



PIERCE COUNTY

Conservation Futures & Open Space Citizens' Advisory Board

October 27, 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: Sarah Chun, Thomas Ginsburg, Lyndsay Gordon, Ryan Hebert, Marcello Mancini, Ethan Newton, Jerome O'Leary, Tony Paulson, Sue Potter, Terry Reid

Staff Present: Kimberly Freeman, Marco Pinchot, Cheryl Saltzman

Maul Foster Alongi: Kate Elliott, ZZ Lundburg

CAB Members Absent: Kadie Anderson (excused), Brett Larabee, (excused), Carol Pashcal (excused), Susan Paganelli (excused), Heather Shadko (excused), Patty Villa (excused)

MEETING MINUTES:

Motion: To adopt the October 20, 2022 meeting notes as written. The motion was moved (O'Leary), seconded (Ginsburg) and passed unanimously.

PUBLIC COMMENTS: No public comments.

ANNOUNCEMENTS: No announcements.

DISCUSSIONS:

A. Updates for Carbon Sequestration – Marco Pinchot

Marco noted that he read the previous meeting minutes, and agreed with Lyndsay's regarding the definitions pertaining to forest conservation and forest restoration and edited the terms and definitions to include "forest carbon conservation" and "forest carbon restoration."

The only other edits to the carbon sequestration language was the addition of the following to definitions:

"Natural Climate Solutions" are defined as the conservation, restoration and improved land management actions that increase carbon storage or avoid greenhouse gas emissions in landscapes and wetlands and mitigate the impacts of climate change by providing "regulating ecosystem services."

"Forest Carbon Sequestration" is the process where forests capture and store atmospheric carbon dioxide in the biomass and soil of standing forests. This includes both conserving sequestered carbon that is already contained in the forest as well as the carbon sequestration potential of allowing a forest to continue growing into the future."

"Forest Carbon Conservation" means conserving sequestered carbon in the forest and future carbon sequestration potential of that forest, as well as other co-benefits for biodiversity, regulating ecosystem services and community health and well-being."

"Forest Carbon Restoration: means enhancing the land's carbon sequestration potential, enhancing co-benefits, and regulating ecosystem services through tree planting.

Questions/Comments

Lyndsay: Thank you, I greatly appreciate this change. It makes me a lot more comfortable with it, and I feel that people will be able to understand what they are being scored on and we won't run the risk of

miscommunication.

Marco: It was a great comment, and I feel that it is much stronger now.

Paused for group photo.

B. Code Update Review 2.97

Kimberly explained that tonight we are looking at suggested revisions brought forth from legal. The majority are procedural and that she anticipates adopting the package tonight if CAB is comfortable with it. There is still more to discuss between Parks and legal, and if anything substantial comes out of those conversations, we would bring it back to the CAB.

2.97.050 Nomination, Application and Acquisition Requirements

Under section A, subsection 2: Identify the intended future uses and improvements to remain or occur after acquisition and provide a description of how these uses are compatible with the conservation values of the property. Farm, forest and active recreation applications shall ensure any proposed uses are consistent with the underlying zone.

Kimberly added that in doing this code update, we realized that we had moved past some of the basics of the program and when you go to the RCWs it's very clear that farm and forest and recreation can have future uses, but anything outside of that is very questionable. When you read the code as it exists today, it is clear future uses are allowed on farm, forests, and active recreation. Because the CAB recommends conditions on projects, we had over time let applicants perform improvements on other properties other than farm, forest and recreation with specified conditions. This is a basic cleanup and something very substantive from our legal department that we 100% agree with. Code will now be very clear that improvements for future uses are only allowed for farm, forest or active recreation.

Questions/Comments

Jerome: I was flashing back to the PLU golf course, and wondered if that property would be in conflict with this language as it relates to irrigation systems and some of the things that have changed on the property, and if there would be some kind of provision to allow something? I don't know if we'll get something like that again, but just a question.

Kimberly: The code is set up to allow for active recreation or passive recreation, and right now the current code that we have in place really allows for anything that is active recreation. The new definition that you have in the codes scales it back, stating that it really has to be active recreation that is compatible with the conservation values and dependent on outside environment. You can't use Conservation Futures funding to buy a piece of property to do a community center or turf ball fields or cemented skate parks, but you can use it to do biking, and picnic shelters, and playgrounds and other activities that you associate with parks, but also keep most of the natural environment in place. I think that PLU property came in as passive recreation.

Kimberly explained that sometimes a sponsor is working with the private landowner, and the private landowner doesn't understand that there will be covenants put on the property, or they don't understand that there's a timeline here and then the money is gone. There's a number of revisions for the willing seller statement that help clarify expectations with the Seller.

Under section A, subsection 4b: A Receiving Agency Affidavit signed by the receiving agency that includes a

statement demonstrating commitment to work expeditiously to negotiate agreements with Seller and County so final documents can be signed generally no later than 18 months from the adopting resolution;

Under section A, subsection 4e: A Willing Seller Affidavit signed by the seller of the property that states:

1) Seller is willing to negotiate with the Receiving Agency and Pierce County to sell a fee simple title or a Conservation Easement encumbering the property for a purchase price consistent with an appraisal; and

2) Seller understands that funding is available for a limited time and will cooperate to expeditiously negotiate agreements so final documents can be signed generally no later than 18 months from the adopting resolution; and

3) Seller understands covenants will be recorded against title to permanently limit the future use of the property and protect the conservation values.

4) Seller is willing to allow public access to the property consistent with the conservation values.

Under section C, subsection 1, Within 90 days of property resolution adoption the Department or Sponsor will order a title report, Sponsors will perform due diligence. Any title encumbrances will be incompatible with Conservation Futures covenants shall be identified and cleared from the title prior to purchase.

Under section C,

Subsection 1a: For fee simple purchases, appraisals shall be ordered within 180 days of adoption of the funding resolution.

Subsection 1b: For Conservation Easements or other property agreements, the draft terms and conditions shall be submitted to the Department no later than June 1 of the first year following the adoption of the funding resolution. When the county, seller, receiving agency/sponsor have concurrence on the conservation easement terms, the appraisals shall be ordered and include the easement. In general, appraisals should be completed or underway within the first year of funding. Terms and conditions that have not been consented to by the Department shall not be provided to the appraiser.

Addition of language “the project is not progressing within timelines, or any of the requirements of the program cannot be met” has been inserted Executive authority.

2.97.060 Selection Criteria

Kimberly reviewed proposed changes to the selection criteria and legal and public access, as well as limits to existing structures and proposed future expansion of structures and improvements and is limited to farms, forests and recreation.

Questions/Comments

Jerome: On farmland, we are currently working on this on another committee. Some of the farms have worker housing, and I didn't see any provision in here for that. I wonder if the limitation of a residential would ultimately override the operational aspect of the language here as it relates to worker housing.

Kimberly: Good question, I will check on it, but I do not think so. I think employee housing is listed under agriculture, but I can double-check.

Kimberly discussed compliance with other open space programs, and that the sponsors must demonstrate property is in compliance with a letter or statement of compliance from the Pierce County Assessor. Additionally, the Open Space Committee will verify public access requirements are not degrading conservation values as brought forth.

Questions/Comments

Lyndsay said she likes addition of timelines to help keep things from lingering and limiting capacity of staff and the programs, as well as making funds available to other programs down the line.

C. Board Discussion

Marcello: Is there any further discussion on what has been presented tonight before we put it to a vote.

Motion: To adopt the 2.97 code changes as presented and send them to Council for approval.
The motion was moved (Newton), seconded (Ginsburg) and passed unanimously.

Questions/Comments

Jerome: What is the estimated timeframe for final approval of our recommendations?

Kimberly: We're about three weeks off schedule at this point. We probably have a week to 10 days with legal around some of the procedural things, so I would hope it would get to Council sometime in November. I know Council has an interest in the code. I would anticipate a hearing late November/Early December.

Jerome: What rule book will be playing by in 2023?

Kimberly: I think it will be the new rule book because everyone wants it, but I'm just concerned about timelines, in terms of getting the forms together and getting a new conservation futures planner.

Thomas: The planning coordinator, has that position been posted or what is the timeline of getting that recruited and onboarded?

Kimberly: The day that Katherine told me she was leaving, I got something to HR, but in the comments, I said this should be a senior planner position, and they are recognizing that, so now we're having all the conversations at reclassifying it to a planner 3. The workload is not planner 2, it's senior planner work.

Lyndsay: As someone who knows how hard it is to reclassify public staff, I say good on you for recognizing it and pushing for it.

Marcello asked for a motion to close the meeting.

Motion: To close our meeting. The meeting was moved by (Ginsburg), seconded (Potter), and passed unanimously.

MEETING CLOSED:

Chair closed meeting at 6:38 p.m.