October 29, 2012

To: Performance Audit Committee

From: Bill Vetter, Legislative Analyst

Re: Natural Resource Lands Management Performance Audit

We are pleased to present this performance audit of Natural Resource Lands Management in Pierce County. The audit was undertaken to study whether county departments are following existing regulations regarding the acquisition, maintenance, inventory control, sale, and management of natural resource lands; whether existing regulations are adequate to ensure the efficient and effective custodianship of natural resource lands; and how other similar jurisdictions have approached the issue of natural resource lands management.

After a competitive bidding process, the Performance Audit Committee approved a contract with the FCS Group to conduct the study. FCS Group has extensive experience working with local governments in Washington, including on prior projects for Pierce County.

The analysis in the report was based on a review of County regulations, as well as interviews and documentation from the Facilities Management, PALS, Parks and Recreation, and Public Works departments. Based on an analysis of the County’s current operations, the report makes several recommendations for improving the management of natural resource lands in the County.

The report notes that Pierce County departments are generally following existing regulations concerning property acquisitions and dispositions. However, the County does not have an integrated approach to managing its natural resource and open space lands. The report recommends organizational changes to address the lack of coordination among departments, including appointing staff to serve as an open space coordinator, as well as clarifying strategic and operational guidelines for open space.

County departments are in general agreement with the recommendations, with a few exceptions that will be noted in their responses to the report.

We appreciate the extensive cooperation and effort put into this study by the staff in Parks and Recreation, Facilities Management, Public Works, and PALS.
Pierce County Council
Pierce County, Washington

Feasibility Study of Consolidation of Natural Resource Land Management

Final Report

October, 2012

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This entire report is made of readily recyclable materials, including the bronze wire binding and the front and back cover, which are made from post-consumer recycled plastic bottles.
October 24, 2012

Mr. William Vetter
Legislative Analyst
Pierce County Council
930 Tacoma Ave. S. Rm. 1046
Tacoma, WA 98402-2176

Subject: Feasibility Study: Consolidation of Natural Resource Land Management

Dear Mr. Vetter:

Attached is our final report on the results of our analysis concerning the consolidation of natural resource land management. We again want to thank you and the County departmental staff for their assistance and cooperation in helping us gather data and in spending time with us to discuss the County’s practices. If you have any questions, please feel free to contact me at (425) 867-1802 extension 228.

Sincerely,

Peter Moy
Principal
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APPENDIX A- 2008-2011 PROPERTY ACQUISITIONS AND DISPOSITIONS
CHAPTER I: INTRODUCTION

In 2010, Pierce County conducted a performance audit planning assessment to develop audit topics that would identify cost savings and enhance revenues, service and process improvements that could be made without significantly increasing expenditures, and opportunities to improve performance measurement systems. The planning assessment indicated that a feasibility study of the consolidation of Pierce County’s natural resource land management activities could lead to cost savings and process and service improvements. The County issued a Request for Proposal for the study, and FCS GROUP was selected to conduct the study.

The main questions to be addressed in the study were whether there are inefficiencies in Pierce County’s custodianship of natural resource lands and what alternatives could be employed to realize cost savings and improve service. Four key questions were identified.

- Are county departments following existing regulations regarding the acquisition, maintenance, inventory control, sale, and management of natural resource lands (including facilities on those lands)?
- Are existing regulations adequate to ensure the efficient and effective custodianship of natural resource lands?
- What opportunities exist for cost savings and improved efficiency and effectiveness in the acquisition and custodianship of natural resource lands?
- How have other similar jurisdictions approached the issue of natural resource lands management?

To develop the answers to the above questions, FCS GROUP used a study approach that included the following tasks.

- Reviewing the Pierce County Code and other County documents related to natural resource land management and open space including the Open Space Task Force report and the Pierce County Park, Recreation & Open Space Plan (PROS),
- Interviewing County department staff and external stakeholders,
- Reviewing and analyzing the documentation for open space property acquisitions and disposals,
- Contacting and surveying other Washington counties, and
- Conducting a high level literature search on open space management.

In conducting the study, many County staff were involved in assisting us with data collection, and we want thank and acknowledge all the County staff and others that spent time providing us with data and their perspectives about the County’s management of natural resource lands and open space.

WHAT ARE NATURAL RESOURCE LANDS?

The County’s Comprehensive Plan defines natural resource lands as agricultural, forest, and mineral resource lands which have long-term commercial significance. Although the study involves natural resource land management, the County expanded the scope of the study to also include open space.
Open space is more broadly defined and includes agricultural lands and forests. The Comprehensive Plan defines open space as the following.

“…a landscape that is primarily unimproved. Open spaces may be comprised of a variety of components including: ecologically significant areas, zoned open space, wetlands, stream and/or wildlife corridors, lakes, beaches, tidal marshes, flood plains, geologically hazardous areas or unusual features, wooded areas, farm lands, golf courses, trails, nature preserves, greenbelts, utility corridors and other vacant rights-of-way, cultural, historical and view sites, as well as parcels providing access to and/or linkage with other open space areas.”

With this open space definition, the County’s Comprehensive Plan has five major open space objectives that it seeks to achieve, and they are the following:

- Establish an open space network linking open space areas via greenbelt corridors throughout Pierce County,
- Utilize a number of techniques and innovative measures to acquire and conserve open space,
- County programs that provide for the acquisition and/or preservation of open space shall have established priorities,
- Ensure that Pierce County open space properties, open space passive recreation parks, conservation easements, and conservation futures covenants are managed and maintained to provide long term stewardship of the open space function and value,
- Recognize that open space is an integral part of an area’s infrastructure and that it should be provided concurrent with development, and with minimum percentages of public open space required per development.

Within the context of the Comprehensive Plan, several County programs designed to preserve open space also have definitions specific to the particular program, such as Conservation Futures and the Transfer of Development Rights. In addition, there are other specific definitions for the types of areas that are included as open space, such as wetlands, greenbelts, flood plains, etc.

OPEN SPACE TASK FORCE

In addition to this feasibility study, the County Council established an Open Space Task Force in 2009 to review open space needs and “develop recommendations for strategically financing future open space resources in Pierce County.” A 2011 report from the Task Force found that there is a willingness to collaborate among agencies regarding open space property acquisition, management, and stewardship. However, the report noted that “there isn’t a mechanism in place to ensure it happens on a regular and consistent basis,” and made several priority recommendations.

- Priority One – Appoint an Open Space Coordinator
- Priority Two – Establish an Open Space Council
- Priority Three – More efficient use of funding sources
- Priority Four – Conduct a public opinion poll to determine support for the best kind of open space tax

Other recommendations involved the following.

- Revenue (market-based solutions and public funding options)
- Policy & Regulatory
- Smart Acquisition Strategies
- Program Alignment
- Land Stewardship (Maintenance and Operations)
- Agriculture

The County Council received the Task Force’s report and recommendations, but it did not formally adopt the report or recommendations. The County’s Comprehensive Plan and the Park, Recreation & Open Space Plan (PROS) still remain as the adopted plans for natural resource lands and open space.
CHAPTER II: ORGANIZATIONAL ROLES

Pierce County has many different programs that it uses to acquire, preserve, maintain, and manage its natural resource and open space lands, and as a result, many different County departments are also involved in activities that are related to these types of land. As part of the County’s performance audit planning assessment, the assessment found that a feasibility study of the consolidation of Pierce County’s natural resource land management activities could lead to cost savings and process and service improvements.

Because of the definition of natural resource and open space lands and because of the County’s regulatory and organizational framework, individual program and department specific responsibilities for natural resource and open space lands are found throughout the Pierce County Code. The Code does not consolidate these individual programs and responsibilities into one department or organization. There are, however, several interrelated issues that reflect why natural resource and open space land management is not currently consolidated.

- The methods for acquiring and preserving natural resource and open space lands involve a diverse set of functions that involve property tax incentives; land use and zoning regulations and incentives; natural resource and open space planning; the Conservation Futures program; and department specific property acquisition, maintenance, and management,

- The definition of open space covers types of land that are acquired and managed by several different County departments,

- Each County department is guided by its primary mission and services, and lands are primarily acquired and preserved to help a department meet its objectives and provide services. For some departments, such as Public Works, the types of land that are acquired are also included in the definition of natural resource lands and open space even though that is not the reason for the land acquisition.

Given the County’s regulatory framework and its current organizational structure for providing County services, there are several factors and issues involved in determining what natural resource land management activities should be consolidated and what existing or new department would be the most appropriate one to assume responsibility for such activities.

THE REGULATORY FRAMEWORK

There are many parts of the Pierce County Code that relate to acquiring, preserving, maintaining, and managing natural resource lands and open space. Overall, we identified and reviewed 14 Pierce County Code sections where the Code related to acquisition, disposition, maintenance, inventory control, and management of open space. In addition to the Code, Surface Water Management’s own policies were also reviewed. Within the 15 different code and policy areas, there were 45 references to the various functions. To provide an overview of the different regulations that affect natural resource land and open space management, Exhibit 1 shows the related Pierce County Code section, a description of the code, and the responsible department.
## Exhibit 1
**Summary of Regulations Related to Natural Resource Lands and Open Space**

<table>
<thead>
<tr>
<th>Pierce County Code/Authority</th>
<th>Description</th>
<th>Primary Department(s) Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>PCC 2.06</td>
<td>Describes the various duties/responsibilities of departments with respect to property in general</td>
<td>Executive / Facilities Management / Parks &amp; Recreation / Public Works</td>
</tr>
<tr>
<td>PCC 2.96 &amp; 2.97</td>
<td>Conservation Futures program regulations</td>
<td>Parks &amp; Recreation Services</td>
</tr>
<tr>
<td>PCC 2.110</td>
<td>Regulations governing the County’s property management</td>
<td>Executive or designee (i.e. other departments) / Facilities Management</td>
</tr>
<tr>
<td>PCC 2.114</td>
<td>Current use assessment program regulations</td>
<td>Planning &amp; Land Services / Assessor’s Office</td>
</tr>
<tr>
<td>PCC 11.02.010</td>
<td>Storm Drainage and Surface Water Management Purpose</td>
<td>Public Works</td>
</tr>
<tr>
<td>PCC 18E</td>
<td>Critical areas development regulations</td>
<td>Planning &amp; Land Services</td>
</tr>
<tr>
<td>PCC 18G</td>
<td>Transfer of development rights program regulations</td>
<td>Planning &amp; Land Services</td>
</tr>
<tr>
<td>PCC 18I</td>
<td>Natural resource lands (i.e. agricultural, forest, and mineral resource lands) development regulations</td>
<td>Planning &amp; Land Services</td>
</tr>
<tr>
<td>PCC 19A.110</td>
<td>“Community plans should use comprehensive plan policies to create open space”</td>
<td>Not specified</td>
</tr>
<tr>
<td>PCC 19A.30.160 &amp; 19A.30.170</td>
<td>Major comprehensive plan policies related to open space</td>
<td>Not specified</td>
</tr>
<tr>
<td>PCC 19D.170</td>
<td>Open space priorities for the Comprehensive Plan</td>
<td>Not specified</td>
</tr>
<tr>
<td>PCC 14.04.030</td>
<td>2008 Pierce County Park, Recreation, and Open Space Plan</td>
<td>Parks &amp; Recreation Services</td>
</tr>
<tr>
<td>SWM LMPOL-001</td>
<td>Surface Water Management Policy establishing guidelines for land management</td>
<td>Public Works</td>
</tr>
</tbody>
</table>
ORGANIZATIONAL ROLES

The primary departments involved in the processes for acquiring, preserving, maintaining, and managing natural resource lands and open spaces are Facilities Management, Planning and Land Services (PALS), Parks and Recreation Services (P&RS), and Public Works, primarily its Surface Water Management Division (SWM). Each department has a broader mission that does not necessarily include natural resource lands and open space, and consequently, each department’s focus is on those activities and services central to meeting that mission. The pictures illustrate their link to natural resource land and open space.

♦ Facilities Management is responsible for real property management; facilities planning, construction, and maintenance; annual real property report; and tax title properties. It has been involved with natural resource lands and open space when it previously assisted the Conservation Futures program purchase properties several years ago and through its timber resource management program that involves selective thinning and disposing of the selected timber on parcels that are owned by the County and are tax title real properties.

♦ Planning and Land Services is responsible for building safety and inspections, current and long range land use planning and regulation, development engineering, resource management, and code enforcement. Through its land use and zoning regulations and its past community planning efforts, PALS has been involved with planning and regulating natural resource lands and open space. As part of its planning, land use, and zoning activities, PALS is responsible for the Transfer of Development Rights (TDR) program that seeks to permanently preserve resource and rural agricultural lands, recreational trails, and open space and habitat areas. PALS also has the responsibility for reviewing applications for current use assessments related to timber land and open space and assists the Assessor’s Office with applications for agricultural land.

♦ Parks and Recreation Services is responsible for maintaining and operating County parks and recreational facilities, providing grounds maintenance, planning and developing parks, recreation facilities, and recreation programs, providing natural and cultural resource stewardship for 5,000 acres of park land, and administering the Conservation Futures program. As described in the 2008 Park, Recreation & Open Space Plan, open space is part of P&RS’ mission and with the Conservation Futures program, P&RS, cities, parks districts, and community organizations are able to acquire open space throughout the County.
Public Works is responsible for a wide variety of services that involve road maintenance and engineering, surface water management, sewer and water utilities, solid waste, the County airport, and County ferries. SWM is the primary division involved with acquiring natural resource and open space land because it is purchasing land that is in flood plains. One of SWM’s purposes is to “increase educational and recreational opportunities, encourage the preservation of natural drainage systems, and foster other beneficial uses”. In addition other services involving transportation and sewer have been involved with open space as mitigation requirements involving construction. Transportation is involved with wetland mitigation efforts and sewer also had mitigation requirements involving the Chamber Creek properties.

Acquiring, preserving, maintaining, or managing land that is classified as open space can happen in any of the four departments. Because the mission of some departments is broader than just natural resource and open space land management, they might purchase or acquire property for the department’s primary purpose such as flood control, surface water drainage, road right of way, tax title, TDR, or Conservation Futures. According to the Pierce County Code 2.110.070 “County departments shall be responsible for maintaining all real property for which they are the custodian”. Because of their broader mission and responsibility for their properties, each department generally operates independently from the other departments, which fragments natural resource and open space land management. Exhibit 2 shows graphically how this occurs by showing the mission, examples of the services, and what natural resource and open space activities the departments perform.
Because each department has its own mission that might involve various aspects of natural resource land and open space management, there are several activities and functions that are common across departments. Exhibit 3 shows a matrix of the departments and the activities and functions that they perform.
Exhibit 3
Department Responsibilities by Natural Resource Land/ Open Space Functions and Activities

<table>
<thead>
<tr>
<th>Department/Divisions</th>
<th>Natural Resource Land/Open Space Functions and Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Current Use Assessment</td>
</tr>
<tr>
<td></td>
<td>Coordination Within the County</td>
</tr>
<tr>
<td></td>
<td>Land Use &amp; Zoning</td>
</tr>
<tr>
<td></td>
<td>Natural Land &amp; Open Space Planning</td>
</tr>
<tr>
<td></td>
<td>TDR Program</td>
</tr>
<tr>
<td></td>
<td>Property Acquisition</td>
</tr>
<tr>
<td></td>
<td>Canal Clearinghouse for Open Space Conservation</td>
</tr>
<tr>
<td></td>
<td>Futures</td>
</tr>
<tr>
<td></td>
<td>Management Plans</td>
</tr>
<tr>
<td></td>
<td>Timber Management</td>
</tr>
<tr>
<td></td>
<td>Property Mgt &amp; Maintenance</td>
</tr>
<tr>
<td></td>
<td>Volunteer Programs</td>
</tr>
<tr>
<td></td>
<td>Property Inventory</td>
</tr>
<tr>
<td></td>
<td>Property Disposition</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department/Divisions</th>
<th>Current Use Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessor</td>
<td></td>
</tr>
<tr>
<td>Facilities Management</td>
<td></td>
</tr>
<tr>
<td>Planning &amp; Land Services</td>
<td></td>
</tr>
<tr>
<td>Parks and Recreation</td>
<td></td>
</tr>
<tr>
<td>Parks and Recreation</td>
<td></td>
</tr>
<tr>
<td>Public Works-Roads</td>
<td></td>
</tr>
<tr>
<td>Public Works-Wastewater</td>
<td></td>
</tr>
<tr>
<td>Public Works-Surface Water</td>
<td></td>
</tr>
</tbody>
</table>

There are several overlaps in functions and activities related to providing department mission driven services and natural resource land and open space management. Each department conducts various aspects of natural resource land and open space management in performing its major responsibilities, but the most common overlapping activity is primarily in the property acquisition and management activities.

There are currently 11 employees who are directly involved in the acquisition of all types of property, including properties that can be considered open space. An analysis of their respective position descriptions found that all were responsible for acquiring property on behalf of the County, but that the amount of time devoted to open space properties is limited.

- The Facilities Management Department has two Real Property Specialists. One position is primarily dedicated to acquisition and disposal of larger properties, new lease acquisitions, and market research and analysis. The other positions is primarily dedicated to leased property management, existing lease renewals, timber resource management, tax title properties, and parking management.

- The Public Works and its Utilities Division has eight full-time Right of Way Agents involved with property acquisitions. According to County staff, all of these Right of Way Agents’ time is spent working on various aspects related to the acquisition of properties, and it is estimated that only one percent of their time is spent on acquiring properties related to open space. One staff member, however, estimated that he has recently spent about 20% of his time buying flood damaged properties with federal grant monies that require that the land be left as open space. In addition, he purchases stormwater related properties that can be classified as open space even though that is not the primary reason for the purchases.

- The Parks & Recreation Services Department has a Parks and Recreation Planner position in the Resource Stewardship Division that works cooperatively with the Park Division’s Park Specialist to handle property management. This position currently spends approximately 85% of her time related to acquisitions, dispositions, leases, property improvement, and easements.
It should be noted that as a result of the Open Space Task Force recommendations, the County’s sustainability staff person in P&RS was recently assigned a part time role (.33 FTE) as Open Space Coordinator.

While there are various elements that constitute a natural resource land and open space program, there is no County-wide natural resource land and open space program that is consistently managed as part of a department’s day to day operations. Departments, however, have coordinated and collaborated on acquiring, preserving, maintaining, and managing properties that are agreed upon as natural resource land or open space.

The Comprehensive Plan envisioned a more coordinated approach. As previously cited, the Comprehensive Plan’s Land Use Open Space Objective 60 states “Ensure that Pierce County open space properties, open space passive recreation parks, conservation easements, and conservation futures covenants are managed and maintained to provide long term stewardship of the open space function and value”. As part of this objective, specific activities and responsibilities were identified.

Pierce County shall identify a function within an existing County department or create a new County department that will provide the following:

- Management of Pierce County open space properties, open space passive recreation parks, conservation easements, and conservation futures covenants;
- Coordinate with County departments to ensure that day-to-day decisions consider the open space policies of the Comprehensive Plan;
- Coordinate with the Cities and Towns of Pierce County to establish an interconnected network of open space;
- Develop and administer open space management plans for the Pierce County open space properties, open space passive recreation parks, conservation easements, and conservation futures covenants;
- Serve as a central clearinghouse for information on open space;
- Organize and coordinate volunteer efforts that help maintain the Pierce County open space properties, open space passive recreation parks, conservation easements, and conservation futures covenants; and
- Complete an inventory of existing publicly owned properties, and evaluate them for their value as open space. Privately held properties, such as those held by land trusts, should be considered in the inventory.

Except for the recent dedication of time from the County’s sustainability staff, the County has not completely identified a function in a County department or created a new department to manage and coordinate open space lands and issues. However, Parks and Recreation Services is responsible for administering the Conservation Futures program, now has a part-time Open Space Coordinator, and is responsible for its PROS Plan. The Department’s management believes that responsibility for the above objective and the elements not previously assigned to Parks and Recreation Services have not been specifically assigned to P&RS or any other department.

ORGANIZATIONAL ASSESSMENT

As shown by the current roles and responsibilities, the County’s functional organizational structure for departments primarily divides natural resource and open space land management functions and programs among four County departments. Each department has a role primarily related to its overall mission and the services they provide, but no one department believes that it has the overall responsibility to oversee or coordinate the acquisition, preservation, maintenance, and management of natural resource lands and open spaces. As part of the County and stakeholder interviews,
questions were asked about the County’s strengths, weaknesses, and challenges and barriers concerning the County’s natural resource land and open space management. In some cases, comments were similar and echoed a common theme, but many of the comments represented a single viewpoint on what was important to a particular person. Overall, the comments indicate that the staff and stakeholders believe that the County has some strong individual programs, but that the County needs to improve organizationally, financially, and operationally.

Strengths
Comments about the County’s strengths in natural resource and open space land management usually involved a specific program that was familiar to the person. A few people did not identify any strengths. Comments on strengths included the following:

- Handling tailored property deals and real estate transactions
- The County’s biodiversity plan
- The TDR program
- Land use regulation
- Community plans
- Engagement with farmers and cities
- Willingness to partner
- Excellent staff
- The Conservation Futures program
- Flood plain purchases and FEMA compliance

Weaknesses
As previously shown in this chapter, the County’s organization for the different aspects of natural resource and open space land management is spread among the several departments, and the weakness most often mentioned involved how the County is organized. The following are examples of the comments received.

- No centralized coordination of open space
- No one to connect the dots
- Each department is busy doing its own mission
- Territorial and silo aspects of County organization
- Organization is dysfunctional, no ownership of the program
- Lack of predictable priorities
- The County tries to please everyone
- The definition of open space is not clear or is too broad
- Open space hasn’t necessarily been a focus of the County
- Need to have a more coordinated plan for funding planning objectives
- Funding sources determine property use and restrictions

Opportunities
Besides addressing the weaknesses, the persons interviewed mentioned only a few other opportunities that they thought would help the County’s natural resource and open space land management.

- Staff working together to obtain grants
- Funding from the new flood control zone district
Challenges/Barriers

Funding was mentioned by most people as a major challenge or barrier. Also, a few people mentioned support from both the County Executive and County Council.

- Funding and financial resources for both acquisitions and maintenance
- Obtaining support from both the County Executive and County Council
- Need Comprehensive Plan definition of passive recreation
- Agricultural resource lands restriction about crop production and no net loss provisions
CHAPTER III: REGULATORY AND MANAGEMENT ISSUES

As noted in Chapter II, there are many different regulations that affect natural resource land and open space management. One issue identified as part of the scope of work is whether County departments are following existing regulations related to open space and if those regulations were adequate. To review and analyze certain regulations, a detailed review and analysis of the County’s open space related regulations included the following:

- Reviewing and analyzing existing regulations,
- Identifying all recent (i.e. 2008 through 2011) open space acquisitions and dispositions and specifically reviewing in detail a sample of 2011 open space acquisitions and dispositions,
- Interviewing County staff involved with the purchase of open space and reviewing existing records of recent acquisitions/dispositions to check for regulatory compliance, and
- Reviewing and analyzing the Conservation Futures program.

Because there are many different regulations related to natural resource land and open space management and each department’s mission is not necessarily oriented toward such management, the regulations review was limited to only an analysis of the regulations and did not include a more detailed review or audit of each department’s actual implementation of the regulations (e.g. current use assessment process). However, because of the different departments involved in acquiring open space properties, a more detailed review was performed on a sample of transactions. In addition, a more detailed review of the Conservation Futures program was also conducted since many of the acquired properties were purchased with Conservation Futures funds.

REGULATIONS REVIEW

Based on information gathered from the regulations analysis and staff interviews, the existing regulations and practices were reviewed to identify any regulations that might result in efficiency or effectiveness issues, such as staff confusion, duplicated effort, split responsibilities, less than optimal sequencing of processes, etc. Because of the variety of ways open space is acquired at the County, we conducted an additional, more detailed analysis of the various regulations related to acquisition processes. The analysis consisted of only a review of the regulations and not a detailed review or audit of how the regulations were actually implemented.

- Conservation futures program,
- Current use assessment for open space,
- Current use assessment for productive farm and agricultural land,
- Current use assessment for timber land,
Hazard mitigation grant program,
- Right of Way purchases for environmental mitigation, and
- Surface Water Management tax lien purchases.

Our review of these regulations generally found that these regulations did not create inefficiencies, but several potential issues were identified. Based on interviews with Public Works, Parks & Recreation, and Planning staff, there is a lack of clarity or understanding about open space by staff because the definition of open space for the County was not clear and departments could not always determine which type of land met the definition of open space. Also, during another interview staff involved with land acquisitions discussed how they had never seen any of the County’s open space policies and were unaware of what the County’s current open space policies were. There are issues in the Conservation Futures program regarding its selection processes and disputes related to who should be acquiring the land. Staff also expressed difficulties with the public notification requirements, and there was also a lack of clarity with respect to who should maintain the maps documenting open space in the County and whether it should be limited to only County-owned property. Finally, it was discovered that the primary responsibility for current use assessments is split between two departments.

The issue areas for these regulations are described below. Issues specifically related to individual acquisitions and Conservation Futures regulations were also identified but are described in the sections following this one.

- There was a lack of clarity or understanding by some department staff about what the County considers as open space and/or how they contribute towards achieving the County’s open space goals. For example, some Surface Water Management staff did not consider the land purchased through the Hazard Mitigation Grant Program (HMGP) to be open space. However, the allowable uses of the land would qualify it as open space according to the County’s open space definition, and throughout HMGP’s regulatory guidelines the land was referred to as “open space”. After some discussion, staff agreed that the land could be considered to be “open space”, but there was some question as to the appropriateness of allowing public access.

- According to County staff, the public notice requirement for property dispositions can be both difficult and tedious to follow, especially when deals are delayed for some reason or another and the closing date continually changes. The Pierce County Code requires that public notice be given once a week for at least two weeks with the last notice coming no later than seven days prior to closing for all property dispositions with a value of $25,000 or greater.

- The County has a centralized GIS database of all County owned open space properties. Also, current regulations are not clear as to which department would be responsible for maintaining a map/inventory of both private and publicly owned open space. The County’s Comprehensive Plan recommends that privately held properties, such as those held by land trusts, should be considered in the County’s open space inventory in addition to publicly owned properties. According to County staff, P&RS currently has an inventory of Conservation Futures properties.

- As noted in Chapter II, many different departments are involved with natural resource land and open space management. The primary responsibility for current use assessments is split between two departments, Planning & Land Services and the County Assessor’s Office. Planning & Land Services takes the lead in processing current use tax assessment applications for open space and timber land. These applications are reviewed by the Planning Commission and approved by the Council. On the other hand, State law requires the Assessor to take the responsibility for current use assessments for productive farm and agriculture. In addition to processing applications, the Assessor is also required to evaluate and approve/deny the applications, with the County Board of Equalization handling appeals. While there might be some efficiencies if these review
REVIEW OF ACQUISITIONS AND DISPOSITIONS

Because most of the activity duplication among departments in natural resource land and open space management involves property acquisition, a review was conducted of a sample of the 2011 acquisitions and dispositions. In addition, as part of the review of other regulations, the Conservation Futures program and specific land management issues were analyzed when associated with the property acquisitions and dispositions.

Since 2008 the County has acquired a significant amount of open space property. Although Facilities Management prepares a yearly property custody report for the Executive, the report only shows what department has custody of each real property and does not provide any detail on the transactions. To review the transactions more detailed data was needed, and according to Facilities Management it did not keep such specific data or in many cases was not provided data from acquiring departments. As a result, to determine how well the County departments have followed the regulations regarding acquisitions and dispositions, an initial data request was sent to each of the following departments/divisions for information on their acquisitions and dispositions:

- Facilities Management
- Parks & Recreation Services
- Public Works: Sewer Utility (Sewer)
- Public Works: Surface Water Management Utility (Surface Water)
- Public Works: Right of Way Section (Right of Way)

The data collected on acquisitions and dispositions included a variety of information, such as the name of the property, its location, total acreage, price, funding source, involved department(s), etc. Based on the dates associated with the data received, 2008 to 2011 was chosen as the time period for the analysis because all the departments were able to provide information starting in 2008. After an initial review and discussions with County staff it was determined that Facilities Management and Public Works Sewer did not purchase properties that could be considered open space during the 2008 through 2011 time period.

An analysis of the remaining transactions found that there were 97 and 16 open space acquisitions and dispositions, respectively, made by P&RS, Surface Water, and Roads Right of Way between 2008 through 2011. During this period, 769 acres were conserved for a total purchase price of $38.6 million. Parks and Recreation Services purchased 18 properties for 502 acres at a cost of about $14 million. Surface Water acquired 78 properties for 259 acres at a cost of $23.7 million. It should be noted that the acquisitions and dispositions included 14 Conservation Futures properties that were counted as both acquisitions and dispositions since the County acquired the land and then transferred ownership to another agency. The remaining two dispositions include the transfer of property to the National Parks Service and the reversion of a 10 acre property back to a private landowner because the funding was not available to make it into a park within a certain time period. A table with a listing of the properties can be found in Appendix A.

To determine how well the department staff was following the County’s acquisition regulations, a sample of the twenty two 2011 open space transactions was reviewed. The sample included six from Parks and Recreation Services, seven from Surface Water Management, one from Roads Right of Way, and three from tax title properties.
To discuss their activities over the past few years, the staff involved with open space acquisitions/dispositions from Parks, Surface Water, and Right of Way were also interviewed. The general topics covered during these interviews included:

- How and why open space properties were acquired or disposed,
- The processes for acquisition and/or disposition, and who was involved,
- Any related department-level guidelines and/or regulations, and
- What was working well and what could potentially need improvement.

Open space regulations related to maintenance, inventory control, and management were discussed with County staff during these and other related follow-up interviews. At the conclusion of each of these interviews, County staff provided the available paperwork related to all property acquisitions and/or dispositions for 2011. These records were reviewed on-site using the regulations previously identified in Chapter II. It should be noted that only a sample of tax lien properties purchased by Surface Water was reviewed instead of all of them since these acquisitions were low in value and the process was routine.

The purpose of the records review was to determine whether the departments/divisions were actually following current regulations (e.g. Council resolutions or ordinances, County Executive signatures on real estate documents transferring property rights, etc.). In cases where the records were not sufficient to prove that all regulations had been followed, supplemental questions and requests for information were provided until either compliance could be fully documented or that regulations might not have been followed completely.

The County staff had in most cases followed all existing County regulations related to the acquisition, disposition, maintenance, inventory control, and the management of open space. Except for a few exceptions, most of the regulations were followed. The exceptions were the following:

- In 2011, tax title properties were purchased by SWM without reporting to the Council’s Economic and Infrastructure Development Committee and authorization by Council by resolution, as required by the 2011 budget ordinance. It should be noted that the value of these seven properties only ranged from $300 to $2,680, while the size varied from 0.02 acres to 8.1 acres.
- County staff were unable to verify whether public notice related to the disposition of one property in 2011 had been provided in accordance with regulations.
- SWM staff are currently visiting properties purchased with Hazard Mitigation Grant Program (HMGP) funds on an informal basis to perform maintenance, such as the removal of trash, noxious weeds, etc. FEMA regulations require that FEMA, the State, and the County coordinate so that the County submits documentation every three years to FEMA for these HMGP properties certifying that the County has inspected them within the preceding month and that they continue to be maintained within the provisions of the HMGP grant. According to County staff, FEMA is not requiring recipients to follow this regulation. However, the Washington State Department of Emergency Management will begin going out on formal inspections in the near future. It should be noted that FEMA currently audits all of the County’s purchases with HMGP grant funds.

THE CONSERVATION FUTURES PROGRAM

One of the County’s main funding sources for acquiring and preserving open space and natural resource lands is the Conservation Futures Program. Recommendations for funding are developed by a Conservation Futures Citizen’s Advisory Board that is supported by a Conservation Futures Technical Advisory Committee consisting of County departmental staff and representatives from
other jurisdictions. Parks and Recreation Services is responsible for providing the necessary staffing to support these two groups. The overall Conservation Futures Program process is outlined as follows:

1. Potential properties are submitted by various interested parties to the Citizens Advisory Board. The Board ranks the properties according to its selection criteria, holds a public hearing, and uses the selection criteria to choose properties.

2. The County Council reviews Board’s recommendations, holds a public hearing, and selects properties by Council resolution. The resolution suggests the order properties are to be pursued, but Council has power to modify/suspend selections at any time.

3. Parks staff works to obtain property:
   - Title report ordered and sent to receiving agency.
   - Letter sent to property owner.
   - Property appraised, appraisal reviewed.
   - Makes offer using appraisal value.
   - Negotiates with property owner.
   - Occasionally does an environmental site review if it appears there may be a problem.
   - Develops purchase and sale agreement, along with assignment document and stewardship agreement recorded with the deed. These covenants and restrictions assure preservation of the property as open space.

4. County Executive approves purchase and signs paperwork. Council can also review purchase and sale agreements before they are made by the Executive.

5. Property title is transferred to a receiving agency if the County will not be maintaining the property.

A review of the Conservation Futures program guidelines identified issues in its selection processes and disputes related to who should be acquiring the land. Also, there is currently no requirement that the County monitor how properties acquired by Conservation Futures funds are being maintained, although legal agreements restrict the use of these lands to various conservation purposes.

The County’s Conservation Futures program is currently under review by Parks and the Conservation Futures Citizens Advisory Board. The Board’s intent is to “strengthen the program so that the limited funds we have go to the most critical properties.” Our review of the current regulations found several issues which are described below.

**Selection Process**

- According to County staff, the current conservations futures prioritization process is weak. As a result, some of the properties recently purchased with Conservation Futures funds were not the best from a land conservation perspective. This was because the land was under no immediate danger of development and/or was not developable (i.e. the critical areas, wetland, or other features of the land would not allow it to be developed based on current County land use regulations). Because Conservation Futures funds are limited, purchasing lands not threatened by development means there are fewer resources available to protect lands that are.

- The selection and application process is designed to be an annual process, but it can take so long that it is difficult to complete in a year. For example, the process was suspended in 2011 in order to allow staff more time to continue to work through the 2010 list of approved properties. A review of a P&RS report on Conservation Futures properties purchased as of
July 1, 2010 also found that for properties selected from 2000 to 2007, the average time from the selection of a property to its eventual purchase was thirteen and a half months.

- In order for a nominated property to receive bonus points for the availability of matching or additional funds, regulations currently require a property appraisal. The County might want to consider extending bonus points to properties that have been recently appraised as a way to better identify willing sellers. As it currently stands, the value of nominated properties considered during the evaluation and selection process is based on assessed value. After a property is selected and ranked by the Council, difficulties in and/or a cancellation of negotiations have resulted due to differences between the appraised and assessed values. The County could conduct appraisals on a subset of nominated properties before County Council selects and ranks them. While there are potential risks to this, such as incurring additional costs (i.e. properties being appraised that otherwise might not have been) or making the application process last even longer, the potential benefits would come through savings in time and money as County staff are involved in fewer negotiations that fail to acquire property.

- The point system provides a limited number of points for the type of priority resource (e.g. agricultural lands, flood hazard areas, scenic view points), while providing many more points in eight bonus categories. Because total points are used, point differentials between priority resource types can affect the rankings, and consequently a lower priority resource might be ranked higher than a higher priority resource with fewer bonus points.

- Although there is a bonus category if the property is within a designated Urban Growth Area, a Comprehensive Urban Growth Area, or is zoned open space, there is no bonus category that ties the property to elements in the County’s community plans, the PROS plan, or a City’s plans.

Disputes related to who should be buying the land

- According to County staff, there is some confusion between Parks & Recreation and Facilities Management about who should be acquiring properties with Conservation Futures funds. While the Code governing the Conservation Futures program does not designate who is responsible for acquisitions, Parks & Recreation is responsible for administering all aspects of the program. Its responsibilities include providing necessary staffing and support to the Technical Advisory Committee and Citizens’ Advisory Board, and developing the covenants and property restrictions for the property. It should also be noted that land acquisitions are currently not centralized at the County. For example, Public Works has dedicated staff responsible for acquiring land related to right-of-way for construction projects and the surface water management utility. Although Facilities Management is by County Code tasked with “reviewing all real estate related documents and transactions”, PCC 2.06.010.0.2.c specifically makes Facilities Management responsible for “property acquisitions for development of needed County buildings and facilities” (emphasis added), but does not mention other types of County properties. Some departments and programs have their own authority to acquire property or conduct property transactions, such as Public Works and the TDR Program.

- Non-profits are in some cases receiving financial compensation from Conservation Futures funds when they have handled negotiations with the property owner for the acquisition of land that the non-profit will eventually have stewardship over. According to County staff these financial transactions were for the value of services provided by the non-profit and not a commission (e.g. 5% of purchase price). A review of the County Code found that there is no limit on the amount that can be charged to the Conservation Futures Fund for a buyer’s
closing costs directly associated with the purchase of the property. However others expressed concern that the County could be saving money by doing negotiations in-house.

Monitoring

- According to County staff, the County is not following up to ensure that properties purchased by other organizations (e.g. non-profits) are being adequately maintained. However it is planning on doing this starting next year. There are currently no requirements in the Conservation Futures’ regulations for the County to do this kind of monitoring, but when land is transferred between the County and a receiving agency there are legal agreements that restrict the use of that land to various conservation purposes.

Priority Rankings

Several stakeholders mentioned the priorities and funding process for the Conservation Futures program as a weakness. Although the County Council has the authority to change the recommendations of the Citizens’ Advisory Board (CAB), a few persons commented about the process. Depending on the reasons for the changes, changing project priorities might not always result in the most effective use of the limited Conservation Futures funding. To determine the extent of such changes, the 2007 Conservation Futures process was reviewed. The recommendations and rankings were not available for more recent years.

Based on the selection criteria found in PCC Chapter 2.97, the CAB is responsible for providing the County Council with recommendations on which proposals to fund with the Conservation Futures funds. A Conservation Futures Technical Advisory Committee supports the CAB by reviewing proposals and providing recommendations to the CAB. For the 2007 Conservation Futures process, the priority ranking process by the County Council resulted in some properties with lower Citizens’ Advisory Board scores being purchased before those with higher scores. Because properties are pursued in the order they were ranked by the County Council, some properties with lower scores had a chance to be purchased before those with higher scores. Also some properties with lower CAB scores, such as the Saltar’s Point Elementary School, were purchased before those with higher scores, such as the Cimmer Property. Even with the impacts of this ranking process as well as limited funding resources, the County was still able to purchase property or lesser property interests for six out of the seven of the CAB’s highest scored properties for 2007.

For the 2007 Conservation Futures process, 20 properties were approved, scored, and ranked by the CAB from highest to lowest score. The average CAB score for these properties was 5.00, ranging from a high of 6.37 (Cimmer Property) to a low of 3.56 (Terry’s Berries). As the last step of the approval process, the County Council re-ranked the 20 approved properties in priority order, and consequently, the sequence in which purchases would be pursued changed from the CAB’s recommendations. This resulted in a lower average score for the first five properties, at 5.90 versus 5.35 for the Citizens’ Advisory Board and County Council prioritized lists, respectively. The average number of high priority open space attributes was also lower, at 5.2 versus 4.2 for the Citizens’ Advisory Board and Council prioritized lists, respectively.

Because limited funding resources are available, those properties that were higher on the County Council’s list had a greater chance of being purchased than those at the bottom. As a result, the County was unable to purchase property interests in a high scoring property moved to the bottom of the Council’s priority list (Brookdale Golf Course), and other lower-scoring properties were purchased before those with higher scores. The changes made by Council to the CAB’s 2007 rankings are described in more detail below.

- Three properties associated with Clover Creek, which had been ranked eighth, 10th, and 12th by the CAB with respective scores of 5.32, 5.30, and 5.06, were moved to the top three spots on the
Council’s priority list. Despite being at the top of the list the County was unable to purchase these properties.

- The Saltar’s Point Elementary School property, which had been ranked 14th by the CAB with a score of 4.70, was moved to the fourth spot. The County was able to purchase a conservation easement for this property.

- The Brookdale Golf course property, which had been ranked third by the CAB with a score of 5.86, was moved to the last spot (20th) by the County Council. The County was subsequently unable to purchase the development rights for this property.

- The Terry’s Berries property, which had been ranked 19th by the CAB with a score of 3.56, was moved to the eighth spot. However the County was unable to purchase development rights for this property.

- The Harbor Family Park - Knight Forest property, which had been ranked 18th by the CAB with a score of 3.95, was moved to the 16th spot. However the County was unable to purchase this property.

- The Devil’s Head property, which was ranked 17th by the CAB with a score of 4.11 and moved to the 18th spot by Council, appears to have been purchased before the two Harbor Family Park properties, which were ahead of it in the 16th and 17th spots.

For the 2010 Conservation Futures process, 20 properties were approved. The average CAB score of these properties was 4.55, with a max of 6.22 (Van Eaton Property) and a low of 2.62 (Frontier Park Addition 1). Similar to 2007, at the last step of the process the Council re-ranked the 20 approved properties in priority order, changing the sequence in which the properties would be pursued from the CAB’s recommendations. With the four properties that have been purchased as of the writing of this report, lower scored properties have again been purchased before those with higher scores. For example, the Cherrydale Woods parcels which were ranked 17th and 18th place by the CAB with scores of 3.90 and 3.70, respectively, were re-ranked by the Council to position six and purchased in 2011. Also, the Ashford County Park Addition which was ranked 13th place by the CAB with a score of 4.62 was re-ranked to position five by the Council and purchased in 2011.

Proposed Changes to the Conservation Futures Program

Based on the 2011 Open Space Task Force’s report and other changes desired by the Conservation Futures Citizens Advisory Board and the County staff, the Parks and Recreation Services is considering several changes to the Conservation Futures program. These changes include the following:

1. Broaden Conservation Futures Citizens Advisory Board duties to include advisory role for other open space issues.

2. Expand membership of Conservation Futures Technical Advisory Committee to include outside organizations with open space interest such as land trust and park districts.

3. Move to an every other year selection and allocation process starting in 2013 and odd-numbered years thereafter

4. Develop minimum standards for Conservation Futures applications and provide the Conservation Futures Technical Advisory Committee the authority to eliminate applications that do not meet minimum technical standards for further consideration

5. Consider not ranking selected properties in order of priority and purchase those properties that have grant monies available, willing sellers, clear title etc. first then follow up on remaining more difficult properties; or provide bonus points to properties which have grant
moneys or other matching funds so they rank higher when prioritizing the properties; or require that applications contain a minimum level of matching funds (grant or reduction in purchase price) in order to leverage existing funds

6. Establish a “Conservation Futures Opportunity Fund” to purchase exceptional properties that become available outside of the normal selection process timeline. Established eligibility criteria for this option and require a Council Resolution prior to purchase

7. Amend open space priorities to focus on high value property such as those under threat of development within wildlife corridors; biologically diverse; contain unique habitat; or have unique scenic value

8. Amend Conservation Futures eligibility criteria to exclude undevelopable properties or sites that are not threatened with development including those protected by existing critical area regulations

9. Amend Conservation Futures eligibility criteria to exclude properties of less than 1 acre in size; contain structures which cannot be removed immediately after acquisition; or are subject to existing purchase options where price already been negotiated

10. Establish specific acquisition deadlines which require purchase be completed within a certain time frame

11. Establish a set aside for County government programs such as public parks, trails, historic and cultural sites (Not Proposed to the County Council)

The proposed changes address a number of issues identified in the previous section and additional ones that might make the process more efficient, leverage the County’s funds, and provide more certainty.

OTHER LAND MANAGEMENT ISSUES

Based on the stakeholder interviews and review and analysis of County regulations and documents, a number of other land management issues were identified that affect the County’s ability to manage the County’s natural resource and open space lands.

Open Space Planning

Currently, the County’s natural resource land and open space planning and direction have been accomplished through a variety of planning efforts: the County Comprehensive Plan, County community plans, the PROS Plan, and the Open Space Advisory Task Force Report. With the different plans and the existing Code that describes the high, medium, and low priority lands, it is not clear what is or will be the County’s plan and vision. Although the Open Space Advisory Task Force Report has not been adopted as County policy, some recommendations are being implemented. The Open Space Advisory Task Force Report also proposed ten year acquisition priorities for a variety of different types of open space lands, and it is not clear how these priorities and specific projects are consistent with the County’s priorities in the Code as well as how the Conservation Futures selection criteria relates to the priorities as previously mentioned in this Chapter.

These planning documents are generally long term planning documents, but to be effective and operational, shorter term plans should be integrated with the County’s Comprehensive Plan. The Comprehensive Plan should provide the overall vision, and the PROS Plan complements and supplements the open space component of the Comprehensive Plan and community plans with additional policies and specific projects. With the Open Space Task Force’s report, another document is added that provides additional direction and projects. Although the Task Force report was a one-
time effort, some external stakeholders believe that it should be followed. From an operational perspective, the County needs to confirm that the PROS Plan will guide the County’s acquisitions and capital improvements. Once the County determines how it will reconcile or utilize the two plans, it should develop a short term plan (3-5 years) for acquisitions as part of its adopted Capital Facilities Plan.

**Definition of Open Space**

As previously mentioned the definition of open space includes a variety of land types that are associated with specific County functions whose primary reason for land acquisitions is generally not related to open space needs, but rather some other purpose such as construction mitigation, flood protection or water quality. During some of the staff interviews, it was noted that the open space definition was not clear to them and that they had not seen the open space policies.

Public Works is the department that is most affected by the definition as 80 percent of the acquisitions between 2008 and 2011 were for Surface Water. One of the recommendations of the Open Space Task Force is to require automatic consideration of public access to open space lands unless there is a documented reason for not doing so. This policy creates some conflict because the primary reasons why Public Works properties are being acquired are not related to creating open space for public use but rather to meet regulatory requirements (e.g., wetlands mitigation), water quality, and flood control and related flooding impacts. According to Public Works staff, the maintenance costs are likely to increase with public access and there might be risk management issues. Surface Water is developing its land management policies and is including some key policies regarding multiple uses on its lands and public access. It is in the process of developing guidelines. To be consistent, a formal clarification on the definition of open space is needed to determine if open space always means public access will be required and under what circumstances will it not be allowed.

**Inventory of Open Space Properties**

As previously mentioned, Facilities Management is responsible for preparing an annual custody report. In addition, a property management database also exists that can map the various County owned properties in an area. The database and mapping provide a tool that can help the County manage natural resource and open space lands. The data base and map shows the property name, address, owner, and property manager. Based on discussions about the data base, a number of improvements and enhancements were suggested.

- As stated in the Comprehensive Plan’s Open Space Objective 60, privately held properties, such as those held by land trusts, should be considered in the inventory. To narrow the list of privately held land trust properties, the County could only include any property purchased using County funds, such as Conservation Futures.

- Public Works doesn’t use the property management data base, but does enter data into it. To make it easier for Public Works properties to be included, an interface between Public Works’ maintenance connection software and the data base can be developed so when Public Works enters properties in its system, the property data base will also be updated. According to Information Technology, it would take about 200 hours to develop an interface so the systems are updated concurrently. However, Public Works staff said that they currently spend less than 24 hours annually entering data into the system.
Maintenance Funding

One of the issues that several County staff, especially P&RS staff, mentioned was that there is funding available for acquisitions, but once a property is acquired there is very little money available for maintaining the property. To avoid these costs, the County’s open space policies state that any publicly owned or acquired open space properties should be transferred to a local land trust for long term management and stewardship. The same policies also state that stewardship and management plans should be prepared for publicly owned or publicly purchased open space and that such plans should address long term maintenance, public access, restoration, and permitted uses within the site. As one County staff mentioned that there is a very real cost of owning land, and when public access is allowed, the costs skyrocket.

The County is maintaining open space properties and uses a variety of funding sources depending on which department has custody of the property. In some cases departments are also working together to fund or perform services, including maintenance. For the Chambers Creek Properties Public Works and P&RS have an agreement between them regarding the level of services provided and the funding for the services.

P&RS is currently using Conservation Futures funding as one of its maintenance funding sources. In the 2012 budget, $461,250 is funding maintenance for Meridian Park. This represents about 12 percent of the Conservation Futures tax revenue. According to RCW 84.34.240(1) 15 percent of the previous year’s revenue can be used for maintenance that does not supplant existing maintenance and operation funding, and if this percentage is applied to the 2011 Conservation Futures estimated taxes, about $568,675 could be used for maintenance. This would be an increase of $100,000 compared to what was budgeted in 2012. Increasing the amount for maintenance, however, reduces the amount available to purchase additional properties, but if properties are purchased and cannot be used because of the lack of maintenance funding, the additional maintenance funding might allow more access or use of existing Conservation Futures properties.

Another potential source for additional maintenance funding is the real estate excise tax revenue (REET). In 2011 the Washington State Legislature amended the law to allow cities and counties to use REET funds for operations and maintenance for a limited time, July 22, 2011 to December 31, 2016. The change allows the County to use the greater of $100,000 or 35 percent of available funds up to a maximum of $1 million for the operations and maintenance of existing REET types of capital projects. This applies to all REET types of projects and is not just related to eligible parks and open space projects (e.g. trails). In 2012, about $731,000 was budgeted for REET revenue in the REET Parks Fund, and $703,300 was budgeted for expenditures on the Sprinker loan repayment and REET project coordination and administration. The remaining amount was budgeted for the Foothills Trail from Buckley to South Prairie. Assuming the loan repayment continues for several more years, the amount available for maintenance would only be about $28,000 if revenues don’t increase. Like additional spending of the Conservation Futures funds for maintenance, using the amount for maintenance reduces the amount available to capital projects until 2016 when the amendment sunsets.
CHAPTER IV: COUNTY SURVEY AND BEST PRACTICES

To determine how other jurisdictions manage their open space, Island, King, and Snohomish counties were selected for review. These counties were selected because they generally operate within the same legal and regulatory framework as Pierce County compared to counties in other states, have some similar geographic features (e.g. Border Puget Sound), and allowed for site visits. Staff from Island and King counties were interviewed and a high level literature search was also conducted. Although Snohomish County was included as part of the sample, no information was gathered. After many attempts were made to work with Snohomish County, the County’s contact did not respond or provide any information about Snohomish County’s program. The two county survey included interviews with a representative from both jurisdictions as well as a review of publicly available information. Key questions involved the following:

- What kinds of lands are identified as natural resource lands by your county? What kinds of lands are identified as open space?
- Who is responsible for/currently involved with managing your County’s natural resource lands/open space?
- What kinds of plans/policies/regulations currently provide guidance related to your County’s natural resource lands/open space?
- How are natural resource lands currently being managed by your County?
- How well do your County's departments follow existing plans/policies/regulations related to natural resource lands/open space?
- In what ways do you currently fund the acquisition natural resource lands/open space?

ISLAND COUNTY AND KING COUNTY PROGRAMS

For Island County and King County, the key questions provided perspectives from both a rural county and a mixed rural-urbanized county. Despite the differences between the two counties, they both have some similar challenges and issues as well as different approaches. Key topics include defining open space, funding acquisitions, organizing and maintaining open space, and using Conservation Futures.

Defining Open Space

Island and King Counties each had their own definition of open space. For Island County, open space is a generic term which can be used to identify any undeveloped parcel of land. The open space it owns is defined by the types of benefits that it provides and referred to as “natural lands”. Given its limited resources, Island County has decided to limit its investment in open space properties to those that can provide benefits in both habitat conservation and passive recreation in the form of trails, nature walks, or beach access. In King County, the definition of open space varies slightly across the
titles of its county code and is defined based on its functions or the benefits that it provides. A classification system has also been developed which defines both how open space land can be used and how it should be protected.

Island County

According to Island County’s comprehensive plan, open space is a generic term that can be used to identify any undeveloped parcel of land. It is defined in the county’s zoning code and the comprehensive plan’s land use element as “areas of a site designated and permanently committed as undisturbed areas or community area; committed to community use or committed to farm or forest use.” Island County refers to its open space properties as natural lands in the natural lands element of its comprehensive plan. Natural lands are identified by the benefits they provide through their preservation in a natural or existing state. These benefits can include both environmental and social benefits. The natural lands classification was developed in order to make the distinction that in addition to open space these lands may also “contain some development activity or are ‘worked’ (such as agricultural and forestry uses)”, but still “promote values consistent with environmental conservation”.

In 2011, Island County updated the Parks and Recreation element of its comprehensive plan. Based on this update, its Parks Department will now “only invest in lands that both protect habitat and provide for low-impact outdoor recreational opportunities.” Due to limited resources, Island County has “identified a specific niche for itself within the context of other agencies and groups who provide recreation opportunities and habitat conservation areas on one or both islands.” According to County staff, this new focus revolves around providing passive recreation in the form of trails, nature walks, and beach access. Departments other than Parks may continue to protect other lands that are set aside for primarily ecological conservation and not appropriate for public use. However, the responsibility for the maintenance/management of these lands is still being decided.

King County

In King County the definition of open space varies slightly across the titles of its code. In the title on zoning (title 21A), open space is defined by the qualities and functions of land that is left predominately in a “natural state”, such as sustaining native ecosystems or serving as greenbelts, buffers, urban separators, links between other important properties, etc. In the title on agricultural and open space lands (title 26), open space lands are defined according to state law, which is similar to Island County’s natural lands definition by focusing on the benefits provided by open space such as conserving or enhancing natural/scenic resources, protecting streams or water supplies, conserving soils/wetlands, enhancing recreational opportunities, etc.

As part of its 2010 Open Space Plan, King County utilized a three-level classification system to provide a framework for directing the stewardship and management of its open space. This framework first classifies open space sites as local or regional in scope, second, the primary intended purpose of the site is identified within the broader open space system, and third, the various areas within the site may be identified for different uses. This three-level classification system and its categories shown in Exhibit 4 are described in more detail below.
For level one, a site is classified as regional or local based on its “size, features, significance of ecological value, and who it serves”. The classification “guides future use, development, and preservation and is appropriately scaled to serve a site’s purposes and identified users”. Local open space is further qualified as either being in rural King County or as part of an urban growth area.

For level two, the site is classified based on its primary intended purpose, with the understanding that sites can have multiple functions and benefits. This classification “guides the site’s use, development, restoration, management, and conservation”. Level three is used in some cases to further describe the use areas within a particular site.

**Funding Acquisitions**

Based on our discussions with the staff from the two counties and because they operate under the same Washington laws, Island and King counties are similar to Pierce County in that there are many different ways and funding sources through which open space/natural resource lands are acquired, protected, and managed. Also, both Island and King Counties are currently not using general fund revenues to support their parks and open space lands. In Island County Real Estate Excise Tax (REET) revenues are currently being used to fund the parks, and parks receive no general fund support. According to the County, these REET revenues will no longer be available to pay for maintenance and operations costs in less than five years. The REET laws were modified in 2011 to allow a city or county to use REET revenues for operations and maintenance of existing capital projects. In King County, general fund support is not provided, and the County is instead heavily dependent on a current parks levy. The County is also trying to generate more revenues from its parks through site-based enterprises, concerts, user fees, etc. Some examples of how open space is being acquired, protected, and managed include:

**Capital projects/infrastructure**

- Acquisition and/or improvements to land to mitigate environmental impacts of capital projects
- Purchase of lands and infrastructure for surface water management utilities (e.g. purchase of wetlands, floodplains, conveyance ditches, etc.)

Other Public funding purchasing open space
Conservation Futures Funds

Federal and State grants for habitat restoration/protection (e.g. salmon), hazard mitigation for floodplains

Land Use Regulations

Designation of critical area in zoning

Private sector incentives

Current use assessments for open space
Transfer of development rights program

Non-profit support/funding

Acquisition of lands
Maintenance of lands
Media messaging and public awareness
Tax lien properties (i.e. foreclosures)

Organizing and Managing Open Space

Because both counties are involved with open space through a broad variety of county programs, many different departments can be involved, including departments responsible for parks, planning, facilities management, surface water management, property assessments (i.e. Assessor), etc. However, in these counties the department responsible for the county’s parks took the lead role with respect to acquiring and maintaining open space.

✦ At King County, the Parks Division is in the Department of Natural Resources and Parks, and Parks is the primary agency managing open space. The Water and Land Resource Division is also involved, but they have no custodial land responsibilities. They are instead responsible for setting priorities and providing staffing support such as from the ecological and environmental engineering staff, the forester, etc. The Department of Natural Resources and Parks includes parks and open space functions as well as stormwater, river and floodplain management, solid waste, and wastewater treatment.

✦ At Island County, parks are now the responsibility of the Public Works Department, and so many of the County’s open space properties are now subsequently Public Works’ responsibility. However, Island County is still in the process of determining who will be responsible for managing its open space properties. In Island County the Public Works Department is responsible for parks and trails as well as surface water, solid waste, roads, and engineering.

Use of Volunteers and Community Organizations

Volunteers also play a big role in helping counties maintain their open space. They are especially needed since organizations can struggle sometimes in finding the funds to pay for maintenance. Non-profits also play a large role in preserving open space in both Island and King counties.

In King County, volunteers and non-profits are involved with maintaining many different types of open space properties, such as parks, trails, dog parks, recreation facilities, etc. They assist with environmental restorations, landscaping, planting, and other functions. The County has a volunteer program that does a lot of work with the community. For example, according to King County staff, about 75% of the restoration work in King County is done by volunteers.
In Island County, staff reductions were such that each island (i.e. Whidbey and Camano islands) has only one maintenance worker for parks properties. Because of this, the County relies heavily on community volunteers to maintain parks’ properties, such as trails. According to Island County staff, its policies are such that management of open space is done by volunteers on an as-needed basis. Island County’s long term maintenance solution has to involve partnerships with volunteers as well as other community organizations and partnerships because it does not have the resources to maintain these lands by itself. The County's parks plan specifies the need for a volunteer coordinator to facilitate the work done by volunteers in maintaining open space properties.

In addition to helping with maintenance, non-profits also play large roles in assisting with the acquisition and preservation of open space lands. In Island County, the Whidbey/Camano Land Trust, Nature Conservancy, and other local active community groups are applying for the use of Conservation Futures funds. They have also purchased lands and other lesser interests in property, such as trail easements. They are also raising their own funds to purchase open space and then deeding it over to Island County to manage. In King County, there are many nonprofit groups that are involved with land preservation and recreation, such as the Vashon/Maury Island Land Trust, Mountains to Sound Greenway, and Forterra (formerly the Cascade Land Conservancy), to name a few. Together with King County, they have been involved in activities such as setting priorities together, purchasing lands, managing lands, volunteering, and media messaging.

King County and Island County Best Practices

The staff from the two counties were asked about what they thought were their best practices, and the following are their comments.

- **Regional, interagency open space coordinator** - King County currently helps pay for an interagency open space coordinator working at the City of Issaquah. This individual has ongoing meetings related to open space with other agencies such as cities, the State, etc.

- **Using federal funds to pay for trail maintenance** - Both Island and King Counties are paying for some of their trails maintenance with roads dollars since the trails provide non-motorized connectivity.

- **Restoring forests through surface water maintenance fees** - King County is currently providing support to some restoration projects through their surface water management fee. The connection is that by restoring the land it will place less of a demand and/or have less of a negative impact of surface water services.

- **Using conservation easements** - The purchase of conservation easements has protected/conserved 145,000 acres in King County to date.

- **Proactively directing public use** - Although the costs are higher because there is a responsibility to maintain whatever facilities are built, King County Parks feels that if public use is not directed then the land will be used for other purposes that are not as desirable, such as 4X4ing. They have developed trails for this purpose and are also looking into developing mountain bike parks, zip lines, camp grounds, etc.

- **Utilizing volunteers** - As discussed above, both King and Island County rely heavily on volunteers in maintaining and restoring their open space lands.

King County and Island County Challenges/Opportunities for Improvement

The staff from the two counties were asked about what they thought were their challenges and opportunities for improvement, and the following are their comments.
• **Balancing public access vs. conservation** - There is a natural tension intrinsic to the purposes of open space lands. For environmentally sensitive areas to remain effective they need protection from the public, but the public benefits from open space lands by visiting them. Organizations can struggle as they try to find the appropriate balance point for each open space property between public access and conservation. Denying public access to a site makes it easier to maintain its benefits to the environment, but by doing so an opportunity for the public to enjoy and be inspired by the best assets of their natural environment can be lost, which might result in reduced public support for open space.

• **Raising revenues** – Internal pressure is occurring to raise revenues (e.g. special events, timber harvesting, etc.) and to find additional revenues. At the same time others are accusing Parks of trying to make money at the expense of the environment. The County has been renovating forests by clearing homogenous grown and replanting with a more diverse stock of trees that can support a more natural ecosystem.

• **Enforcing the law on open space property** - If a department manages a lot of open space areas away from population centers, it can find itself in situations where it is difficult to enforce its rules with respect to how its open space properties are used. Because it must rely on others to come to the remote areas of the county to enforce these rules, such as the county sheriff, it can be difficult to enforce parks rules related to dogs, camping, motorized use, etc. For example, off-leash dogs are increasingly becoming a problem, but it can be difficult to get a sheriff’s deputy dispatched just to tell someone they need to put their dog on a leash.

• **Paying for and keeping up with maintenance** - Finding resources for acquiring land tends to be much easier than finding resources to maintain the land. Because of a lack of funds to pay for maintenance, staff to struggles with waning enthusiasm at partnering organizations as their open space maintenance responsibilities evolved over time from a novelty to a chore. Both counties indicated that they struggled with maintenance to some degree. They also noted that one significant consequence of providing public access is that it tends to lead to increased maintenance costs. Improvements made to open space lands such as hiking/biking trails, bathrooms at trailheads, etc. can require frequent maintenance to keep them in working order.

• **Diminishing quality of open space land available for purchase** - As more and more open space land considered pristine has been bought up, the remaining available open space land is more developed and requires additional work to become viable. This additional work such as structural demolition, site clean-up, and replanting can be expensive.

• **Limited impact of developer credits/requirements related to trails** - One county had a provision that if a developer wanted to develop trails, then they could receive some sort of development credit. Over the past several years, only one developer has looked into doing this and eventually decided not to. Another county required developers to build trails if their plat was in a future trails area. However, in some cases this resulted in unworkable or less than desirable situations, such as trails cut off by high retaining walls, trails to nowhere, trails leading into wetlands, etc.

• **Establishing management plans and keeping those plans up to date** - While everyone acknowledges the need for open space management plans, they can be difficult to do in today’s environment of limited staffing resources. In some cases, management plans for open space sites that were good at implementation are gradually becoming outdated as time passes. In other cases, the need has been identified, but management plans have not yet been developed.

• Some of the staff’s related comments about challenges include the following:
  - People generally love to acquire land, but not to maintain it.
  - Need to do a better job explaining the purpose of natural resource lands to the public.
Found that people generally wanted more trails and parks, but did not want to pay more money to get them.

Do not have a lot of development regulations to protect open space.

Lack of funding, staff, and other resources.

Being pushed to do more purchase and maintenance partnerships, while partnering organizations sometimes don’t follow through with their maintenance responsibilities.

Changing landscape of politics could potentially put funding in jeopardy.

Meeting the public’s expectations.

A lot more on-site use by the public.

Conservation Futures Approach

Like Pierce County, the Conservation Futures program also supports the purchase of open space in both Island and King counties. Based on the interviews and a review of the county codes governing Conservation Futures in these counties, several approaches were identified that are currently not used or have limited use by Pierce County.

- **Targeting allocations to certain geographic areas** - Island County has limited the use of conservation futures funds to only the northern part of the county, until 50% of the total committed conservation futures funds (e.g. bonded indebtedness, land purchases, etc.) are for projects in that area.

- **Using funds to pay for maintenance and operations** - According to the law, up to 15% of the amount of conservation futures funds levied in the preceding calendar year can be used to pay for maintenance and operations costs for any property acquired with these funds. As part of the annual conservation futures allocation process at Island County, the county and municipalities are allowed to apply for funding to support the maintenance and operation of properties purchased with conservation futures funds. The total amount allocated to maintenance and operations is limited to 15% in accordance with the law.

- **Requiring matching funds** - King County requires those organizations receiving conservation futures funds to provide at least a dollar-for-dollar matching contribution. This contribution can be in cash and/or a land trade of other open spaces acquired within the previous two years that are either directly adjacent or considered somehow to be linked to the property in question.

- **Restricting non-profit ownership** - Non-profits with a long-term commitment to own and manage open space can receive funding in King County, but only if a government agency commits to sponsor and permanently secure the property via interlocal agreement with King County should the non-profit not be able to adequately manage it in the future. The County’s comprehensive plan states that “publicly owned or acquired open space properties should be transferred to a local land trust for long-term management and stewardship”. Since it is the County’s policy to transfer open space to local land trusts for long-term maintenance, it might want to consider this additional measure as a way to ensure the adequate maintenance of transferred properties.

LITERATURE REVIEW

During our literature search, there were several approaches and recommendations that might interest Pierce County. The following is a summary of findings organized into the following topical areas: funding and acquisitions, public access, maintenance and monitoring, and other issues.
Funding & Acquisitions

- In California, some counties are setting aside some transportation tax revenue for the purchase of open space properties. In another California county, a development agreement was used to conserve thousands of acres and fund an endowment to support a private conservancy created by the agreement to hold title to and manage related open space lands and conservation easements.
- Since open space can produce water quality benefits and watershed management require land conservation and aquatic buffers, financing these types of projects in concert with one another should be considered.
- One city in California requires developers of new residential developments to dedicate open space land at a rate of 1.75 acres of land per 1,000 residents, in addition to the requirement that they dedicate 5 acres of park land per 1,000 residents. Open space is comprised of open turf, tree canopy, and dog parks; neighborhood greens; and community wide open space. The city gives partial credit for mandatory open space within drainage facilities when certain criteria are met. Residential developments that are less than 10 acres and not part of a master-planned development can be exempt at the city’s discretion.
- In Clark County, Washington the acquisition of lands is handled by the departments that are responsible for their maintenance. Departments can also enter into contracts with private entities to carry out land acquisition responsibilities and to negotiate the purchase of easements or other lesser interests in property.

Public Access

- For lands where public access was not allowed, Portland established a program where non-profit agencies could give guided tours to the public in these properties along set routes. In this way, the environmental benefits of the land could be maintained while also increasing public awareness and building public enthusiasm about these open space properties.
- After an open space property is purchased, the public may need to be educated about any recreational opportunities available. Sometimes this can be accomplished through good signage, but there are cases where greater levels of public outreach might also be necessary.

Maintenance & Monitoring

- Open space management plans are critical to establishing a balance between public access and conservation. If the uses/purposes of the land can be clearly defined in the management plan, this helps to limit future bureaucratic infighting between parks staff and other staff responsible for environmental protection/stewardship. Ideally, this potential fight has been contained within the planning process as the specific details of the management plan are worked out. However, once the management plan is adopted the specific conservation and public access uses of open space properties have been decided and departments can focus their energies on implementation.
- The custodial responsibilities for the various types of land owned by Clark County, Washington have been clearly assigned to specific departments. Conservation covenants and easements related to private property have also been assigned to a custodial department.
- Clark County, Washington also assigns the responsibility for maintenance of open space properties owned by the county between the Department of Environmental Services (e.g. stormwater) and Vancouver-Clark Parks and Recreation (e.g. parks) based on their proximity to other county-owned lands. For example, if there was an open space property next to a park, then the parks department would maintain it. The responsibilities for managing conservation covenant and
Easement interests in private property acquired through the critical areas permitting process are also assigned in this manner. It should be noted that managing open space lands is part of the responsibilities of both stormwater and parks.

- Conservation easements need to have an associated monitoring plan to ensure that the property owner is complying with the terms of the easement. This typically involves inspecting the property once a year. Some organizations have also developed forms to keep track and manage these visits in light of staff turnover.

**Other Issues**

- Governments should beware of individual landowners or speculators trying to game the system by purchasing sensitive properties and then proposing large developments on them. They may be trying to create the public outrage and political support to purchase their property at a price above its development value.
- Open space properties open to public access need the presence of public safety officers to give attention to potential issues such as trespassing, overuse, vandalism, and safety hazards.
- Acquiring interests in property less than outright ownership, such as an easement, does not guarantee permanent conservation of the property. As time passes, the existing or future property owners may change their minds with respect to how they want to use their land. This can strain the relationship between the property owner and the easement holder. Pressure can also be applied to decision-makers of the government body holding the easement to remove or modify the easement’s restrictions.

**PIERCE COUNTY COMPARISONS**

Compared to King and Island counties and the research involving other jurisdictions, Pierce County is organized differently, uses some of the same best practices, faces similar challenges as other jurisdictions, and might want to consider implementing practices used by other jurisdictions.

- In Pierce County, responsibility for natural land management and open space is spread among separate departments primarily Parks and Recreation Services and Public works. For both King and Island Counties, the natural land management and open space functions are part of the parks organizations, but both parks organizations are part of a larger department and are in not separate departments as done in Pierce County. In King County the Department of Natural Resources and Parks includes parks and open space functions as well as stormwater, river and floodplain management, solid waste, and wastewater treatment. In Island County the Public Works Department is responsible for parks and trails as well as surface water, solid waste, roads, and engineering.
- In terms of best practices from King and Island Counties, Pierce County also uses conservation easements, volunteers and non-profit community organizations, and its motor vehicle fuel taxes for trails. It is not using its stormwater funds for restoring forests.
- Despite their different organizational structures that puts natural land management and open space functions in the same department as stormwater functions, both King and Island counties also have the same challenge Pierce County regarding public access and conservation as well as addressing maintenance costs that occur with public access. Other similar challenges include paying for maintenance, enforcement of open space and easement restrictions, establishing management plans, and meeting the demand for public access and use of open space.
Other different Conservation Futures approaches from King and Island Counties that are not being used by Pierce County include targeting Conservation Futures funding to certain geographic areas, maximizing Conservations Futures funds for maintenance, requiring matching funds, and requiring a non-profit to have a government agency sponsor the purchase and provide a commitment for long term management in the event that the non-profit cannot meet its obligation.

Although Pierce County departments cooperate on maintenance responsibilities through interdepartmental agreements, Clark County, Washington has taken maintenance a step further by assigning responsibility for maintenance of open space properties based on their proximity to other county lands. If an open space property is next to a park then the parks department would be responsible for maintenance. Responsibility for managing open space land is part of the responsibilities for both stormwater and parks.
CHAPTER V: CONSOLIDATION AND IMPROVEMENT OPPORTUNITIES

The previous chapters have discussed and analyzed the regulatory framework, organizational roles, regulatory and management issues, and other natural resource land management practices. The purpose of this study focused on four key questions as well as consolidation of natural resource land management.

- Are county departments following existing regulations regarding the acquisition, maintenance, inventory control, sale, and management of natural resource lands (including facilities on those lands)?
- Are existing regulations adequate to ensure the efficient and effective custodianship of natural resource lands?
- What opportunities exist for cost savings and improved efficiency and effectiveness in the acquisition and custodianship of natural resource lands?
- How have other similar jurisdictions approached the issue of natural resource lands management?

With a few exceptions as detailed in Chapter III (i.e. purchasing negligible properties without a resolution as required by budget ordinance, not being able to verify public notice on the sale of one property, monitoring grant-funded properties on an informal basis), County departments are following existing regulations regarding acquisitions and dispositions, but to meet the Comprehensive Plan’s Land Use Open Space Objective 60, the County needs to specifically identify a new or existing department to be responsible for implementing the policy elements of the objective. In addition, there are a number of changes to existing regulations and practices that can clarify issues and provide opportunities to improve the efficiency and effectiveness of the County’s management of its natural resource lands. Other Washington State counties in the Puget Sound area have approached natural resource land management by having a specific department and staff person responsible for natural resource land management. These counties also have a more targeted approach and face similar funding and management challenges.

As discussed in the regulatory framework and organizational roles sections, there are many different aspects to acquiring, preserving, maintaining, and managing natural resource lands and open space, and because of the different expertise and responsibilities of the County’s departments, the management is primarily divided among four departments, each with a different mission and different set of responsibilities and services.

MAJOR OBSERVATIONS

Based on the previous chapters, there are a number of observations that can be made about Pierce County’s natural resource land management.
Pierce County has many different methods to preserve, acquire, maintain, and manage its natural resource lands and open space, and the responsibilities for natural resource lands and open space are dispersed throughout the County in several departments such as Planning and Land Services, Facilities Management, Parks and Recreation Services, and Public Works. The County staff and stakeholders believe that the County has some strong individual programs, but that the County needs to improve organizationally, financially, and operationally.

Preserving, acquiring, operating, and maintaining natural resource lands and open spaces is not specifically part of the primary mission and services of Facilities Management and Public Works, but lands that are acquired as part of their mission and services meet the definition of natural resource and open space lands.

In the past there has been no one department or staff member that had the lead responsibility for managing or coordinating a County-wide natural resource lands and open space program. As a result, the County does not have an integrated approach to managing its natural resource and open space lands. However, the County has recently assigned the responsibility on a part time basis to the Parks and Recreation Services’ sustainability manager. Many of the stakeholders interviewed believed that the current organizational roles and structure are a major weakness in the County’s management of its natural resource lands and open space. The major overlap in natural resource land and open space management activities involves property acquisition, maintenance, and overall management.

Based on a review of open space acquisitions and property disposi tions, County departments are generally following existing regulations concerning acquisitions and disposi tions. As previously mentioned, there were, however, a few minor exceptions.

Key issues involve integrating different departmental missions and responsibilities, coordinating planning among departments, resolving public use and access conflicts, and managing and maintaining natural resource and open space lands.

The Conservation Futures Program could improve its efficiency and effectiveness by changing certain selection and property management processes and by establishing more specific priorities and criteria for acquisitions. Recently, there have been several proposed changes to the Conservation Futures processes and selection criteria that will assist in improving the process’ efficiency and effectiveness.

During the review, a number of other management issues were identified and involved open space planning, the definition of open space, inventoring open space properties, and maintenance funding.

In comparing Pierce County with King and Island Counties, all three counties have both common and different elements and issues regarding how they acquire, preserve, maintain, and manage natural resource lands and open space. The programs operated by King and Island Counties have a designated coordinator, are generally more focused on specific types of open space, have limited maintenance funding, and use a variety of funding sources. Pierce County is organized differently, uses some of the same best practices, and faces similar challenges as other jurisdictions.

CONSOLIDATION OF NATURAL LAND MANAGEMENT FUNCTIONS

As discussed in previous chapters, natural resource land management and open space activities are performed by several different departments within Pierce County. Each department has a role
regarding natural resource land management and open space, and as discussed in Chapter I, one of the key questions was what opportunities exist for cost savings and improved efficiency and effectiveness in the acquisition and custodianship of natural resource lands. One opportunity for potential cost savings and improved efficiency and effectiveness might be organizational consolidation, as described in the title of the study.

As described in Chapter II, natural resource land and open space management activities currently occur as complementary services and as part of the responsibilities of departments that have a broader focus than just natural land and open space management. Consequently, there is no designated department or specific and formal coordinated management responsibilities for natural resource lands and open space. The Comprehensive Plan’s Land Use Open Space Objective 60 states “Ensure that Pierce County open space properties, open space passive recreation parks, conservation easements, and conservation futures covenants are managed and maintained to provide long term stewardship of the open space function and value”. As part of this objective, specific activities and responsibilities were identified as follows:

Pierce County shall identify a function within an existing County department or create a new County department that will provide the following:

- Management of Pierce County open space properties, open space passive recreation parks, conservation easements, and conservation futures covenants;
- Coordinate with County departments to ensure that day-to-day decisions consider the open space policies of the Comprehensive Plan;
- Coordinate with the Cities and Towns of Pierce County to establish an interconnected network of open space;
- Develop and administer open space management plans for the Pierce County open space properties, open space passive recreation parks, conservation easements, and conservation futures covenants;
- Serve as a central clearinghouse for information on open space;
- Organize and coordinate volunteer efforts that help maintain the Pierce County open space properties, open space passive recreation parks, conservation easements, and conservation futures covenants; and
- Complete an inventory of existing publicly owned properties, and evaluate them for their value as open space. Privately held properties, such as those held by land trusts, should be considered in the inventory.

Besides the above functions, to consolidate all the natural resource land management and open-space functions and activities as described would require taking responsibilities and control away from the other departments and consolidating them in one department. To meet the responsibilities identified in Land Use Open Space Objective 60, Parks and Recreation Services is the most likely department to consolidate such services under the County’s current organizational structure. Parks and Recreation Services already has open space planning as part of its PROS Plan, has volunteer programs, operates and maintains open spaces, administers the Conservation Futures program, and purchases land for open space. The Department’s core values related to conservation and stewardship also are consistent with managing natural resource lands and open spaces.

Within Parks and Recreation Services the Resource Stewardship Division is responsible for several functions and services related to open space and natural land management as well as other responsibilities to support other parks and recreation responsibilities. Five positions are budgeted for the division: a Resource Stewardship Superintendent, two Parks Planners, a Project Coordinator, and a Sustainability/Open Space Manager. The division’s responsibilities include the following services and activities:
There are a number of different organizational models that could be developed and that could meet the intent of Land Use Open Space Objective 60. In developing alternative organizational models, the following assumptions and conclusions were made.

- Overall comprehensive planning and land use regulation and review for natural resource lands and open space should remain with Planning and Land Services. The Comprehensive Plan establishes the County’s vision and the PROS Plan is and should remain a subset of the County’s Comprehensive Plan. Enforcing the land use regulations concerning development that might affect natural resource lands and open space is also more consistent with PAL’s mission than Parks and Recreation Services’ mission.
- Current use assessments regarding agricultural, timber land, and open space should also remain with Planning and Land Services and the Assessor.
- Centralizing property acquisition and management of natural resource and open space lands within Facilities Management is not included because such centralization involves broader considerations about non-natural resource and open space properties and about the services and role of Facilities Management as a support or operating department. As noted in Chapter II property management staff in Parks and Recreation Services and Public Works indicated that acquiring natural resource and open space lands is only a small part of their jobs. As a result, centralizing the staff in Facilities Management because of natural resource and open space land acquisitions will probably not save money or be cost effective. Such reorganization might have additional organizational impacts affecting their current departments. Because of the funding mechanism preferred by Facilities Management, departments would still pay for the amount of time used to support their property transactions.
- Organizational models are limited to what is feasible within the County’s current organizational structure rather than addressing any major reorganization of the County departments reporting to the County Executive.

Given these assumptions and conclusions, there are two organizational models and roles for the County to consider for the Resource Stewardship Division in the Parks and Recreation Services Department. Both organizational models provide a central contact point concerning natural resource and open space lands.

- A direct management responsibility where the Division is more directly responsible for planning and managing natural resource lands and open space. This model assumes that natural resource land and open space qualities and functions are the priority use for acquired properties that can be classified as natural resource land or open space rather than what is consistent with each custodial department’s mission and responsibilities. Acquisition and management of department properties become primarily based on natural resource land and open space needs and priorities.
- A combination of direct and coordination responsibilities where the Division primarily coordinates (in contrast to directing them) with departments to assure that departments integrate natural resource land and open space principles for their properties classified as natural resource lands.
land or open space. However, such principles remain subordinate to a department’s mission and responsibilities.

The Direct Management Model

Under this alternative, the following organizational and responsibility changes might occur.

- Public Works and Facility Management properties are acquired and managed according to the Resource Stewardship Division’s policies and plans as well as the County’s Comprehensive Plan. Although these departments, primarily Public Works, still acquire properties, the priorities for acquisitions are based on the open space plans and not their own priorities.

- The timber resource management program currently operated by Facilities Management is moved to the Resource Stewardship Division because of the sustainability and conservation aspects of the timber resource management program. A plan to allocate any timber harvest revenues will need to be established. About $5,000 will also be needed by the Division to continue the contract services currently used by Facilities Management for professional forestry services.

- Planning and Land Services will continue to be responsible for the TDR program, but like the other departments, such as Public Works, the priorities for sending and receiving sites for development in unincorporated Pierce County will be established by the Resource Stewardship Division within the existing TDR criteria in the County Code. Because the TDR program is a tool to preserve natural resource lands and open spaces, it provides another tool to acquire and preserve properties. Because of the Conservation Futures process, better coordination with other departments, and acting as the central contact on natural resource lands and open space, the Open Space Coordinator will have access to more information about priority areas and properties and potential TDR purchases and transfers can then be integrated into the larger natural resource land and open space program. In addition, because of recent staff changes, one staff member in the Resource Stewardship Division already has experience with the TDR program.

- To oversee the program, a dedicated staff person at a salary and benefit cost between $96,000 and $119,000 should be hired. The actual cost might be slightly less if the current part time cost of the coordinator is accounted for. A combination of General Fund and perhaps other funds might support this position. Adding a dedicated person assumes that the current staff members in the Division have no additional capacity to assume the added responsibilities. These added responsibilities include the following:
  - Coordinating with Pierce County’s cities and towns,
  - Developing open space management plans for all open space properties,
  - Acting as a central clearing house for information on open space,
  - Organizing and coordinating volunteer efforts, and
  - Inventorying publically owned properties and evaluating them for their value as open space and identifying privately held and land trust properties to include in the inventory.

With this organizational model, there are both advantages and disadvantages for natural resource land and open space management. Exhibit 5 lists some of the major ones.
Exhibit 5
Direct Management Model Major Advantages and Disadvantages

Advantages
- Establishes a specific department and contact responsible for natural resource land and open space management within the County and provides accountability for natural resource land and open space issues
- Includes an additional staff resource to implement the open space program as defined in the Comprehensive Plan
- Emphasizes natural resource land and open space needs and priorities over other department needs and priorities and provides more authority to Parks and Recreation Services for implementation of priorities
- Moves services and programs from other departments to the Resource Stewardship Division that are consistent with its mission and goals such as Facilities Management’s timber resource management program

Disadvantages
- Subordinates a department’s mission and priorities (primarily Public Works and PALS) to natural resource land and open space needs and priorities.
- Potentially negatively impacts the effectiveness and efficiency of Public Works’, PALS’ and Facilities Management’s programs and services
- Creates less control over a department’s own property resources and priorities
- Relies on assistance from departments to assist with management plans and maintenance
- Adds the cost for an Open Space Coordinator in the Resource Stewardship Division

The Coordination Model
Under this alternative, the property acquisition and maintenance needs are based on a department’s mission and priorities as currently done rather than those for natural resource land and open space needs. The Resource Stewardship Division still provides some of the same direct services that are provided in the Direct Management model, but it plays more of a coordination role for assuring that natural resource land and open space needs and priorities are considered and implemented.

- Public Works and Facilities Management properties are acquired and managed by those departments according to their plans and priorities while considering the Resource Stewardship Division’s policies and plans as well as the County’s Comprehensive Plan.
- The timber resource management program currently operated by Facilities Management is still moved to the Division because of the sustainability and conservation aspects of the timber resource management program. A plan to allocate any timber harvest revenues will need to be established.
- Planning and Land Services will continue to be responsible for the TDR program, and like the other departments, such as Public Works, the priorities for sending and receiving sites for development in unincorporated Pierce County will continue to be established by PALS. Because the TDR program is a tool to preserve natural resource lands and open spaces, it still provides another tool to acquire and preserve properties. Because the Open Space Coordinator should have access to more information about priority areas and properties that might also be potential TDR purchases and transfers, PALS should coordinate and collaborate with the Open Space Coordinator who has access to the Conservation Futures process, has more open space coordination with other departments, and will be the central contact on natural resource lands and open space.
To still implement aspects of Land Use Open Space Objective 60, a dedicated staff person at a salary and benefit cost between $96,000 and $119,000 should still be hired. Again, the actual cost might be slightly less if the current part time cost of the coordinator is accounted for. This assumes that the current staff in the Division has no additional capacity to assume the added responsibilities. These added responsibilities include the following:

- Coordinating with Pierce County’s cities and towns,
- Acting as a central clearing house for information on open space,
- Organizing and coordinating volunteer efforts, and
- Inventorying publically owned properties and evaluating them for their value as open space and identifying privately held and land trust properties to include in the inventory.

The Open Space Coordinator will work with the other departments, especially Public Works, to develop a collaborative process for developing acquisition and appropriate management plans, where necessary, while still allowing the departments to acquire, manage, and maintain properties consistent with their mission and original intent for a property.

Establish a department directors group that can resolve any disputes or other issues that develop over the implementation of the natural resource land and open space plans and operations. The core group should include the directors of Park and Recreations Services, Public Works, and Planning and Land Services. Other department directors, such as for Facilities Management, would participate on an as needed basis.

With this organizational model, there are also both advantages and disadvantages for natural resource land and open space management. With some exceptions, these are similar to those under the Direct Management model. Exhibit 6 lists some of the major ones.

**Exhibit 6**

**Coordination Management Model Major Advantages and Disadvantages**

<table>
<thead>
<tr>
<th>Advantages</th>
<th>Disadvantages</th>
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<tbody>
<tr>
<td>Establishes a specific department and contact responsible coordinating natural resource land and open space management within the County</td>
<td>Subordinates natural resource land and open space needs and priorities to departmental needs and priorities for meeting their mission when there is a difference</td>
</tr>
<tr>
<td>Includes an additional staff resource to implement the program</td>
<td>Relies on cooperation and coordination that could potentially reduce the effectiveness and efficiency of natural resource land and open space programs and services compared to a direct management model</td>
</tr>
<tr>
<td>Maintains departmental property acquisition and management priorities consistent with their mission and priorities</td>
<td>Relies on assistance from departments to assist with management plans and maintenance</td>
</tr>
<tr>
<td>Moves services and programs from other departments to the Resource Stewardship Division that are consistent with its mission and goals such as Facilities Management’s timber resource management program</td>
<td>Establishes the Open Space Coordinator’s primary role as more of a facilitator coordinator except for some specific activities requiring a more direct management role</td>
</tr>
<tr>
<td>Provides a department director’s group to resolve any issues among the different departments and the Resource Stewardship Division</td>
<td>Adds the cost for an Open Space Coordinator in the Resource Stewardship Division</td>
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</tbody>
</table>
The Open Space Coordinator Position

An Open Space Coordinator position is included in both organizational models to plan, manage, facilitate, and focus specifically on natural resource land and open space issues. Although assigning responsibility to Parks and Recreation Services provides more overall direction and accountability concerning Land Use Open Space Objective 60, continuing to operate a natural resource land and open space program as a part time endeavor involving several different departments and staff might not significantly improve the development and effectiveness of the program as it operates today.

Land Use Open Space Objective 60 provides for some very specific tasks to be performed such as managing open space properties, open space passive recreation parks, conservation easements, and conservation covenants; coordinating with Pierce County cities and towns; developing and administering open space management plans; creating a central clearing house for information; organizing and coordinating volunteer efforts; and completing an inventory of open space properties that includes privately held properties. Some of these responsibilities are being currently performed by the Division’s staff and other staff in other departments involved with open space properties. In addition, timber resource management has also been added to the Resource Stewardship Division’s responsibilities. It should also be noted that the Open Space Task Force also recommended that a position be created.

RECOMMENDATIONS

Pierce County has not had an integrated program to acquire, preserve, maintain, and manage its natural resource lands and open space. Individual programs and departments have operated independently and sometimes collaboratively, but to improve the effectiveness of the County’s natural resource land and open space management, a more integrated approach that improves accountability and performance through planning, budgeting, management, and evaluation processes is needed. Within the structure of the County’s existing organization, no specific department has been tasked with leading or coordinating the County’s natural resource land and open space management except that Parks has recently assigned a staff person to act as a part-time coordinator. A complete direct management organizational consolidation is not needed, but to improve accountability and the effectiveness of the program, better coordination and some specific changes can enable the County to respond better to the challenges presented by the public’s desire for preserving the County’s natural resource lands and open space. Recommendations are the following:

Organizational Changes

- Assign the responsibility for implementing the elements of Land Use Objective 60 to Parks and Recreations Services and its Resource Stewardship Division.
- Use the Coordination Model that allows departments to acquire and manage property based on their mission and priorities and that has an Open Space Coordinator position to coordinate and facilitate natural resource land and open space priorities with the departments. Also, determine how other staff in the department and division might be involved.
- Establish a department directors group that can resolve any disputes or other issues that develop over the implementation of the objective. The core group should include the directors of Park and Recreations Services, Public Works, and Planning and Land Services. Other department directors, such as for Facilities Management, would participate on an as needed basis.
- Involve the Open Space Coordinator with Planning and Land Services’ TDR program when reviewing sending and receiving properties and when trying to identify additional properties or sites.
Consider moving the timber resource management function in PCC 2.110.135 from Facilities Management to the Resource Stewardship Division and provide $5,000 for continued contract support for professional forest management.

To identify what properties should be considered open space and to determine what properties need to have a management plan, the Open Space Coordinator should review Conservation Futures properties and should work with Public Works by reviewing the list of properties purchased between 2008 and 2011 as shown in Appendix A to do the following:

- Identify the properties that should be considered as part of the County’s open space inventory and that might have an open space component that could involve public access,
- Determine which properties need to have a management plan and work with Public Works to develop plans if not already prepared,
- Identify the potential County department or other organizations that might maintain the property and determine the maintenance funding source,
- Identify any other County properties that need a similar assessment, and
- Resolve any disagreements or conflicts through the department directors’ group.

Develop a two to three year work program for the Open Space Coordinator identifying specific activities and tasks, timelines, and expected outcomes and performance objectives.

**Conservation Futures**

Change the Conservation Futures priority point and ranking system (PCC 2.97.060E) to align more closely with the priority resource categories so bonus points do not allow lower priority properties to have a higher ranking by using a cumulative score. Use a process to first rank proposed projects by priority resource category, next apply the bonus points to the projects, rank within the category, and then start to select projects starting with the highest priority resource categories. As an alternative, the County might want to consider funding only certain types of resources in any one allocation year.

- Because total points are considered in the rankings and there are many more bonus points available than priority category points, the bonus points can allow lower priority resource categories to be funded ahead of higher priority resources. With a ranking by priority resource category, projects within the highest priority categories will be ranked ahead of lower priority resource categories. This process would assure that properties are purchased according to the County’s current priorities.

Develop a process to receive input from and to provide background information to County Council members prior to ranking projects to determine if there is additional factual information or criteria that should be considered as the CAB begins ranking projects and before the Council receives the CAB’s recommendations.

- The Conservation Futures process involves lots of time and effort by a number of County staff and volunteers. Although the CAB rankings are recommendations and the County Council has the authority to make changes, changing rankings at the time of adoption can make the process and purchases less effective.

Add to the bonus point criteria, whether the property is consistent with or identified in the County’s community plans, the PROS Plan, or a City’s Comprehensive Plan or Parks Plan.

- This addition to the criteria is designed to assure that properties funded are consistent with the County’s land use and parks plans as well as city plans, if applicable.
Other Management Issues

- Clarify which planning document (e.g. Comprehensive Plan, the PROS Plan, community plans, or the Open Space Task Force’s report) is or will be the strategic and operational guide for the County’s natural resource and open space program. The Comprehensive Plan should provide the overall vision, and the PROS Plan complements and supplements the open space component of the Comprehensive Plan and community plans with additional policies and specific projects. With the Open Space Task Force’s report another document is added that provides additional direction and projects. Because the County has already adopted the PROS Plan, the County Council should confirm that this is the plan that will still be followed. Once the County determines whether it will reconcile, utilize the two plans, or continue with only the PROS Plan, it should develop a short term plan (3-5 years) for acquisitions as part of its adopted Capital Facilities Plan. As part of this effort also clarify the definition of passive recreation and how such a definition will affect the use and costs of open space properties.

- Include in the property management data base the properties that have been purchased with Conservation Futures but are owned by land trusts or other non-county organizations. Obtain and enter the data into the property management data base. If land trusts or others have additional private properties, data should only be entered if it can be provided electronically and meets the requirements specified by Information Technology. In addition, TDR program acquisitions should also be included.

- Increase maintenance funding by increasing the allowed Conservation Futures maintenance funding, and for one time or deferred maintenance on properties consider using the REET funds as allowed by the changes to the law.

- For additional acquisition and maintenance funding, the County might also want to consider proposing another one percent real estate excise tax that is specifically for conservation (RCW 82.46.070). Such a tax must be approved by a majority of the voters.

- Use Facilities Management’s property management expertise whenever possible for County purchases and negotiations unless the County department already has the property management expertise or when it is cost beneficial compared to paying a non-profit to negotiate and close transactions with property owners. The Open Space Coordinator should also work with all departmental property management staff to explain the County’s open space policies and how their purchases affect the County’s open space.

- To assure that conservation easements and covenants are being enforced, develop an inspection plan and program to assure that conservation easements are maintained and are not blocked or encroached upon by neighboring properties. Such inspections might be done by regular maintenance crews when performing work near such property sites.

- Revise the relevant Pierce County Codes concerning Parks and Recreations Services role and authority concerning natural resource land management and open space. Such changes involve the Department’s functions (PCC 2.06.010B), defining and establishing what is the County’s park and recreation system (PCC 14.04.010), transferring the duties in Facilities Management’s timber resource management program code section (PCC 2.110.135) to Parks and Recreations Services, and defining Parks and Recreations Services’ role in implementing the Comprehensive Plan’s section on open space regarding PCC 19A.30.170D1.

- Clarify Facilities Management’s role by redefining PCC 2.06.010 Section O that states “the property management Section is charged with disposing of or utilizing existing County owned and tax titled real properties to the best advantage of Pierce County” (emphasis added). Property acquisitions are planned by County departments to meet the County’s needs and priorities for a given program or service, and PCC 2.110.070 makes them responsible for
maintaining property for which they are the custodians. Thus, under PCC 2.06.010 Section O it is not clear what role Facilities Management has in reviewing or determining if properties are being used to the best advantage and whether the Code section applies to properties acquired and managed only by Facilities Management, surplus properties, and/or all County owned properties.
APPENDIX A- 2008-2011 PROPERTY ACQUISITIONS AND DISPOSITIONS
### General Information

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<th>Acquisition</th>
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<th>Size of Property (e.g., acreage, bldg sq ft, etc.)</th>
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**Pierce County - Land Resource Management Study**

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**Appendix Table for Acquisitions & Dispositions.doc**
### General Information

**Department:** Pierce County - Lands Resource Management Study

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<td>Parks &amp; Recreation</td>
<td>21415, 21317, Orville Road, Pierce County</td>
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<td>Parks &amp; Recreation</td>
<td>3714 Dale St., Tacoma</td>
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<tr>
<td>Parks &amp; Recreation</td>
<td>3714 Dale St., Tacoma</td>
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<tr>
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<td>2011</td>
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</tr>
<tr>
<td>Parks &amp; Recreation</td>
<td>3714 Dale St., Tacoma</td>
</tr>
</tbody>
</table>

**Source:**

Pierce County - Lands Resource Management Study

**Note:**

- For the purpose of this table, "acquisition" refers to the process of buying or acquiring land or property. "Disposition" refers to the act of selling or giving away land or property. The table includes specific details such as the date of acquisition, purchase price, location, and the department or division responsible for the acquisition or disposition. Additional notes may provide specific criteria or conditions under which the acquisition or disposition occurred.
<table>
<thead>
<tr>
<th>Department</th>
<th>Owner Name</th>
<th>Location</th>
<th>Parcel Number(s)</th>
<th>Reason for Disposition</th>
<th>Date Disposition</th>
<th>Sale</th>
<th>Sale Price</th>
<th>Receiving Fund</th>
<th>Selling Department/Division</th>
<th>Reason for Disposition</th>
</tr>
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<tr>
<td>Parks &amp; Recreation</td>
<td>Taylor Bay (acquisition &amp; disposition)</td>
<td>17051 - 76th St. E., Roy, Pierce County</td>
<td>0220203000, 008, 009</td>
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<td>04/16/2022</td>
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<td>7011</td>
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<td>Taylor's Point (acquisition &amp; disposition)</td>
<td>100 - 3rd St. W., South Tacoma</td>
<td>0220203072, 021, 0220203071, 073</td>
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<td>Anderson Park - Park Expansion (acquisition &amp; disposition)</td>
<td>2011 - 689th St. S., Lakewood</td>
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<td>Open space</td>
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</table>

**Department Data**

**Property Dispositions/Surpluses: 2008-2011**

**Department/Division**

- Parks and Recreation
- Conservation Futures

**Reason for Disposition**

- Acquired
- Sold
- Reverted

**Date Disposition**

- 03/19/2002
- 04/16/2022
- 07/30/2012

**Sale Price**

- $0.00
- $1,287,000
- $1,850,000

**Reason for Disposition**

- Conservation Futures
- Parks and Recreation

**Milestone**

- Parks and Recreation
- Conservation Futures

**Additional Notes**

- "Property Acquisitions Dispositions 5/3/2012 email from Janel Krilich // ParksRec.xlsx"
- "Property Acquisitions Dispositions 5/21/2012 email from Hollie Rogge // ParksRec.xlsx"
- "Property Acquisitions Dispositions 5/29/2012 email from Hollie Rogge // ParksRec.xlsx"
- "Property Acquisitions Dispositions 5/21/2012 email from Hollie Rogge // ParksRec.xlsx"
- "Property Acquisitions Dispositions 5/29/2012 email from Hollie Rogge // ParksRec.xlsx"
- "Property Acquistions Dispostions 5/3/2012 email from Janel Krilich // ParksRec.xlsx"
October 12, 2012

TO: Bill Vetter, Legislative Analyst
FROM: Kathy Kravit-Smith, Director
Pierce County Parks & Recreation Services (P&RS)

SUBJECT: NATURAL RESOURCE LAND MANAGEMENT REPORT

Thank you for the opportunity to review the draft Natural Resource Land Management Report. Per your request I have provided the following:

1. Any alerts regarding significant factual mistakes in the draft report;
2. Comments regarding my agreement/disagreements with conclusions; and
3. An “Agree or Disagree” on each of the recommendations beginning on page 39, with comments as needed.

In addition, I was asked by the Deputy County Executive to include what actions P&RS is actively working on that appear in the consultant’s analysis.

FACTUAL MISTAKES OR ADDITIONS TO CONSIDER

Page 2

In the first paragraph the term open space is defined using the Comprehensive plan definition. There are two other definitions that are relevant to this report:

Title 2.97 Conservation Futures title has defined “open space” for the program as:

"Open Space" means a landscape which is primarily unimproved. Open space areas may include: critical areas, wooded areas, parks, trails, privately owned nature reserves, abandoned railroad lines, utility corridors, and other vacant rights-of-way. Permanent dedication, resignation, or reservation of open space for public or private use may occur in accordance with Comprehensive Plan policies.

Title 14 – Parks & Recreation Services’ definition for parks exists in Title 14. “Park” means and includes all parks, squares, drives, community centers, recreation centers, meridians, trails, linear corridors, parkways, boulevards, golf courses, boat launching ramps, zoos, beaches,
playfields, and recreation areas and facilities comprising the parks and recreation system of the County and under the management and control of the Department.

Page 5

Under Facilities Management (FM) responsibilities:

The report says: “It has been involved with natural resource lands and open space through its “purchasing of properties for the Conservation Futures program…”

This sentence may lead the reader to think that FM is actively purchasing CF properties and that this has been a traditional FM function. It is not and has not been FM’s responsibility. During one purchase cycle FM offered free services to P&RS to assist in acquisition activities. P&RS was still accountable for outcomes.

Following an internal evaluation of the purchasing process it was determined that it was inefficient to separate the purchase of the properties from the CF program and program manager’s responsibilities. Additionally, after contributing free services FM indicated that they would begin to charge for services. Accountability for program objectives should rest with one program manager.

Under Parks & Recreation Services responsibilities:

When listing P&RS responsibilities, the report omits P&RS’s responsibility for natural and cultural “resource stewardship” for 5,000 acres of parkland throughout Pierce County.

The second bullet point, last sentence should read: ‘PALS also has the lead in reviewing applications for current use assessments related to timber land, (add - agricultural land), and open space.

Page 6

Exhibit 2 labels Parks as responsible for ‘open space and trail planning’. This statement conveys a sense that P&RS is responsible for open space planning for the county. This is true if you understand “Parks” to be “Open Space” and you recognize 14.04.030 as the authority for Open Space planning.

14.04.030 Pierce County Parks and Recreation System Plan. The Pierce County Parks and Recreation System Plan, as adopted by the Board of Pierce County Commissioners, is incorporated by reference as if fully set forth in this Chapter.

There is a lack of clarity in 14.04.030 that “Parks” includes open space. Therefore there is a lack of recognition in the County that P&RS is responsible for Open Space planning. You may want to refer to this in the conclusions and recommend a clarification in 14.04.030. You may also want to recommend that the definition of a Park in Title 14 should be updated to also include open Space.
Page 7

Exhibit 3 - Department Responsibilities by NR Land/Open Space Functions and Activities.

P&RS is labeled as being responsible for open space coordination in the county. This is not explicit in any official PC document and only recently has the County Executive added a part-time open space coordinator to the P&RS system. It makes more sense to leave this column blank thus indicating that there is a lack of coordination which this report was intended to address.

Planning and Land Services (PALS) is listed as having a duty in property acquisition. PALS only responsibility is to acquire easements through the TDR/PDR program and the department is not responsible for acquisition or manage property.

Parks should be included in the property disposition column.

In the last bullet point: This section would be more accurately written: The Parks and Recreation Services Department has a planner position in the Resource Stewardship Division that works cooperatively with the Park Division’s, Park Specialist to handle property management. This position currently spends approximately 85% of her time related to acquisitions, dispositions, leases, property improvement, and easements.

Page 8

In the 2nd to last paragraph on page 8 – the last sentence that starts with “Except for…”

The last sentence could read:

“Although P&RS supports (strike “supports”, insert “administers”) the Conservation Futures program, now has a part-time Open Space coordinator, and has its PROS plan, the Department’s management believes that responsibilities for the above objective and its elements has not been specifically assigned to P&RS or any other department.”

If this quote is meant be from the P&RS Director, it is not quite accurate. The Conservation futures Program IS specifically assigned to P&RS in 2.97 and 2.96. And the PROS plan is specifically assigned to P&RS in 14.04.030.

Title 2.06.010 and Title 14 do not reflect any responsibility for Open Space planning, acquisition, or management. No changes were made to reflect the current Parks & Recreation & Open Space plan (PROS) adopted by the County Council. And although the Open Space Task Force delivered their Open Space Report to the Council, the Council DID NOT APPROVE the plan, they simply “received the plan”.

The County’s official document providing guidance for Open Space is the PROS plan.
Page 11- Regulatory & Management Issues

One of the areas that I am not sure was adequately addressed was the area of each Department’s organizational structure, professional natural and cultural resource management expertise, and on site management capacity.

Although this would be an additional work load, it would be useful to understand how the departments are organized, an assessment of field staff; and each department’s capacity and expertise for responding to resource management issues.

For example, I am aware that as a Regional Park provider, Pierce County Parks & Recreation has M&O staff deployed by zones throughout the county. I am not as familiar with other department’s deployment of M&O staff.

In P&RS the county is divided into three (3) zones, each zone has a manager (Zone Manager) and then each major regional recreation area has a Park Specialist responsible for the area. M&O staff report to the Park Specialist. Some Parks & Recreation employees are assigned to live on site in park housing and are in close proximity to open space parcels scattered throughout the county.

Page 15 – Item #1

The report says the Conservation Futures Technical Advisory Committee ranks the properties according to its selection criteria. The Technical Advisory Committee has never ranked properties. Only the Conservation Futures Citizens Advisory Board ranks the properties. The Technical Advisory Committee only provides technical assistance to the Conservation Futures Citizens Advisory Board. That being said, we will likely be proposing an expansion of the role the Technical Advisory Committee plays in reviewing applications in the update to Conservation Futures Code sections before the end of the year which will have the Technical Advisory Committee verifying the properties proposed for acquisition meet certain minimum criteria.

Page 16

Disputes related to who should be buying the land

There may be confusion regarding “who should be acquiring properties” with Conservation Futures – but that confusion does not exist in P&RS. P&RS has always been responsible for acquiring property for parks using a variety of funds, including the Conservation Futures properties.

It is inaccurate to say that P&RS is “heavily involved with all of the aspects of the program.” P&RS has been responsible for the entire program, since the program’s inception. Facilities Management was only involved in property acquisition during one purchase cycle when they offered free services to P&RS.
Chapter 2.97.080 – Addresses Conservation Futures Covenants. This chapter specifically directs Parks and Recreation Services: “Parks & Recreation Services Department shall develop covenants and property restrictions which assure the preservation of the purchased property or rights as "open space" as defined in PCC 2.97.020.

Also, it should be noted that in 2.97.100 – Property Management Authority requires that if Pierce County is to hold the title of Conservation Futures property “the Property Manager shall be the Director of Parks & Recreation.” This regulation has not always been followed when other funds are used in addition to CF funds.

Page 18

Under the heading of The County Executive’s Proposed Conservation Futures Program Changes, delete “The County Executive’s”s”. The County Executive has not yet reviewed the proposal. Under #4 - remove the word ‘him’ from the last line.

Refers to the Conservation Futures Technology Advisory Committee. These references should be corrected to the Conservation Futures Technical Advisory Committee.

COMMENTS REGARDING CONCLUSIONS

Page 32

The word “verify” is misspelled in the second paragraph.

Page 34

Paragraph two, in the 3rd sentence that reads: “Parks and Recreation Services already has open space planning as part of its PROS Plan, has volunteer programs, operates and maintains open spaces, supports the conservation Futures program, and purchase land for open space.”

I would change “…supports the Conservation Futures program” to “…administers the Conservation Futures program.

Page 35

On the bulleted list please consider changing it to:

The division’s responsibilities include the following responsibilities:

- Park Acquisition and disposition, including the acquisition of Conservation Futures properties;
- Park Planning, including: long range, capital facilities, and resource stewardship planning;
• Park Development and capital renovation projects; and
• Long range park property management and stewardship.

The Open Space Task Force no longer exists and was only meant to be a one-time activity and trails and open space are included in the definition of a park.

**Page 37**

Under the “Coordination Model” it is not clear if a move of the TDR and timber management functions to Parks and Recreation Services would include the necessary resources to carry out the responsibilities of the programs. Those programs would require additional funding.

I would appreciate if the consultants could quantify the cost of these programs similar to how the open space coordinator position ($96,000 to $119,000) was quantified.

**AGREE or DISAGREE ON RECOMMENDATIONS**

With regard to the recommendations contained on pages 39-41, we are in general agreement with the recommendations and are supportive of all efforts to clarify the roles and responsibilities of county departments engaged in the acquisition, conservation, maintenance, stewardship, and administration of county natural resource lands and open space. We believe the core competencies and mission of Parks and Recreation Services department are well suited to managing and stewarding county natural resource and open space lands provided that sufficient resources commensurate with the responsibilities are provided to the department.

**Page 39**

Under “Recommendations, Organizational Changes” you may want to include under bullet #1 “Assign the responsibility for implementing the elements of...”, language that indicates the need for change in County Code Title 2.06.010 B Parks and Recreation Services and Title 14.04.010. They have not been updated to recognize broader department functions and do not reflect the County Council’s acceptance of the Parks, Recreation and Open Space Plan. For example:

**Title 2.06.010 currently reads:**

B. Parks and Recreation Services. This department includes the following functions and/or Divisions:

1. Maintenance and operation of Pierce County parks.
2. Maintenance and operation of recreational facilities, including golf courses, marinas,
3. and ball fields.
4. Development and operation of County recreation programs.
5. Grounds maintenance.
Title 2.06.010 – B could be revised to provide more clarity regarding P&RS stewardship responsibilities for parks and open space properties.

It could read:

Title 2.06.010 – B - The Parks & Recreation Services Department power and duties shall include:

(1) Have the care, charge, control, and supervision of all parks (parks as defined in Chapter 14) acquired or set aside by the county for park and recreation values and purposes and county managed open space properties (open space as defined in Title 2.97 and included in the P&RS inventory).

(2) Adopt policies, and adopt, issue, and enforce rules pertaining to the use, care, and administration of the County Parks and Recreation system.

(3) Permit the use of parks and open space by the public under such rules as shall be adopted by the council.

(4) Maintain and improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and open space.

(5) Grant concessions or leases in parks and open space, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than fifty years, and upon such conditions as shall be approved by the Council: PROVIDED, That if, during the term of any concession or lease, it is the opinion of the Council that it would be in the best interest of the county, the Council may, with the consent of the concessionaire or lessee, alter and amend the terms and conditions of such concession or lease: PROVIDED FURTHER, That the rates of such concessions or leases shall be renegotiated at least every five-year intervals. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or open space.

(6) Employ volunteer assistance as it deems necessary. Expenses relating to its use of volunteer assistance shall be limited to premiums or assessments for the insurance of volunteers, compensation of staff who assists volunteers, materials and equipment used in authorized volunteer projects, training, reimbursement of volunteer travel, and other reasonable expenses relating to volunteer recognition. The Director, at its discretion, may waive fees otherwise applicable to volunteers.

(7) Select and purchase or obtain options upon, lease, or otherwise acquire for and in the
name of the County such tracts of land, including shore and tide lands, for park and open space purposes as it deems proper.

(8) Cooperate with the United States, the State, any county or city of the state, or any county department in any matter pertaining to the acquisition, development, redevelopment, renovation, care, control, or supervision of any park and open space, and enter into contracts in writing to that end.

(9) Develop and operate recreation programs and within allowable resources, maintain policies that increase the number of people who have access to free or low-cost recreational opportunities for physical activity, including noncompetitive physical activity.

(10) Develop and maintain the county’s Park, Recreation and Open Space (PROS) plan and other planning related documents and policies related to parks and open space.

(11) Manage and administer the county’s Conservation Futures program as defined in Title 2.96 and 2.97.

(12) Provide management and stewardship of all county park and open space properties.

**Title 14.04.010 – CURRENTLY READS:**

**14.04.010 Established.**

There is established in Pierce County a park and playground system for public recreational purposes. (Prior Code § 12.02.010)

I would recommend that this title be changed to more accurately reflect what the County Council intended in the PROS plan. It should read:

There is established in Pierce County a park, recreation, and open space system for the purpose of enhancing the citizens’ quality of life by planning for the acquisition/disposition, development, maintenance; operation and stewardship of a comprehensive regional and county-wide parks and recreation system connected by a network of non-motorized trails.

I also recommend the following additional powers and duties should be added to Title 14.

(1) Pierce County Parks & Recreation Services shall:

   (a) Manage timber and land under its stewardship to maintain and enhance aesthetic and recreational values;

   (b) Apply conservation best practices to maintain and enhance aesthetic, recreational, and ecological resources; and
(c) Designate and preserve certain forest areas throughout the county as natural forests or natural areas for interpretation, study, and preservation purposes.

(2) Trees may be removed from County parks:

(a) When hazardous to persons, property, or facilities;

(b) As part of a park maintenance or development project, or conservation practice;

(c) As part of a road or utility easement; or

(d) When damaged by a catastrophic forest event.

(3) Tree removal shall be done by park personnel, unless the personnel lack necessary expertise. Except in emergencies and when feasible, significant trees shall be removed only after they have been marked or appraised by a professional forester. The removal of significant trees from a natural forest may take place only after a public hearing has been held, except in emergencies.

(4) When feasible, felled timber shall be left on the ground for natural purposes or used for park purposes including, but not limited to, building projects, trail mulching, and firewood. In natural forest areas, first consideration shall be given to leaving timber on the ground for natural purposes.

(5) The may issue permits to individuals for the removal of wood debris from parks for personal firewood use.

(6) Only timber that qualifies for cutting or removal under subsection (2) of this section may be sold. Timber shall be sold only when surplus to the needs of the park.

(7) Net revenue derived from timber sales shall be deposited in the General Fund for the purpose of enhancing the parks’ natural, cultural and recreational resources.

Page 41

Regarding the first sentence that reads: “From an operational perspective, the county needs to determine whether the PROS plan or Task force’s report will guide the County’s acquisitions and capital improvements.”

This statement is very misleading. The council is sensitive to the fact that they did NOT ADOPT THE RECOMMENDATIONS OF THE OPEN SPACE TASK FORCE. They received the report only. The PROS plan is officially adopted by the council.
RECENT ACTIONS TAKEN OR IN PROGRESS

Conservation Futures

The Parks and Recreation Services department is currently working with the Conservation Futures Advisory Board and County Council on the following issues for Council consideration:

1. Broaden Conservation Futures CAB duties to include advisory role for other open space issues,
2. Expand membership of Conservation Futures Technical Advisory Committee to include outside organizations with open space interest such as Land Trusts and Park Districts;
3. Move to an every other year selection and allocation process starting in 2013 and odd numbered years thereafter,
4. Develop minimum standards for conservation futures applications and provide the TAC the authority to eliminate applications that do not meet minimum technical standards from further consideration,
5. Consider not ranking selected properties in order of priority and purchase those properties that have grant monies available, willing sellers, clear title, etc., first, then follow up on remaining more difficult properties. Or, provide bonus points to properties which have grant monies or other matching funds so they rank higher when prioritizing the properties. Or, require that applications contain a minimum level of matching funds in order to leverage existing funds,
6. Establish a ‘Conservation Futures Opportunity Fund’ to purchase exceptional properties that become available outside of the normal selection process timeline. Establish eligibility criteria for this option and require a Council Resolution prior to purchase.
7. Amend open space priorities to focus on high value property such as those under threat of development; within wildlife corridors; biologically diverse; contain unique habitat; or have unique scenic value.
8. Amend Conservation Futures eligibility criteria to exclude undevelopable properties or sites that are not threatened with development including those protected by existing critical area regulations.
9. Amend Conservation Futures eligibility criteria to exclude properties of less than 1 acre in size; contain structures which cannot be removed immediately after acquisition; or are subject to existing purchase options where price has already been negotiated.
10. Establish specific acquisition deadlines which require purchase be completed within a certain time frame.

The Parks and Recreation Services department is also working on a plan to assure that conservation easements and covenants are being enforced.

Title 2.06 and Title 14 – Parks & Recreation Services

P&RS is currently working with the Prosecuting Attorney’s office to update Title 2.06 and Title 14. We can work with County Council staff to include the Council’s interest and direction in this update work.
cc: Pat McCarthy, County Executive  
    Kevin Phelps, Deputy County Executive
October 29, 2012

TO: Bill Vetter, Legislative Analyst

FROM: Sean Gaffney and Dennis Hanberg
Pierce County Planning and Land Services (PALS)

SUBJECT: NATURAL RESOURCE LAND MANAGEMENT REPORT

I.

1. Generally speaking the report covers quite a bit of ground, provides some insight into other programs, and most importantly has some areas where improvements could be made. The report does not provide a strong recommendation for any approach, which may in itself be beneficial. Perhaps the best way to next deal with the report and the suggestions within would be to turn it back over to the Executive and the respective Departments to:

   a. Discuss the various suggestions
   b. Discuss how they communicate and deal with these various resource and open space issues and how they could improve
   c. Discuss a means of a unified land inventory and the possible formation of a single GIS layer that would reflect the various types and ownerships of County property.

2. There were some suggestions for improved efficiencies such as a coordinated more robust volunteer effort and grant effort. There were many more as well that perhaps could be incorporated into the existing departmental structure and processes as well.

3. It seems to me that the report is not conclusive in indicating that the changes proposed would generate cost savings and efficiencies. So perhaps the Executive and departments could delve into that in more detail as well.

4. Finally, as Sean has already stated, I do have some concerns about moving the TDR program away from PALS as we are managing the Farm Resource person which is one of the primary resource for TDR credits, and of course we also manage the developers which will be one of the primary purchasers of TDR credits. As such the TDR program seems like it should remain at PALS as it does not reflect actual land ownership by the County, only a banking system of credits and debits that would transfer between my farm customers and my developer customers.

Dennis Hanberg
Director, Planning and Land Services
II.

Initial concerns relate to the Best Permitting Agency efforts underway at PALS. Specifically, what are the benefits to the TDR participants if only a part of the TDR program is transferred to P&R? The end user still has to deal with two separate agencies. Also, we feel there is a strong relationship between TDR and the “Farmbudsman” position proposed by the Executive. This position is intended to provide specialized service to the Ag community in permitting as well as in the larger arena of Comprehensive Planning and farm advocacy. This position is tasked with building trust and fostering relationships within the Ag Community. These relationships are the cornerstone of a healthy TDR program.

Below is a summary of concerns we have identified in the report. We look forward to an expanded discussion on the report.

Thanks,

Sean Gaffney
Planning and Land Services

TDR

Under both the Direct Management Model and Coordination Model, it is recommended the TDR Program be moved to the Resource Stewardship Division however, the regulatory role of the Program would remain the responsibility of Planning and Land Services

- Structuring the Program with two Departments responsible for portions of the TDR program would require considerable coordination between the two Departments. Does this negate the benefit? A clear definition of duties between the two Departments would be needed.

- Both models for the TDR program are similarly fashioned to what is described as the organizational structure of Current Use Assessment (p.12-13); whereby two Departments are managing different tasks of the Program. In the case of the Current Use Assessment, this is due to State law however, there is a comment in the report that states it might be run more efficiently if the review was processed by one Department. There is a similar concern if TDR responsibilities are bifurcated into two Departments-it may not be the most efficient way to manage the Program. In addition, it may create inconsistencies in overall priorities and strategies.

- The TDR Program is a comprehensive program that not only includes open space planning and acquisition (sending sites); it also provides planning and regulatory purview of receiving sites. This includes assisting in establishing TDR programs.
with cities, code development, initiating interlocal agreements, providing direction (policies and guidelines) under GMA, Comprehensive Planning documents etc. It is unclear whether these critical components and requisite skills of staff were considered when recommending the Program be moved.

• As mentioned in the Open Space Task Force report as well as from multiple staff personnel, this Program needs dedicated staff to implement to its fullest extent.

General

Exhibit 3 p. 7 Under Open Space functions and Activities

• Add for Planning and Land Services: Coordination within the County, Management Plans, Property Inventory

Open Space Planning p. 19

• The County Comprehensive Plan should be considered the overriding document. The Open Space Task Force Report, unlike the County Comprehensive Plan and Community Plans, was not adopted by the County Council and therefore should be considered supplemental information. The Report should not be given the same weight as other formally adopted plans.

King County Program p. 22

• As a discussion of the Transfer of Development Rights Program is a major component of this report it should be noted that the King County TDR program is housed in the Department of Natural Resources and Parks and has its own dedicated staff personnel. (I’m not sure about Island County).

Add

Please provide a Table similar to Exhibit 3 p. 7 for the recommended Management Models