

# SNOHOMISH COUNTY CONSERVATION FUTURES PROGRAM ADVISORY BOARD

## MEETING MINUTES

May 22, 2012

Members Present: Dan Bartelheimer (Citizen Representative), City Councilmember Randy Lord (Large City Representative), Brian Parry (County Executive Representative), County Councilmember Dave Somers, and County Councilmember Stephanie Wright.

Staff: Dianne Bailey, Park Property Administrator, Snohomish County Department of Parks and Recreation, Sharon Swan, Senior Park Planner, Snohomish County Department of Parks and Recreation and Tom Teigen, Director, Snohomish County Department of Parks and Recreation.

1. The regular meeting of the Conservation Futures Program Advisory Board (Board) was called to order at 3:05 p.m. in the Jackson Board Room, Drewel Office Building, 8<sup>th</sup> floor, 3000 Rockefeller Avenue, Everett, Washington. A quorum of the Board was in attendance.
2. Introduction of Board Members: Board members and staff introduced themselves around the table.
3. Election of New Chairperson: The Board proceeded to select a Chairperson of the Board. *Councilmember Dave Somers was nominated for Chairperson of the Board by Councilmember Stephanie Wright. The nomination was seconded by Councilmember Randy Lord. The Board approved the nomination of Councilmember Dave Somers unanimously, 5-0.*
4. Review and Approval of Minutes of Last Meeting: Minutes from the May 2, 2011 Board meeting were reviewed. *Councilmember Randy Lord moved that the minutes from the May 2, 2011 meeting of the Conservation Futures Program Advisory Board should be approved. Councilmember Stephanie Wright seconded the motion. The motion passed unanimously, 5-0.*
5. Reports:

### Funded Projects Pending

Beth Lidell, Planner, Surface Water Management (SWM), reported to the Board regarding the status of Conservation Futures funding that was awarded to the Department of Planning and Development Services and subsequently transferred to

SWM for the Purchase of Development Rights (PDR) program for agriculture. The program was started in 2004 as a pilot program in the Tualco Valley and \$4.2 million dollars of Conservation Futures funding was awarded to the project. This funding was leveraged with federal and state grants, and an additional \$783,603 was obtained for the program from those sources. Beth Lidell reported that since the last Conservation Futures Program Advisory Board meeting, acquisition of the Cabe Farm, Willie Green's and Hollandia have been completed and that no future purchases are planned for the Tualco Valley. Beth Lidell then reported that the remaining Conservation Futures funding allocated for the PDR program could be returned to fund balance, with the exception of \$100,000 which was recommended to stay in the program.

Charlie Raines, Director of Forest Conservation, Forterra, reported on the progress of the Ellingsen Farm PDR project. This project was originally approved in 2009 and was awarded \$920,000 Conservation Futures funding, which was matched with \$900,000 grant funding from the Natural Resources Conservation Service (NRCS). Mr. Raines reported that the project has experienced delays due to issues related to parcel sizes of the property and NRCS' interpretation of rules related to use of grant funding awarded by their department. These issues have been resolved and NRCS has agreed to extend their grant through the end of the year. Forterra is estimating that closing on this acquisition will occur in December of this year and asked the Board to hold funding for this project. The actual amount need for acquisition is expected to be less than currently allocated, although an appraisal update will be needed due to the delay in completing this project. Dianne Bailey pointed out that spending authority for the Ellingsen Farm project has lapsed and a supplemental will be needed to allow expenditures on this project in 2012.

Paul Kaftanski, Director, City of Everett Parks Department, reported on the progress of acquisition for Harborview Park. The property will be acquired from Burlington Northern Sante Fe (BNSF) and negotiations have included discussions related to price, mineral rights, environmental indemnification of BNSF by the city and resolution of liens and mortgages. All but one of these issues has been resolved and Mr. Kaftanski reported that he believes they are close to final agreement, but that a specific timeline for purchase has not been established. The acquisition price will be approximately \$800,000 but Mr. Kaftanski noted that the funding amount requested from the Board for this project is unchanged.

Tom Teigen, Director, Snohomish County Parks & Recreation Department, reported on the status of acquisitions at Lake Stickney. The original award from the Board was \$380,000 for acquisition of multiple parcels at Lake Stickney, to be added to Lake Stickney County Park. Tom Teigen reported that staff has been investigating three potential acquisitions, one of which may be a viable opportunity. Efforts will continue with this property and he expects that it will be purchased by the end of the year. During the property review process, another potential acquisition has come on the market, which was not initially identified as part of the Lake Stickney Conservation Futures

project. The owner of the property recently passed away and the heirs are interested in selling. The house is on the market currently and includes a house and garage that could be used for storage of volunteer equipment. The asking price for the property is \$309,000 and funding is available to acquire this, and the previously identified property. Additionally, Tom Teigen noted that a recent donation property was accepted by Snohomish County, which also adds to the Lake Stickney assemblage. Dan Bartelheimer asked if Conservation Futures funding could be used for improvements, related to properties and was answered that it was an allowed use of the funding.

Tom Teigen also reported on the status of acquisition efforts at Skyview Tracts, located outside of the City of Sultan. Of the parcels located in this plat, three of one hundred and nine, are still remaining to be acquired. Two of the three property owners are not believed to be willing sellers. SWM, the Parks Department and Sherriff's office have been coordinating on acquisition and management of the parcels. The Parks Department is thinking of seasonal recreation use and is working on a final cleanup plan. The properties are currently held in SWM's custody and are expected to be transferred to the Parks Department this fall. After transfer, efforts will start to create a plan for opening the property as a park. Future use of the property will be shaped by Washington State Department of Natural Resources (DNR) jurisdiction on the property to the Ordinary High Water Mark, SWMs interest in using a portion of the site for mitigation and interest by Snohomish County Public Utility District in rechannelization. At the property, one home is located above the flood plain and residents are acting as caretakers.

Dianne Bailey, Park Property Administrator, reported on efforts to purchase land in the vicinity of River Meadows County Park. Purchase of property was required as satisfaction of a land conversion at River Meadows County Park by the Washington State Recreation and Conservation Office (RCO). The Parks Department has been working with Public Works on this acquisition as they have been seeking property to mitigate for replacement of the Jim Creek bridge. It has taken some time to find a property that worked for these two needs, but a property has been identified, which has been approved by RCO and closing should occur before the end of the year.

Tom Teigen reported on the Quinn's Crossing project, which was originally awarded \$224,000, to be matched with grant funding for acquisition of property adjacent to the Paradise Valley Conservation Area. Parks was not successful in acquiring the matching grant and determined that the property asking price was too high. This project will not go forward and Parks would like to reprogram the funds to other properties.

Councilmember Randy Lord reported on the Japanese Gulch project, which was awarded \$500,000 to purchase multiple parcels of land in the Japanese Gulch area and accumulate funding through future efforts to build a base for acquisitions. Councilmember Randy Lord reported that the City of Mukilteo is searching for additional grants to match the Conservation Futures funding and will be applying to the RCO and

United States Department of Agriculture for an urban forestry grant. Acquisitions are being pursued, but there are currently two separate disagreements on price and the City is finding it difficult to piecemeal acquisitions with owners who have large holdings. Efforts for this program will continue and City would like to retain funding for continued efforts.

Funded Projects Closed:

Dianne Bailey, Park Property Administrator, reported that the West Lake Roesiger (Snohomish County Parks Department project), Lake Gardner Park (City of Granite Falls project) and Boy Scout property (City of Bothell project) were all completed at approximately the funding levels awarded by the Conservation Futures Program Advisory Board. Tom Teigen noted that the West Lake Roesiger project was significantly supported by efforts from Chairperson Dave Somers working with DNR staff. Chairperson Dave Somers also recognized Forterra, the Commissioner for Public Lands and Snohomish County Parks Department for their work in completing the West Lake Roesiger acquisition as well.

6. Entertainment of Motions Regarding Project Modifications:

Lake Stickney - *Chairperson Dave Somers moved that the Snohomish County Parks and Recreation Department be allowed flexibility in utilizing the awarded Lake Stickney Conservation Futures funding as long as use of the funding is consistent with the intent of the original application for acquisitions in the Lake Stickney area. Councilmember Randy Lord seconded the motion. The motion passed unanimously, 5-0.*

Ellingsen – *Chairperson Dave Somers moved that the funding awarded to the Ellingsen project be held for the designated use and that staff initiate a supplemental budget appropriation to allow for use of those funds. Councilmember Stephanie Wright seconded the motion. The motion passed unanimously, 5-0.*

7. Entertainment of Motions Regarding Return to Fund Balance:

Quinn's Crossing- *Councilmember Randy Lord moved that the unexpended funding for this project be returned to fund balance. Councilmember Stephanie Wright seconded the motion. The motion passed unanimously, 5-0.*

Purchase of Development Rights – *Councilmember Randy Lord moved that the unexpended funding for the Tualco Valley Purchase of Development Rights program be returned to fund balance, with the exception of \$100,000 which will remain in the program fund. Councilmember Stephanie Wright seconded the motion. The motion passed unanimously, 5-0.*

8. Consideration of Project Completion Timeline:

Dianne Bailey opened the discussion regarding the Conservation Futures funding allocation process and encumbering of funding for specific projects. Dianne Bailey noted that some grant awardees do not sign Interlocal Agreements, following allocation of funding for their project, in a timely manner, which can lead to funding remaining unused for a significant amount of time. A reason for reticence in completing the Interlocal Agreement may be due to the current Interlocal Agreement stipulation that acquisition be completed within twelve months of Interlocal Agreement completion. Councilmember Randy Lord noted that property acquisition can often take significant time to complete and the timeline for completion should be flexible in how it is defined. Councilmember Randy Lord also noted that recipients should have the opportunity to come to the Board and request project extension. A discussion about unique projects which require long term efforts to secure and the possibility of the project completion date being used as a check back point to talk to the board, with the possibility of extension being issued if progress was being made, continued as well as discussion about reasoning for the specific duration being stipulated.

*Brian Parry moved that staff be directed to pursue an appropriate mechanism for addressing the points raised in tab 8 of the meeting agenda packet including consideration of legal basis for contract duration. Councilmember Stephanie Wright seconded the motion. Further discussion clarified a board preference to establish a time limit of nine months from the date of County Council motion of approval for allocation of funding, to execute an Interlocal Agreement with the project sponsor, then include a two year timeframe within the Interlocal Agreement to complete acquisition. The motion passed unanimously, 5-0.*

9. Conservation Futures Budget Update 2012:

The Conservation Futures Program Advisory Board reviewed the current funding held in the Conservation Futures account (including return to fund balances acted on previously in the meeting) and projections for the balance at the end of the year. Current estimates for funding at the end of the year project a total of \$1,979,498 will be available. This value is based on estimates for the November collection.

Tom Teigen asked if funding returned to fund balance for the Quinn's Crossing project could be reallocated to an acquisition adjacent to the Wellington Hills Park, which is critical for the project. Chairperson Dave Somers responded that this request could not be considered at this meeting as reallocation of the funding should include a process that allows others to apply for the funds. Councilmember Randy Lord noted that the funding allocation process needed to be transparent and fair.

10. Consideration of Grant Application:

The Board discussed distribution of the available Conservation Futures funding and recommended reinstating a grant application process. The current application form is

included in the meeting packet and it was suggested that a weighted criteria could be added to the scoring to simplify evaluation of applications and provide clarity about priority considerations. One area to give priority would be considerations that pertain to Snohomish County Code and Revised Code of Washington. Councilmember Randy Lord supported applying a weighting system to the application form because it provides the opportunity to be fair and objective in the process.

The Conservation Futures Program Advisory Board discussed Ordinance No. 10-105 which states that award of Conservation Futures funding should include 'an analysis of whether the projects promote or inhibit the goal of distributing the tax levied under this chapter, over time, throughout the county.' A map showing distribution of funding across the county from 2001 to 2011 was reviewed and Dianne Bailey noted that an updated map showing distribution from the 1990's would be developed. There was also interest in seeing a distribution of acquisitions from the 40's (county and state) that were passed to Snohomish County cities.

Councilmember Randy Lord noted that he has a scoring criteria used for other grants that he can provide as an example for the Conservation Futures grant application. Councilmember Randy Lord also noted that he didn't remember a scoring criteria being used since he has been involved with the Board and that the Board did not meet for awhile due to all available funding being applied to bond repayment.

The Board discussed establishment of a consistent annual schedule for meetings and grant applications. Dianne Bailey noted that Mayor Carla Nicols was unable to attend today's meeting and was disappointed to be unable to participate. Establishment of a standing schedule would help alleviate these types of conflicts. The discussion about possible annual schedule continued with points made about implications to applicants of an application cycle occurring before the typical budget cycle and uncertainty of award and budgeting concerns as well as buget/application cycle time conflicts. The Board ultimately decided that application notification would be distributed around Labor Day of each year that an application round is held, with applications due November 1<sup>st</sup>. Applications would be reviewed at a Board meeting held early in January. An administrative meeting would be held the week before Memorial Day each year to review project status, funding available and other agenda items.

#### 11. Consideration of SCC 4.14.040 Use of Funds

The Conservation Futures Program Advisory Board reviewed S.C.C. 4.14.040, which states, in part (underline added):

**4.14.040 Use of fund.**

(1) Amounts placed in the conservation futures fund shall be used solely to acquire rights and interests in open space land, farm and agricultural land, and timberland, as such are defined in chapter 84.34 RCW so as to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve the property for public use or enjoyment, and for maintaining and

operating any property acquired with these funds. Until withdrawn for such use, the monies accumulated in the fund may be invested in interest bearing securities by the fund manager designated pursuant to SCC 4.14.050 in any manner authorized by law.”

Dianne Bailey noted that acquisition funding obtained from RCO allows use of those funds for purposes including cleanup, demolition costs, etc., which are deemed to be instrumental to the acquisition. The list of allowed uses was attached to the meeting packet and was reviewed by the Board. Dianne Bailey recommended that demolition, fencing, signage survey/boundary, stewardship plan and wetland delineation be added as allowable costs and also noted that the current Conservation Futures Interlocal Agreement requires a baseline inventory be completed for all acquisitions. It was discussed that funding identified for these additional purposes could be identified during the application process, via a budget attachment that outlined costs for each item. The Board would then have the opportunity to review use of funds for these additional costs and comment if appropriate. Dianne Bailey noted that a change to use of funds may require a code change and Councilmember Stephanie Wright asked for a ruling from the Prosecuting Attorney’s Office.

*Brian Parry moved that the Conservation Futures Program Advisory Board approves staff to work toward integrating the Washington State Recreation and Conservation Office list of Acquisition Project Reimbursable Incidental Costs list, working with the Prosecuting Attorney to determine if a code amendment is needed. Councilmember Randy Lord seconded the motion. The motion passed unanimously, 5-0.*

12. Comments from the Board and Public Comments:

There were no comments from the Board, however, a number of public attendees were in the audience and Chairperson Dave Somers asked if they had any comments they wished to make. John Crawford and Paul Nolan representing Jefferson Woods Nature Park commented that they were still in a holding pattern, waiting for the school to make a decision. Charlie Raines from Forterra commented that they were interested in a property in the Robe area, along the Stillaguamish River. The property is adjacent to state managed forest board property and that it could be transferred to the county. The property would provide one mile of waterfront and includes a portion of the railroad grade.

Motions reflecting the recommendations of the Board will be prepared by staff and sent through the Office of the Snohomish County Executive to the Snohomish County Council for their review and consideration.

13. Adjournment: There being no additional business, Chairperson Dave Somers declared the meeting adjourned at 4:35 p.m..

SIGN-IN

5/22/12

Beth Liddell  
CHARLIE RAINES  
JOHN CARWILFORD  
PAT NOLAN  
PAUL KAFTANSKI  
Tom Teiga

SWM  
FERRERA  
JEFFERSON WOODS DISTRICT PARK  
EAST MOUNT  
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CITY OF EVERETT  
Sno. Co. Parks