterly cycle, because even if things are slower in the government sector for these types of things, it encourages people to go for the OA more to what Tony was saying.

Marcello: At this point, we'll leave it as stated and allow you to continue on with what you've got as far as changes.

Kimberly: Lyndsay, I appreciate that comment, and I think it's a good chance for the CAB to noodle on it for next week, and we've leave it highlighted and bring it up again next week and see if there's any other ideas. I appreciate all the conversation, and that you guys spent over an hour and a half looking at the DeMolay property. I appreciate Katherine coming up with conditions on the fly to share with everybody, once again proving to us how much you've learned this year, and how far you've come and how invaluable you are to us. For those of you that don't know, tonight is Katherine's last CAB meeting. As of Monday, she will be working for another Pierce County

department. It is with heartfelt gratitude, just a huge shout out to Katherine, you will be so missed. You are leaving such a big vacancy. Katherine has closed over nine projects and handled all three of these Opportunity Accounts, which isn't even mentioning all the things that go on behind the scenes. I wish you all the best in the future, and we'll miss you.

The Board thanked Katherine as well – big round of applause.

A. OTHER BUSINESS

Questions/Comments

MEETING CONTINUED:

Chair closed meeting at 7:55 p.m. to be continued on October 20 at 6 p.m.