



PIERCE COUNTY

Conservation Futures & Open Space Citizens' Advisory Board

July 27, 2023
CAB Meeting Minutes

The meeting was called to order by Thomas Ginsburg, 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, Ethan Newton, Susan Paganelli, Carol Paschal, Tony Paulson, Heather Shadko, Patty Villa

Staff Present: Kimberly Freeman, Chris Chaput, Cheryl Saltzman,

MFA Consultant: Claire Moerder

CAB Members Absent: Brett Larabee(excused); Jerome O'Leary (excused)

Public: Leanne Weiss, Forterra

MEETING MINUTES:

Motion: To adopt the July 20, 2023 meeting notes as written. The motion was moved (Villa), seconded (Paulson) and passed unanimously.

PUBLIC COMMENT: No public comment.

STAFF COMMENT: Kimberly thanked the Board for their hard work and for coming out to meet in person.

2023 PROJECT RECOMMENDATIONS

A. Final Scores and Ranking

Chris shared the ranked list via spreadsheet:

1. Clover Creek Conservation and Recreation Area (69)
2. Probst Property at Swan Creek Park (68)
3. North Salmon Creek Heritage Site Phase 4 (65)
4. Haley State Park Protection (64)
5. Island Blvd Properties (59)
6. Nelyaly Creek Protection (58)
7. Little Minter Creek Forest and Farm Protection (46)

Questions/Comments

Kimberly: What are your reactions to the list? Any surprises?

Patty: Our scores spoke, we all kind of felt the same way about most of it.

Thomas: They were all very good projects; they all came in very strong in all the values that they submitted on. The code changes, with public access, did impact Little Minter Creek.

Patty: We were also dependent on the written word and presentation this year, and in the past, being able to go visit the site and see them, we didn't have that advantage.

Kadie: My favorite is in there, Haley State.

Tony: My scores were pretty low.

Ethan: Had some issues with ranking on Clover Creek, regarding the shooting range. I had issues with Little Minter Creek access. I was surprised we didn't have more projects, especially with the low match requirements.

Carol: I had reservations about Clover Creek. I don't know who is going to walk in a park where there's gunfire. The noise could be hard on wildlife.

Sarah: The scoring criteria definitely affected the scores that I had on a few of the properties, especially with public access. I scored Clover Creek slightly high, I've used that facility, it's near my house. It's a nice facility and a lot of conservation area outside of the shooting range. There were a couple that I really liked the project, but because of the public access, it ruined it for me, even though I like those projects and I'm hoping they can get funded if anything falls through.

Patty: 113 acres is a substantial chunk of property in an area that is slated for incredible amounts of development, and probably the only area in that whole area that's going to be protected, unless somebody steps up and does this again somewhere else.

Thomas: The community really loves that parcel. They go there, they use it, not only for firearm and archery activities, but there's Easter egg hunts and fundraisers. It's a gem for that community.

Susan: I wasn't here last week, so I wasn't here for the discussion. I did review the paperwork. I'm not surprised by this. With the development that is happening in the Frederickson area, to get 113 additional acres especially along that creek that is already struggling, if we can have some upstream protection that is phenomenal. I want to thank Chris again for working with us on the equity thing. When I was able to dig down in that and go through, and it took time because every time you put a new zip code in it would kick you back out. But being able to go back, and really look at who had access to a park, and look at some of the roads, you can see who has access. It was a little misleading between the regional, etc., but when you looked between the lines, that tool came in handy. I read the minutes and saw the questions regarding public access, and this group really wants to see public access, so I wasn't surprised to see the lowest two.

Lyndsay: The ranking overall doesn't surprise me. I'm 90% sure Clover Creek was probably my top. On that one specifically, I did go back to the code for the definition of the conservation values, for active recreation. One of the pieces was diverse active recreation, and so given that it was the only public open air range in the County, while it may not be an activity that I

do at all, I think it met that criteria very well from the standpoint of being unique, different and something that in this County, I would expect to be very widely used. There are some other counties that I may or may not expect that to happen, depending on where it is located. I saw a lot of value for the County as a whole for it. Once I looked at the values, it really helped me. There were a couple of others that I feel like they could have had a stronger application if they changed the values they applied on, which was a bit of a struggle. There were a couple that came in on Trails and Corridors, because it's all about humans, so for me, that conservation value was very low on those applications. If they'd come in on Fish and Wildlife, instead, which is really what they were discussing and presenting, I would have scored them a lot higher. With Little Minter Creek, I struggled with even 100% feeling like it was eligible from the standpoint on how they presented it related to public access. I believe you have to have some?

Chris: No, for conservation easements of private property owners, the code calls it out as allowable to limit or restrict access.

Lyndsay: There's forever farms and other ways that protecting that land would be more appropriate than this path.

Ryan: Similar to Ethan and some others, I was kind of bummed on the geographic distribution of the applications this year. I'm glad in the end to see that East Tacoma made it high enough on the list to get funded. That scored well for equity for me as well. It was nice to factor in equity this time and to see that not very many of them had that as a component. I'm excited that we are putting aside 200 acres for this round.

Tony: After I scored, I started looking at the gun clubs and in my opinion, the representation of the Clover Creek proposal as the only outdoor public club was a bit exaggerated. First of all, the Tacoma Sportsman Club is leasing the ten-acres, so it's actually non-member access to a public club, and if I'm not mistaken, Gig Harbor is still in Pierce County, and the Gig Harbor Gun Club does allow non-member participation, and with Tacoma Sportsman, I think after several trips to that site, paying \$25 a day, that they would realize it's probably economical to just join one of the private clubs. They are only \$100 annual dues. After the fact, I felt that the claim was a little exaggerated, and I would have dinged them a couple of points. They are allowing non-members to participate.

Heather: I've not been here for any of this. I was on vacation for your site visits.

Thomas: There were no site visits.

Heather: I haven't done any of it. I'm listening.

Chris: We've heard a couple of times throughout the great discussion here is that we want more diversity in the locations and how we are going to outreach to sponsors and potential applications. As part of my moving forward with the program next year, I will be looking at doing what I call a roadshow, and going out to the municipalities, especially focusing in those areas where we have smaller municipalities and limited parks, or open space available to the

public, and talking to them about the program. We'll look at how we can either help to connect with sponsors or land trusts, or those that have done this particular type of application before and looking at projects we can move forward in the next round of applications which would be 2025.

Susan: Along those lines, Kimberly, have you ever talked to service clubs or other groups about this?

Chris: That's all part of the road show. It's not just municipalities, although helping them understand the program and that they're citizens pay into this particular tax as they start thinking about how they're going to implement their comprehensive plans and put parks in the areas, this is a tool, but also going out to those sponsors or even local community groups that can help to create that connection, create the project, and create the connection with the city. We can start building those relationships so hopefully we start to see more projects come in and the diversity of that location becomes greater.

Patty: Community-lead is what is super. They know what they want protected, and it will give it some passion, and those experienced organizations coming in to help, that's perfect.

Chris: It will take a bit of time to do that outreach.

Ethan: The first grant cycle I was part of, Pierce County brought a project forward. Can Pierce County bring a project forward?

Kimberly: Yes.

Ethan: It's odd that there is a lot of unincorporated Pierce County, that there weren't any Pierce County projects. I would encourage there to be some talks, too, with Pierce County.

Kimberly: We're just short-staffed, Ethan, that's the problem at this time.

Tony: I often go to the Chamber Clover Watershed Council and I was talking to the chairman and their next forum is on land conservation purchasing. I suggested that she call Chris to present something in the forum, and I asked Thomas if he would be willing, can I send his name to the committee. It's a two-three-hour forum and quite informal. This year the theme is land conservation.

B. Covenants and Restriction Review

Chris reviewed each project's conditions for purchase or use.

Clover Creek Conservation Recreation Area

Questions/Comments

Susan: Is there a definition around mechanical vegetation removal? Are we talking weed-whacker or backhoes?

Chris: We are eliminating backhoes and bulldozers, only encouraging hand tools, like weedwhackers and lawnmowers.

Tony: In terms of maintaining conservation, I went on to the State website to find their articles of incorporation and bylaws. The articles of incorporation that if they disband it goes to a conservation group, but I thought that was wishy-washy, and how much of that goes to the Sportsmans Club if they disband?

Chris: Part of our restrictive covenants is a standard condition is that if a receiving agency does disband or close, it reverts to Pierce County.

Tony: Including the ten acres?

Chris: Yes.

Lyndsay: There was one comment in the application that was kind of buried in the application regarding "blue sky requirement," and that it could be required of them at some point because it's a certain certification for gun ranges. I don't know enough about what that requirement or regulatory landscape to know if that is something that we need to consider in here?

Chris: I noticed that as well. It's a "no blue sky" requirement because they are outside shooting ranges. Basically, you can't chamber your weapon until you cannot see the blue sky. You have to have cover where you're standing and the berms that you are shooting into have to be high enough so that you can't see blue sky. They already have most of that infrastructure in place, and because that infrastructure is in place, and they are an active recreation, they would be able to maintain and enhance that.

Ethan: One of the bullets talks about them providing a map showing the footprint of the shooting range, but I'm wondering if we want them to provide that map, or whether there should be something that outlines where the shooting range is as opposed to the public access areas are so it's captured in the covenants so that doesn't change. Just to define it.

Chris: Defining that their current footprint be allowed to be maintained and not expanded?

Ethan: I'll use Minter Creek as an example...they were going to show two different zones and then describe those two different zones. I would think there would be two different conservation or recreation easements on this property, or it could be zone 1 and zone 2, or parcel 1 and parcel 2. Maybe they could already provide a map or description.

Kimberly and Chris will adjust language relating to the footprint mapping.

Susan: Are the forest management plans reviewed and monitored?

Chris: Yes, that follows under the management and maintenance plan, and has to be viewed and updated every ten years.

Carol: Since they are a specialized recreation and are also offering passive recreation, I thought just communicating their availability for passive recreation on their website was minimal, because who would go to their website unless they are already shooting. I thought there should be further requirements in that area.

Kimberly: Like signage on the sites?

Carol: At a minimum. Is there no local park district there?

Kimberly: That's us – Pierce County Parks.

Carol: So could it be on the Pierce County website?

Chris: Absolutely.

Kimberly: I want to make sure I'm capturing what you are saying, Carol. What I hear you saying is, there the active area which is largely geared to archery or shooting. Then there's the passive area, where people can come walk, but where is the public information that there are places where you can come walk here? What we've done in the past is require signage on the site. We can also put it on our website, and the Sportsmans Club on their website, and potentially on Forterra's website.

Carol: Just having it in more places than just their website is good for me.

Lyndsay: I think signage on site would make a lot of sense, because that one yard is only open one Saturday, and I don't know how well that is communicated on site, so having clear communication and static signage would be helpful. Here's where you are allowed to shoot, here's where you are allowed to passively recreate, and potentially something that shows the schedule of events and when those days are that additional area is active shooting.

Patty: A link to the website?

Probst Property Swan Creek Conditions Review

Questions/Comments

North Creek Salmon Heritage Site Phase 4 Conditions Review

Questions/Comments

Thomas: I saw on one of the applications they had a submitted title report and went over eight encumbrances and said low risk will be cleared at closing. There may be on these properties where the inherent Weyerhaeuser retains mineral and mining rights, how do those get extinguished in terms of the acquisition process?

Kimberly: I don't think they do. You'd be astounded how many properties have those on them.

Thomas: So it's just generally recognized that those are such a low risk you just leave them on title?

Kimberly: We can double-check, but I'm fairly certain that's what has happened.

Ethan: I think them disclosing those is being transparent.

Tony: This proposal was talking about fixing the bridge on phase 3, is that connected with the covenants on phase 4?

Chris: No, because the bridge is on phase 3.

Tony: But access was dependent on that bridge getting fixed.

Chris: Access in their documents includes both from Cushman Trail and internal from the earlier phases.

Haley State Park Protection Conditions Review

Questions/Comments

Island Blvd Property Conditions Review

Questions/Comments

Lyndsay: It sounded like it was going to be more feasible for them within five years for the bulkhead. I would rather see it removed earlier, but I have concerns with how long it takes permits to be obtained because they are required for anything that touches water. Is there concern if we put the three years, if they are actively trying, there may be things outside of their control to be able to make it in three years, and what would happen?

Kimberly: If they need more time, and are actively trying, we normally give them more time. Chris is noting that she pulled these from the Opportunity Account, and they did ask for five. It's up to you if you want to change it to five.

Ethan: Have there been any incidents where that happens, and the committee has said we'll give you more time but you're not eligible for more projects during that time? Or is it case-by-case?

There was group discussion on how to word the Conditions for bulkhead removal, and it was decided:

Require the removal of the existing shoreline armoring (aka bulkhead) structures within three (3) years within the limits of public safety and liability.

There was group discussion on how to word Conditions for impervious surface and it was decided:

Limit the total impervious surface to the current impervious footprint unless necessary to provide ADA access.

Nelyaly Creek Conditions Review

Questions/Comments

There was group discussion on how to word Conditions for bridges and it was decided:

Allow the existing bridges to remain and be improved only to support passive recreational activities.

Little Minter Creek Farm and Forest Conditions Review

Questions/Comments

Ethan: I know this one is not funded, but can we have a discussion if whether funds become available it should be funded? I don't support funding it. I didn't think it was an issue because it's so low, but can we just reject it?

Thomas: I heard another member, Lyndsay, say she had concerns that it was even technically it should have been eligible.

Lyndsay: It was clarified that it was eligible. The public access gave me a lot of heartburn on this one.

Ethan: I guess on that point, it's fine to say that there's no public access for agricultural and if it is a conservation priority, but I would say for 25 acres in a wooded or critical area that's not

agricultural and is zoned as such and they still say no public access. That was part of their application, and I would say why should we put public dollars towards 25 acres of property that could have public access just because the owners aren't agreeable to it. I don't think that's what the program is about.

Kimberly: The CAB can't throw projects out. The TAC can throw projects out, but they can only throw projects out when they don't meet the criteria. Once it makes it past TAC, it's on the list. The fact it's below funding is both good and bad. Two reasons, frequently things above fall off, so just because something is out of funding doesn't mean it won't go, and the second, after we're done with the conversation and you vote on the whole package, we're going to have a conversation about your recommendation to Council and the tax has slipped to .27 instead of .625 per household so if you want to recommend Council bring that up, that'll probably put this back in funding. Chris is going to tell us what the code says, because I think we can have applications that don't have public access.

Chris: [2.97.060](#)

Kimberly: These are your recommendations; Council can take them or leave them. If there's something that will make it more palatable for you guys, as long as we're within the code. For example, if the Code says you are agriculture you don't have to have public access, but they've brought in both agricultural and wooded, and they are very distinct. You could ask for public access on the wooded area, or you could ask for a farm tour once a every two years, which is public access.

Susan: Key Peninsula does a farm tour every year, so if they were to open up to be available to the public.

Thomas: What was the primary value they submitted on? Agriculture?

Chris: No, that was tertiary. Streams and rivers is the primary, then wooded area, then ag land. This is a conservation easement so the property owner will remain with the property. In general, public access shall be provided for public access properties that does not conflict with conservation futures values for that nominated property.

Ethan: So that aligns with what I'm saying. The first two values seem to require some public access. Maybe we just add some sort of public access condition for use and then if it does get approved then it's up to the sponsor and the property owner to agree to it or not. Is that how that works?

There was a lot of debate and questions around public access. The group discussed how to word Conditions for public access, and it was decided:

Require public access opportunities and allow limitations for public safety, protecting agricultural, natural, or cultural resources.

Public access to the site may be limited however, some public access must be provided, such

as a site/farm tour once a year or once every two years.

Lyndsay: If they had come in with their values in a different order, with agriculture being primary, I could understand a reluctance, but it is tertiary. I trust the TAC and align with their recommendation.

Thomas: I'm with Lyndsay on that. This would have been a different conversation if they'd come in with agriculture as their primary value, and that we are not exceeding the TAC's recommendation of 150-foot, the TAC is the technical experts.

Regarding the buffer condition, the language was changed:

Require a Farm Plan to include a manure management plan, establishing and maintaining a minimum 150-foot buffer from the stream's edge on both sides, maintaining the wetland buffers, and exclusion fencing from wildlife and critical areas.

Motion: To move the 2023 Conservation Futures application package forward to Council meeting notes as written. The motion was moved (Gordon), seconded (Paulson) and passed unanimously.

OTHER BUSINESS:

Chris: The Conservation Futures tax has slipped to 2.7 cents for every \$1000. The Code does state 6.25% - is there any discussion by the Board to make recommendations to the Council to increase that funding?

Tony: Why did it slip?

Chris: The way that these tax levies are created as property values go up, the tax levy slips.

Tony: But it's still 1% overall increase?

Thomas: Do you have a presentation for us to see what the current (indistinct) is and what we're sliding?

Chris: I didn't have time to put that together.

Thomas: I believe another meeting to discuss this with prepared materials going out for review prior to the meeting so we can have an informed discussion. Bringing it up in other business to put it on the radar is an excellent idea. I believe there will be a healthy, robust, positive conversation on it. Does everyone on the CAB agree? To table the discussion for a recommendation of the tax slip to a future meeting at a separate, stand-alone meeting.

Lyndsay: Is there any required timetable for that discussion, or is that a recommendation we can make to Council at any time?

Kimberly: You can make any recommendations to Council. They are doing budgeting this fall. You are required to meet with the TAC once a year, and you haven't done that this year. Maybe we'll look for a meeting with the TAC either in late August or September, and it can be at that meeting that you have that conversation and make a recommendation. You can have input from TAC on that.

Lyndsay: I'd love to have that information from TAC.

Ethan: Is that a Councilmatic action for them to change that?

Kimberly: It has been in the past, and it used to be automatic. About six or seven years ago, due to some decisions by Council, it stopped being automatic and it hasn't come back up, which is why it's slipped so far. There are questions being raised by other counties and legal is looking at, is it a Councilmatic action. In other counties, they are having definite resistance about it being Councilmatic, and they've taken it to the State legislature for clarification, but the State legislature hasn't picked it up. I think you can send your recommendation to Council and it's up to them to decide if they want to move in that direction or seek another opinion.

Susan: Can we include projections if this trend continues what would it drop to?

Lyndsay: Is there an upward limit where the tax turns off?

Kimberly: The maximum that can be charged under State law is 6.25 cents per \$1000 of assessed value.

Lyndsay: I thought one of them had limits about the amount of money, revenue that could be in the account at a given time?

Kimberly: There's two different things. There's a lot of conservation futures tax that comes in. 25% slices off for M&O. 75% comes forward to purchasing. In the purchasing, there's \$4M that gets sliced off over time, \$250K per year to the Opportunity Account.

Chris: The cap for what we bring in is that 6.25%/1000. Internally we do the slicing.

Kimberly: We can present all that.

Thomas: We look forward to seeing those materials and meeting with the TAC in late August, early September and coming up with a recommendation to Council to increase the tax for Conservation Futures.

Lyndsay: I'd like to say thank you to the staff. I know this has been a lot of weeks in a row for us, but there's been a lot of tight turnarounds for staff. I greatly appreciate it. As someone who is also a public servant and responds to public officials, I know how much those deadlines can be very difficult to meet, so thank you.

Kimberly: Thanks for saying that. That is a huge shout out to Chris who walked in in May, and I then

walked out the door for a month. She handled everything. Here she is, I don't doubt what she has done, what she knows, she has really gotten up to speed. And many, many thanks to Claire who has been there through our code update, and through helping Chris and we're keeping Claire for quite a while to help us get through the next two years and updating materials as well, so expect to see both of them going forward.

Ethan: I'll second that. It's been a smooth process.

MEETING ADJOURNED: Chair adjourned meeting at 7:52 p.m.