



PIERCE COUNTY

Conservation Futures & Open Space Citizens' Advisory Board

February 9, 2023
CAB Meeting Minutes

The meeting was called to order by Thomas Ginsburg, Chair, at 6:07 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, Brett Larabee, Ethan Newton, Jerome O'Leary, Susan Paganelli, Carol Paschal, Tony Paulson, Heather Shadko

Staff Present: Kimberly Freeman, Cheryl Saltzman

CAB Members Absent: Ethan Newton (excused), Terry Reid, (excused), Patty Villa (excused)

Public: Mike Winkler, Deputy Mayor, City of DuPont

MEETING MINUTES:

Motion: To adopt the October 27, 2022 meeting notes as written. The motion was moved (Paschal), seconded (O'Leary) and passed unanimously.

2023 BOARD ELECTIONS:

Motion: To elect Thomas Ginsburg as the Citizens' Advisory Board Chair for the 2023 term. The motion was moved (Shadko), seconded (O'Leary), and passed unanimously.

Motion: To elect Heather Shadko as the Citizens' Advisory Board Vice Chair for the 2023 term. The motion was self-moved (Shadko), seconded (Paulson), and passed unanimously.

HOUSEKEEPING:

1. Review [Rules for Transaction of Business](#). CAB recommends removing binders, adding link for Open Public Meeting [Training](#), and recommends hyperlinking [PCC 2.96](#) and [2.97](#).

Motion: To approve Rules for Transaction of Business with amendments. The motion was moved (Paschal), seconded (Larabee), and passed unanimously.

Motion: To provide hyperlinks to Rules for Transaction of Business, and anywhere there is a code reference. The motion was moved (O'Leary), seconded (Paulson), and passed unanimously.

2. In-person versus hybrid – Unanimous agreement to continue with hybrid meetings.

PUBLIC COMMENTS: Deputy Mayor Winkler thanked the Board for their hard work. Thomas followed up that he had reached out in 2020 to Councilmember Elliott that he would be willing to come give a presentation on Conservation Futures, what we've been up to, our accomplishments, values, and the application and funding processes.

DISCUSSIONS

A. 2019/2021 Code Update Slideshow– Kimberly

1. **CF Coordinator Planner 3** - We are currently advertising for a Planner 3 for the CF Coordinator, and Cheryl will send out the application for you to share.
2. **2023 Opportunity Account Application** – Possibly getting a new application before end of this month, but we are trying to convince them to come in the regular cycle.
3. **2019** – closed 11 out of 15 projects, four were withdrawn.
4. **2021** – closed one, four are active, one withdrawn. Marine View Drive is having title issues because the property keeps getting sold.

Questions/Comments

Susan: For Marine View Drive, doesn't the property owner have to agree to sell? How do they keep selling in the midst of this?

Kimberly: They can agree to sell it to us, then turn around and sell it to someone else. Tacoma just needs to grab it in between selling.

Susan: Can you clarify what you mean by land division with the PLU property?

Kimberly: PLU has this large 40-acre property, and they were going to slice off 10 acres and sell it through Forterra to Pierce County Parks, but instead, they are looking at the entire 40-acres, and they are master planning those acres, and to complete that master plan, they have to go to the hearing examiner. We are saying that they won't get through that in time to slice off the 10 acres and sell it to us. The 10 acres that you reviewed, they are now looking at a completely different 10 acres.

Tony: They were talking about the boundary adjustment issue when we had our walk-through. They explained that so that has been an issue since the beginning.

5. **Opportunity Account** – two projects are awaiting appraisal review, and one was submitted but Council did not act. The North Creek Salmon Heritage site Phase II did not appraise at what they thought it would, so we're encouraging them to take what they need and release the funds so other applicants can use them.

Questions/Comments

Jerome: Your anticipation of there being a lot of applicants, in the situation like Gig Harbor where you are encouraging them to move forward and release some of the funding that they're not going to use so that it's available for other applicants, what kind of leverage is there to do that?

Kimberly: We don't have any leverage, and we can't make them do that.

Jerome: It would be nice to think about how to protect that process within reason. It's a shame to lock that money up and not be able to use it when there are other applicants that could.

Tony: Part of the 1.2 million is in an opportunity grant, so it will go back to that and not the main 2-year process, correct?

Kimberly: Correct.

Carol: Is the Phase III officially dead now?

Kimberly: Yes, but Gig Harbor could bring it back in the regular cycle.

B. Land Conservation Plan – Kimberly

One of the to-do items for the Parks Department has been to work on an open space plan for the County. That got handed off to the Sustainability team, and they are now calling it the Land Conservation Plan. They have set a goal to get through that by the end of the year. You will be involved in that, and they will be coming to you for input and advice. It will impact the work we do in Conservation Futures, but the extent we won't know until we get into the details. In Chapter [2.96](#) which is the chapter that deals with the CAB and TAC and the duties and assignments, one of the assignments is that you are to be giving input to the County on open space and conservation issues countywide, not just through Conservation Futures.

Questions/Comments

Ryan: Are they going to pop in during the process and talk it over with us?

Kimberly: I don't know if it will be during the process or if it will be a separate meeting.

C. Code Update Briefing - Kimberly

There is one more hearing, the final hearing, on February 21, before the full council, and you are all invited and welcomed to attend.

During the last Council meeting regarding the amendments, there were 16 amendments that were cleanup things, and some smaller changes except for the four I'm going to mention.

1. **Public Access** – We had a lot of discussion here about public access, and the Council has made changes. We are meeting with Council staff next week. The way it is written now is that everything is required to have public access, except for a bunch of qualifications where you don't need public access. Having worked with the code and worked with the projects, it's creating a lot of confusion. We need that language cleared up, so we understand what we're scoring, what we're looking at, and what the expectations are around public access. They are currently exempting farms, habitat, and any water quality from public access requirements. We get applications that might be a farm, with a forested area, with a creek running through it. Are they supposed to have public access for the forested area, but not the farm and not the water? I understand that they are trying to have a sliding scale, but we need to work on a better way to say it.

Questions/Comments

Thomas: They also put it back in the scoring after we removed it.

Kimberly: We didn't remove it, but we had changed it to a sliding scale of 0-5, and they raised it from

0-10.

Thomas: With your discussions with Council staff, will that be part of the final meeting?

Kimberly: I think so, but I also know that there are one or two councilmembers that want to bring more amendments.

Jerome: I'd just like to interject as it relates to some of the active ag properties that public access is not solely focused on eliminating access for the sake of the tenant or property owner, but also for public safety because it is a functioning business, and at any given time there is equipment, chemicals, planting devices, heavy traffic internal to the farms. I sit on the Ag Advisory Committee, and we've had conversations. It's a consideration on both sides for safety and other issues.

Ryan: I'm sure we've made this point many times through the code discussions, but when it comes to framing benefits of conservation, there can be public benefits without public access.

Kimberly: Thank you, Ryan. We looked at different iterations of public access, then our legal staff came back and said you must have public access, so we put the sliding scale in for the scoring, but Council raised that.

2. Timelines – They shortened the timelines for the application submittal process. This is an area that we'll talk to council staff about. They are asking that all applications are taken in by March 1, CAB starts work April 1, and they are done by June 1. We typically take applications in March, and you don't see them until May – because when applications come in, we have so many questions that we need to reach out to applicants for clarification on, or there are missing maps, or incorrect information, or incorrect parcel numbers, etc. We clean applications up for about six weeks before they go to TAC. We are asking that the initial submittal is changed to April 1, and you are done with your work by July 1, and we turn it in to Council by July 30.

Questions/Comments

Tony: After you work on the paperwork, then TAC needs to get to it, and they need some time to review and have their meeting and discussions. So, you are looking at two months between the time that you get it and we get it?

Kimberly – Correct.

We asked that once the property resolution was adopted, we asked for a title report in 90 days, and an appraisal in 180 days. Some of those timelines were changed and a proviso was put in that if the applicant doesn't think they can meet the timelines, then they have 90 days to sign a grant contract with the department that lays out the timelines that they can get it done.

3. Good standing definition – we put in the definition that all applicants had to be in good standing by 2025. What the good standing is, when we close these projects, they're not fully closed. Most of them still need to turn in a property management plan, and they have a year to do that. There's no boundary on that. We can ask, but we're not getting them. Council wiped that out because the sponsors said they didn't like it. We're asking for it to be put back because it creates a responsibility on jurisdictions and sponsors who have received funding to make sure they complete all of their duties in receiving that funding and documenting what they're doing with that property.

Questions/Comments

Jerome: We need to set the expectation at the onset that there is a realistic expectation of performance and bookending that time frame with everyone's consensus at the onset of the agreement, individual for each circumstance, but at least there's an end date that is of notice to everyone, and everyone is working against. If it is possible to incorporate that in the initial documents, it would not make you the bad guy, and it would give us the latitude that we need to free up these funds for other opportunities if for whatever reason they could not perform. We do that a lot in my world.

Kimberly: I think the new code goes a long way to getting us there. Part of the reason Council wants us to be done with our work earlier, is because the timelines are going to start with the adoption of the resolution. That gives the sponsor more time to work on it. We're hoping things are done within the timeline, but you'd be surprised how often they have issues.

Thomas: We can get the resolution adopted by July or August, but the funds aren't obligated until the next year. Unless they can get reimbursement for overhead for that six months until they get the funds, they're still going to sit on it.

Kimberly: You are right, and we're putting in the guidelines that you can get your title report, and appraisal and appraisal review. We will reimburse you in 2024, but if they don't have the money up front, they're still going to have to way.

4. Carbon Sequestration – They didn't like it. They want all ecosystems counted in carbon sequestration. We said we're counting trees. Council said they all sequester carbon. Marco Pinchot is back to the drawing board, and we need something by mid-March to put something in the application. He is working with the TAC to assign tonnage amounts per acre attached to any system we might get.

Questions/Comments

Jerome: What happens with a larger property that has multiple ecosystems? That can be terribly difficult.

Kimberly: We are going to try to have the TAC figure that out.

Lyndsay: Even for the TAC, carbon sequestration as far as how to account for it and what's considered best policy is very complicated and controversial and can get into greenwashing very easily. I would urge careful consideration as far as how we do that. If the County were starting to look at a carbon-neutrality goal, this program could become offset related which would be additionally concerning. As far as looking at why we're quantifying, I'd urge that that use be limited.

Kimberly: If you feel strongly about any of this, please feel free to come forward and say something.

5. Point changes – reviewed the amended points.
 - a. Council struck compatibility points.
 - b. Council increased public access.

C. Board Discussion

Thomas: Is there anything for the good of the order?

Questions/Comments

Ryan: What happened to Marcello? Why is he gone?

Kimberly: He appreciated the committee and liked the work, but he wanted to work on other things, but he resigned.

Tony: What district was he?

Kimberly: He was district 1.

Thomas encouraged everyone to attend the Council meeting on the 21st, and asked for a motion to adjourn the meeting.

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

MEETING CLOSED:

Chair closed meeting at 7:22 p.m.