

1 Sponsored by: Councilmembers Ryan Mello and Jani Hitchen  
2 Requested by: County Executive/Parks and Recreation Department

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8 **ORDINANCE NO. 2023-1s**  
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15 **An Ordinance of the Pierce County Council Amending Pierce County Code**  
16 **Chapter 2.96, "Conservation Futures Program Citizens'**  
17 **Advisory Board and Conservation Futures Technical**  
18 **Advisory Committee," and Chapter 2.97, "Conservation**  
19 **Futures Fund Allocation and Selection Criteria"; Adopting**  
20 **Findings of Fact; and Setting an Effective Date.**  
21

22 **Whereas**, Pierce County adopted a Conservation Futures Program in 1999,  
23 codified in Chapters 2.96 and 2.97 of the Pierce County Code (PCC), to allow the  
24 County to acquire by purchase, gift, grant, bequest, devise, lease, or otherwise, except  
25 by eminent domain, the fee simple of any lesser property interest, development right,  
26 easement, covenant, or other contractual right necessary to protect, preserve, maintain,  
27 improve, restore, limit the future use of, or otherwise conserve selected open space  
28 land, farm and agricultural land, and timber land as such are defined in Chapter 84.34 of  
29 the Revised Code of Washington (RCW) for public use or enjoyment; and  
30

31 **Whereas**, PCC 2.96.080, Review of Selection Criteria, states that at least every  
32 five years the Conservation Futures Program Citizens' Advisory Board, Technical  
33 Advisory Committee, and County Council shall review and, if deemed in the public  
34 interest, amend this Chapter and the selection criteria in Chapter 2.97 PCC; and  
35

36 **Whereas**, Ordinance No. 2021-100s2 requested the Parks and Recreation  
37 Department coordinate with the Conservation Futures Program Citizens' Advisory Board  
38 and Technical Advisory Committee to review and provide recommendations on  
39 proposed amendments to Chapters 2.96 and 2.97 PCC regarding the County  
40 Conservation Futures Program and submit proposed amendments to the Council by  
41 October 2022; and  
42

43 **Whereas**, the Conservation Futures Citizens' Advisory Board (CAB) held 14  
44 public meetings from March 2022 through October 2022 to discuss, consider, and  
45 recommend changes to the Conservation Future program; and  
46  
47



1       **Whereas**, the Technical Advisory Committee (TAC) met with the CAB on two  
2 separate occasions in March and September 2022; and

3  
4       **Whereas**, Sponsors, including 11 cities, two park districts and four non-profit  
5 agencies, participated in the process to review the Code and provide input to the CAB in  
6 April and September 2022; and

7  
8       **Whereas**, all cities, towns, and park districts were notified and invited to  
9 participate in discussions and provide input on the Code update through a direct email  
10 invitation; and

11  
12       **Whereas**, all the CAB meetings met the requirements of the Open Public  
13 Meetings Act and were open to the public via video-conferencing or in-person and  
14 meeting notices were posted in the newspaper, online, and via emails to interested  
15 parties lists; and

16  
17       **Whereas**, the CAB and TAC have completed their review and provided  
18 recommended amendments to Chapters 2.96 and 2.97 PCC for County Council  
19 consideration; and

20  
21       **Whereas**, amendments to Chapters 2.96 and 2.97 PCC provide needed  
22 clarifications, establish timelines, and will result in greater efficiency for the program;  
23 and

24  
25       **Whereas**, amendments to Chapters 2.96 and 2.97 PCC will increase program  
26 participation from a wider and more diverse cross section of Pierce County including the  
27 Tribes; and

28  
29       **Whereas**, amendments to Chapter 2.97 PCC aim to provide underserved  
30 communities a greater opportunity to increase conservation lands by incorporating the  
31 Equity Index into the scoring of projects; and

32  
33       **Whereas**, amendments to Chapters 2.96 and 2.97 PCC provide needed general  
34 program improvements and necessary "clean up" revisions; and

35  
36       **Whereas**, amendments to Chapter 2.97 PCC, Appendix A – Table 2.97.110-1,  
37 Conservation Futures Evaluation Categories and Points, revises the scoring table to  
38 include scoring for carbon sequestration, equity and public access, and provides bonus  
39 points for properties 500 acres or more; and

40  
41       **Whereas**, proposed revisions to Chapters 2.96 and 2.97 PCC pertain to  
42 procedural actions regarding applications, duties, and processing of the Conservation  
43 Futures fund, which are categorically exempt from the State Environmental Policy Act  
44 (SEPA) in accordance with RCW 43.21C, WAC 197-11-800(19) and Title 18D PCC; and

45  
46       **Whereas**, proposed revisions to Chapters 2.96 and 2.97 PCC provide a more  
47 efficient, equitable, standardized, and effective Conservation Futures program; and  
48



1       **Whereas**, the changes proposed in this Ordinance are in the best interest of the  
2 County; **Now Therefore**,

3  
4       **BE IT ORDAINED by the Council of Pierce County:**

5  
6       Section 1. Chapter 2.96 of the Pierce County Code, "Conservation Futures and  
7 Open Space Citizens' Advisory Board and Conservation Futures and Open Space  
8 Technical Advisory Committee," is hereby amended as shown in Exhibit A, which is  
9 attached hereto and incorporated herein by reference.

10  
11       Section 2. Chapter 2.97 of the Pierce County Code, "Conservation Futures Fund  
12 Allocation and Selection Criteria," is hereby amended as shown in Exhibit B, which is  
13 attached hereto and incorporated herein by reference

14  
15       Section 3. Findings of Fact are hereby adopted as shown in Exhibit C, which is  
16 attached hereto and incorporated herein by reference

17  
18       Section 4. The Council recognizes that formatting, numbering, and citation  
19 modifications to Exhibits A and B may be necessary as a result of amendments made  
20 during the legislative process. To this extent, the Clerk to the Council is hereby  
21 authorized to modify Exhibits A and B prior to final printing so that the Council's  
22 amendments are accurately reflected throughout the document and formatting,  
23 numbering, and citations are correctly shown.

24  
25       Section 5. The amended Code Chapters adopted in Sections 1 and 2 above  
26 shall be used by the Conservation Futures and Open Space Citizens' Advisory Board  
27 and the Conservation Futures and Open Space Technical Advisory Committee when  
28 making recommendations on proposals to be funded as part of the Conservation  
29 Futures Program in the recommendation cycles beginning in year 2023 after the  
30 effective date of this Ordinance.

31  
32       Section 6. Due to the timing associated with Council's adoption of Ordinance No.  
33 2023-1s and applicability of new conservation futures application timelines and  
34 procedures, the Council understands the Board's transmittal of 2023 conservation  
35 futures project recommendations may be delayed. The Park and Recreation  
36 Department is requested to work with 2023 Project Sponsors, the Conservation Futures  
37 and Open Space Technical Advisory Committee and the Conservation Futures and  
38 Open Space Citizens' Advisory Board to assist the Board in forwarding it's 2023  
39 recommendations to the Council as close to June 1, 2023, as feasible.  
40



1  
2 Section 7. The effective date of this Ordinance shall be April 1, 2023.

3  
4 PASSED this 21<sup>st</sup> day of February, 2023.

7  
8 ATTEST:

PIERCE COUNTY COUNCIL  
Pierce County, Washington

9  
10  
11 Denise D. Johnson  
12  
13 **Denise D. Johnson**  
14 Clerk to the Council

15  
16  
17 Ryan N. Mello  
18  
19 **Ryan N. Mello**  
20 Council Chair

21  
22 Bruce F. Dammeier  
23  
24 **Bruce F. Dammeier**  
25 Pierce County Executive  
26 Approved  Vetoed , this  
27 14<sup>th</sup> day of March,  
28 2023.

24 Date of Publication of  
25 Notice of Public Hearing: January 25, 2023

26  
27 Effective Date of Ordinance: April 1, 2023





*Chapter 2.96*

***CONSERVATION FUTURES AND OPEN SPACE CITIZENS'  
ADVISORY BOARD AND CONSERVATION FUTURES AND OPEN SPACE  
TECHNICAL ADVISORY COMMITTEE***

**Sections:**

- 2.96.010 Findings and Declaration of Purpose.**
- 2.96.020 Definitions.**
- 2.96.030 Incorporation by Reference.**
- 2.96.040 Establishment of the Conservation Futures and Open Space Citizens' Advisory Board.**
- 2.96.050 Duties of the Conservation Futures and Open Space Citizens' Advisory Board.**
- 2.96.060 Establishment of the Conservation Futures and Open Space Technical Advisory Committee.**
- 2.96.070 Duties of the Conservation Futures and Open Space Technical Advisory Committee.**
- 2.96.080 Review of Selection Criteria.**
- 2.96.090 Conflict of Interest.**
- 2.96.100 Board and Committee Staffing Responsibilities.**
- 2.96.110 Severability.**

**Cross Reference:** Chapter 84.34 RCW

**2.96.010 Findings and Declaration of Purpose.**

- A. Existing policies and regulations, by themselves, have been ineffective in providing long-term protection of open space, wetlands, habitat areas, farm, agricultural, and timber lands, which are under the pressure of increasing urban development. The acquisition of property interests as provided by this Chapter is in the public interest and constitutes a public purpose of Pierce County.
- B. It is the purpose of this Chapter, together with PCC 4.48.020 L. and Chapters 4.14 and 2.97 PCC, to implement Chapter 84.34 RCW as it relates to Conservation Futures.
- C. It is further the purpose of this Chapter to acquire by purchase, gift, grant, bequest, devise, lease, or otherwise, except by eminent domain, the fee simple or any lesser property interest, development right, easement, covenant, or other contractual right necessary to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve, selected open space land, farm and agricultural land, and timber land as such are defined in Chapter 84.34 RCW for public use or enjoyment.
- D. It is a goal of this Chapter to ensure conservation futures funds are utilized across county communities and jurisdictions to further the equitable protection of open space resources and ecosystems to benefit the current and future residents of Pierce County.



1 **2.96.020 Definitions.**

- 2 A. The definitions contained in RCW 84.34.020 are hereby adopted and by this reference  
3 incorporated herein.
- 4 B. As used in this Chapter, the following words shall have the following meanings:
- 5 1. "Board" means the Conservation Futures and Open Space Citizens' Advisory Board;  
6 2. "Committee" means the Conservation Futures and Open Space Technical Advisory  
7 Committee;  
8 3. "Council" means the Pierce County Council;  
9 4. "County" means Pierce County.  
10 5. "May" or "should" means optional and permissive and does not impose a  
11 requirement;  
12 6. "PCC" means the Pierce County Code; and  
13 7. "Shall" means mandatory and imposes a requirement.

14  
15 **2.96.030 Incorporation by Reference.**

16 The provisions of RCW 84.34.200, .210, .220, .230, .240, and .250 are hereby incorporated  
17 by reference into this Chapter.

18  
19 **2.96.040 Establishment of the Conservation Futures and Open Space Citizens' Advisory  
20 Board.**

- 21 A. A Conservation Futures and Open Space Citizens' Advisory Board (Board) is hereby  
22 established.
- 23 B. The Board shall consist of: one person from each Council District; one person to  
24 represent the City of Tacoma; one person selected by the legislative body of each city  
25 and town whose population base is greater than 15,000 (~~four cities as of 2011~~); two  
26 persons selected by the Pierce County Association of Small Cities and Towns to  
27 collectively represent the legislative bodies of the cities and towns whose population  
28 base is less than 15,000; one person chosen to represent agricultural interests whose  
29 primary family income is gained through farming; one person representing Tribal  
30 interests; and two persons at large from the unincorporated area. All Board members  
31 shall be appointed by the Pierce County Executive subject to confirmation by a majority  
32 of the Council by passage of a Resolution pursuant to Section 3.30 of the Pierce County  
33 Charter, ~~§ 3.30. Ex-officio member of the Board~~. When the Chair has completed serving  
34 two consecutive full terms, the Chair may serve for one application and allocation cycle  
35 as a non-voting, ex-officio member.
- 36 C. Board members shall serve 4-year terms. The Executive may remove any appointed  
37 member of the Board for inefficiency, neglect of duty, malfeasance, or three unexcused  
38 absences in one year, subject to confirmation by a majority of the Council. Board  
39 members shall not be compensated for their services. Board members may be  
40 reappointed to a second term. No Board member shall serve more than two consecutive  
41 full terms. Public elected officials shall not serve on the Board. All Board members shall  
42 be residents of and/or own real property in Pierce County.
- 43 D. All appointments to the Board shall ensure that the background of the Board members as  
44 a whole is broad based and that the number of members from the unincorporated area  
45 reflects the proportion of unincorporated population in the County. For appointment of  
46 members representing Council Districts, preference shall be given to residents from  
47 unincorporated areas of the County.



- 1 E. All Board meetings shall be open to the public and conducted in accordance with ~~as if~~  
2 ~~subject to~~ the Open Public Meetings Act, Chapter 42.30 RCW.
- 3 F. A quorum of the Board shall be stated in the Board's adopted rules for the transaction of  
4 business.
- 5 G. The members of the Board shall annually select a Chair and a Vice Chair.
- 6 H. The Board shall adopt rules for the transaction of its business and shall maintain a  
7 written and recorded record of its meetings. All records of the Board, unless specifically  
8 exempted by state law, shall be public documents and shall be made available to the  
9 public upon request pursuant to Chapter 2.04 PCC.
- 10 I. Each member of the Board shall be entitled to one vote on any matter duly before the  
11 Board. Actions taken by the Board shall constitute an advisory recommendation to the  
12 Council. Actions taken by the Board shall be considered conclusive only when approved  
13 as provided for in the Board's adopted rules for the transaction of business.
- 14 J. Any oral presentation to the Council by a Board member shall only be permitted to  
15 clarify the Board's written findings, conclusions, and recommendation and any  
16 presentation by a Board member that goes beyond clarifying the written findings,  
17 conclusions, or recommendation shall be considered as a personal recommendation,  
18 PROVIDED: The Board's Chair or Vice Chair may make an oral presentation to the  
19 Council summarizing the Board's activities.

20  
21 **2.96.050 Duties of the Conservation Futures and Open Space Citizens' Advisory Board.**

- 22 A. Using the evaluation criteria in Chapter 2.97 PCC and the list of proposals which meet  
23 the minimum eligibility standards as determined by the Committee, the Board shall  
24 make recommendations to the Council for proposals to be funded with Conservation  
25 Futures funds.
- 26 B. Conservation Futures Program Recommendations. When making recommendations to  
27 the Council on conservation futures property acquisitions, the Board shall provide the  
28 Council with the following:
  - 29 1. Written findings and conclusions as to how its recommendations satisfy the fund  
30 allocation and selection criteria;
  - 31 2. A summary of the proceedings before the Board;
  - 32 3. The Board's prioritized list of recommended properties; and
  - 33 4. The concerns of the Board which it desires to be considered by the Council.
- 34 C. The Board shall meet periodically, but not less than once per year, with the Conservation  
35 Futures and Open Space Technical Advisory Committee to review and discuss open  
36 space issues and priorities identified in PCC 2.96.070 B. and to provide a forum for open  
37 space stakeholders to network and share information on opportunities to maximize  
38 protection of open space in the County.
- 39 D. All Board meetings shall, unless otherwise provided by law, be open to the public and  
40 conducted as if subject to the Open Public Meetings Act, Chapter 42.30 RCW. All  
41 records of the Board, unless specifically exempted by state law, shall be public  
42 documents and shall be made available to the public upon request pursuant to Chapter  
43 2.04 PCC.
- 44 E. All Board records shall remain available to the public for a period of three years. At the  
45 end of the three-year period, the Parks and Recreation Department may send the records  
46 to storage.



1 **2.96.060 Establishment of the Conservation Futures and Open Space Technical Advisory**  
2 **Committee.**

- 3 A. A Conservation Futures and Open Space Technical Advisory Committee (Committee),  
4 comprised of subject matter experts in Conservation Futures' values, is hereby  
5 established to assist and make recommendations to the Board.  
6 B. The Committee shall consist of two members representing the County Planning and  
7 Public Works Department and one member representing each of the following entities:  
8 1. The County Parks and Recreation Department;  
9 2. The County Conservation District;  
10 3. ~~The Metropolitan Parks District of Tacoma~~ A park district in the County. The park  
11 district member shall be selected by the Director of the County Parks and Recreation  
12 Department, in consultation with the Directors of the four park districts, when a park  
13 district vacancy exists on the committee;  
14 4. The Public Works, Planning and/or Parks Departments of small cities and towns in  
15 Pierce County, who shall be selected by the Pierce County Association of Small  
16 Cities and Towns;  
17 5. The City of Tacoma Public Works and/or Planning Department;  
18 6. The Public Works, Planning, and/or Parks Departments of medium-sized cities in  
19 Pierce County (Bonney Lake, Lakewood, Puyallup, and University Place). The  
20 medium-sized city member shall be selected by the Director of the County Parks and  
21 Recreation Department, in consultation with the mayors of the four medium cities;  
22 and  
23 7. Up to three at-large members from other agencies, land trusts and non-profit groups  
24 that fulfill active roles in the implementation of open space programs, project,  
25 policies and initiatives at local, state, federal and private levels. The at-large  
26 members shall be selected by the Director of the County Parks and Recreation  
27 Department through a periodic application/recruitment process when at-large  
28 vacancies exist on the committee.  
29

30 **2.96.070 Duties of the Conservation Futures and Open Space Technical Advisory**  
31 **Committee.**

- 32 A. Using the selection criteria and process in Chapter 2.97 PCC, the Committee shall make  
33 recommendations to the Board on proposals submitted for each application cycle which  
34 meet the minimum eligibility standards in Chapter 2.97 PCC and should further be  
35 considered for acquisition as part of the Conservation Futures Program.  
36 B. The Committee shall periodically make recommendations to the Parks and Recreation  
37 Director for changes to:  
38 1. County open space priorities set forth in Chapter 19D.170 PCC.  
39 2. The County Open Space/Greenbelt Map based on high priority open space categories  
40 set forth in Chapter 19D.170 PCC.  
41 3. County policies and programs regarding open space as set forth in the open space  
42 land use objectives set forth in ~~Chapter PCC 19A.30.170 PCC~~.  
43 C. The Committee shall meet periodically, but not less than once per year, with the  
44 Conservation Futures and Open Space Citizens' Advisory Board to review and discuss  
45 open space issues and priorities identified in PCC 2.96.070 B. and provide a forum for  
46 open space stakeholders to network and share information on opportunities to maximize  
47 protection of open space in the County.  
48



1 D. All Committee meetings shall, unless otherwise provided by law, be open to the public  
2 and conducted as if subject to the Open Public Meetings Act, Chapter 42.30 RCW. All  
3 records of the Committee, unless specifically exempted by state law, shall be public  
4 documents and shall be made available to the public upon request pursuant to Chapter  
5 2.04 PCC.  
6

7 **2.96.080 Review of Selection Criteria.**

8 At least every five years after the effective date of this Chapter, the Board, Committee, and  
9 Council shall review and, if deemed in the public interest, amend this Chapter and the selection  
10 criteria in Chapter 2.97 PCC.  
11

12 **2.96.090 Conflict of Interest.**

13 No Board, Committee, or Councilmember shall directly or indirectly benefit from or have  
14 an ownership or financial interest in any of the land eligible to be purchased pursuant to this  
15 Chapter.  
16

17 **2.96.100 Board and Committee Staffing Responsibilities.**

18 The Parks and Recreation Department shall be responsible for providing the necessary  
19 staffing for both the Conservation Futures and Open Space Citizens' Advisory Board and the  
20 Conservation Futures and Open Space Technical Advisory Committee.  
21

22 **2.96.110 Severability.**

23 If any Section, subsection, paragraph, sentence, clause, or phase of this Chapter or its  
24 application to any person or circumstance is held invalid, the remainder of this Chapter or its  
25 application to other persons or circumstances is not affected.  
26





*Chapter 2.97*

**CONSERVATION FUTURES FUND ALLOCATION AND SELECTION CRITERIA**

**Sections:**

- 2.97.010 Purpose.**
- 2.97.020 Definitions.**
- 2.97.030 Conservation of Open Space Lands Futures Property Eligibility and Priorities.**
- 2.97.040 Conservation Futures Funds – Allocation.**
- 2.97.050 Nomination, Application and Acquisition Requirements.**
- 2.97.060 Selection Criteria.**
- 2.97.070 Property Acquisition Costs.**
- 2.97.080 Conservation Futures Covenants.**
- 2.97.090 Long-Term Financial Commitments.**
- 2.97.100 Property Management Authority.**
- 2.97.110 Conservation Futures Opportunity Account.**

**Appendix "A."**

**Cross-reference:** RCW 64.04.130, and Chapter 84.34 RCW; Chapters 19D.170, 2.96, and 4.14 PCC

**2.97.010 Purpose.**

The purpose of this Chapter is to establish selection criteria and procedures for Pierce County to acquire conservation futures property using conservation futures funds.

**2.97.020 Definitions.**

"Active Recreation Areas" means locations where indoor and outdoor recreation activities and athletics occur which have predominant value as sites for specific recreation activities unrelated to the natural environment, such as ball fields, regional athletic sites, playgrounds, swimming pools, skate parks, skating arenas, and recreational centers. Active recreation areas may be allowed on properties purchased with conservation futures funds when recommended by the Board, and/or approved by the Council, and addressed in the covenants or property restrictions.

"Administrative Guidelines" means the rules and procedures for administering Chapters 2.96 and 2.97 PCC, established by the Department.

"Archaeological Sites" means geographical locations, including those lands that are submerged and submersible and the bed of the sea that contain archeological objects, that comprise the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, and technological by-products. Archeological sites may contain prehistoric, historic archeological resources or both. Historic sites must be eligible for listing in the Washington State Register of Historic Places (RCW 27.34.220) or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C.





1 Sec. 470) as now or hereafter amended. Confidentiality of locations may be required of  
2 archeological sites.

3  
4 "Agricultural Land" means: (1) a parcel of land that is five or more acres or multiple parcels of  
5 land that are contiguous and total five or more acres which is or are devoted primarily to the  
6 current production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal  
7 products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax  
8 imposed by RCW 84.33.100 through 84.33.140, or livestock, and which has significance for  
9 agricultural production; or (2) land that has been traditionally in or is still capable of production  
10 of the above as demonstrated by sales receipts, income tax statements or other materials which  
11 the County accepts as proof that farming once occurred on the property and the property could be  
12 returned to highly productive commercial agriculture, conservation plans, and farm plans which  
13 includes a water protection plan that shall be reviewed and approved by the conservation district  
14 prior to granting. The key criterion for defining Agricultural Lands is the presence of the  
15 County's most productive agricultural soil types and their associated production yield: soils  
16 identified as "Prime Farmland" in the NRCS Field Office Technical Guide for Pierce County,  
17 Section 2., distributed February 24, 2003, which have a grass/legume production yield of 3.5  
18 tons per acre or greater, as identified by the U.S. Department of Agriculture, Natural Resources  
19 Conservation Service soil classification system.

20  
21 "Appraisal Report" means an independent, written appraisal of the subject Conservation Futures  
22 property commissioned by the County or Sponsor, for Pierce County as intended user, and  
23 conducted in accordance with the Uniform Standards for Professional Appraisal Practice  
24 ("USPAP") by a "State Certified General Real Estate Appraiser" who is licensed and certified by  
25 the State of Washington per Chapter 18.140 RCW.

26  
27 "Bargain Sale" means when a property owner sells a property to a Receiving Agency for less  
28 than the fair market value, as determined by an Appraisal and Review Appraisal, and the reduced  
29 monetary value is considered a gift or donation.

30  
31 "Board" means the Conservation Futures and Open Space Citizens' Advisory Board.

32  
33 "Carbon sequestration potential" means the amount of atmospheric carbon dioxide (equivalent)  
34 that could be converted to organic matter and stored indefinitely in the soil or biota contained  
35 within a land parcel given a change in the land's use or land management practices.

36  
37 "Contiguous" means land adjoining or touching other property. Land divided by a public road,  
38 but otherwise an integral part of the same land, shall also be considered "contiguous" for  
39 purposes of this Chapter.

40  
41 "Committee" means the Conservation Futures and Open Space Technical Advisory Committee.

42  
43 "Conservation Futures Fund" means the fund established under PCC 4.48.020 and to which are  
44 credited all conservation futures funds derived from the property taxes levied pursuant to  
45 Chapter 4.14 PCC.



1 "Conservation Futures Property" means the fee simple or any lesser interest, present or future  
2 development right, easement, covenant, or other contractual right necessary to protect, preserve,  
3 maintain, improve, restore, limit the future use of, or otherwise conserve selected open space  
4 land, farm and agricultural land, or timber land as the same are either defined in, or designated  
5 under the provisions of Chapter 84.34 RCW, acquired through the conservation futures program  
6 for future generations.

7  
8 "Conservation/Historic Preservation Easement" means a property restriction in perpetuity on the  
9 use of the property. It is a recorded deed restriction, or covenant, and the enforcement of the  
10 restriction is most often given to a land trust or a government agency. A conservation easement  
11 will prevent future real estate development, industrial or commercial use. The easement may  
12 allow continued current use for example, residential and recreational use, agriculture, forestry, or  
13 ranching. However, most often a conservation easement restricts both the current as well as the  
14 future uses of the land to some important conservation quality of the land, such as habitat, open  
15 space, or scenic views. A conservation easement or restrictive covenant must be recorded against  
16 the deed as a part of the final agreement with the land owner.

17  
18 "Conserving sequestered carbon" means conserving and managing lands to prevent the  
19 decomposition and release of sunk carbon on natural lands such as forest, prairies, wetlands,  
20 peatlands and farms. Conserving sequestered carbon must be included in conservation covenants  
21 and easements.

22  
23 "Council" means the Pierce County Council.

24  
25 "County" means all unincorporated areas of Pierce County, Departments of Pierce County  
26 Government and includes Department Directors and their designees.

27  
28 "Critical Salmon Habitat" means:

- 29 1. The specific areas within the geographical area occupied by the species, at the time it is  
30 listed in accordance with the provisions of Section 4 of the Federal Endangered Species  
31 Act, on which are found those physical or biological features:
  - 32 a. Essential to the conservation of the species; and
  - 33 b. Which may require special management considerations or protection; and
- 34 2. Specific areas outside the geographical area occupied by the species at the time it is listed  
35 in accordance with the provisions of Section 4 of the Federal Endangered Species Act,  
36 upon a determination by the national Secretary on the Interior and/or Commerce that such  
37 areas are essential for the conservation of the species.

38  
39 "Department" means the Pierce County Parks and Recreation Department.

40  
41 "Exceptional Opportunity" means a Conservation Futures proposal that will no longer be viable  
42 by the beginning of the next application and allocation process, and qualifies for at least 75 60  
43 percent of the available Evaluation points on Table 2.97.110-1 as determined by the Department.

44  
45 "Executive" means the Chief Executive Officer of Pierce County.

46  
47 "Farm Lands" means agricultural lands as defined in this Section.

48



1 "Fish and Wildlife Habitat Conservation Areas" means a geographic area or areas necessary for  
2 maintaining species and may include areas of unique vegetation, successional stage, or habitat  
3 elements important to fish and wildlife, and may also include the connecting corridors between  
4 those areas. Examples of fish and wildlife habitat conservation areas include areas with which  
5 endangered, threatened, and sensitive species have a primary association; habitats and species of  
6 local importance; commercial and recreational shellfish areas; kelp and eelgrass beds; herring  
7 and smelt spawning areas; wetlands; naturally occurring ponds under 20 acres and their  
8 submerged aquatic beds that provide fish or wildlife habitat; state natural area preserves, natural  
9 resource conservation areas; land located within the Pierce County Biodiversity Network as  
10 identified in the Pierce County Biodiversity Network Assessment report dated August 2004; and  
11 any regulated fish and wildlife habitat conservation areas identified in the Pierce County critical  
12 area regulations.

13  
14 "Floodplain" means the total area subject to inundation by the base flood, including the  
15 floodfringe and the floodway areas.

16  
17 "Forest Carbon Conservation" means conserving sequestered carbon in the forest and future  
18 carbon sequestration potential of that forest, as well as other co-benefits for biodiversity,  
19 regulating ecosystem services and community health and well-being.

20  
21 "Forest Carbon Restoration" means enhancing the land's carbon sequestration potential,  
22 enhancing co-benefits, and regulating ecosystem services through tree planting.

23  
24 "Forest Carbon Sequestration" is the process where forests capture and store atmospheric carbon  
25 dioxide in the biomass and soil of standing forests. This includes both conserving sequestered  
26 carbon that is already contained in the forest as well as the carbon sequestration potential of  
27 allowing a forest to continuing growing into the future.

28  
29 "Historic Landmark Sites" means locations strongly associated with significant prehistoric or  
30 historic events or patterns of events and well documented through scholarly research. Historic  
31 landmark sites may include archeological sites. Historic landmark sites must be eligible for  
32 listing in the Washington State Register of Historic Places (RCW 27.34.220) or the National  
33 Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1,  
34 Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

35  
36 "Impervious surface" means a hard surface which either prevents or retards the entry of water  
37 into the soil mantle as under natural conditions prior to development, and/or a hard surface area  
38 which causes water to run off the surface in greater quantities or at an increased rate of flow than  
39 the flow present under natural conditions prior to development. Common impervious surfaces  
40 include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage  
41 areas, concrete or asphalt paving, gravel roads, gravel parking lots, packed earthen materials, and  
42 oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.  
43 Open, uncovered retention/detention facilities shall not be considered as impervious surfaces. As  
44 an alternative, Conservation Futures properties that are located within incorporated jurisdictions  
45 may use that jurisdiction's adopted definition for impervious surface in-lieu-of this definition.

46  
47

1 "Lakes" means all freshwater impoundments 20 acres or greater in size and their undeveloped  
2 shoreline areas.

3  
4 "Letter of Opinion" means a restricted limited or complete appraisal report prepared in  
5 accordance with the Uniform Standards of Professional Appraisal Practice by a Washington  
6 State licensed or certified real property appraiser indicating the fair market value of a particular  
7 conservation futures property or rights to be acquired.

8  
9 "Leverage Statement" means a description of **match-guaranteed** dollars available through funding  
10 sources other than the conservation futures fund. The source of these funds and the date the  
11 monies will be available for expenditure must be described in the application materials. For  
12 example, Recreation Conservation Office (RCO) monies in the amount of (\$) will be available  
13 for expenditure by (some date) and will be matched using proposed conservation futures monies  
14 in amount of (\$).

15  
16 "Limit the future use of" means any future improvements to the conservation futures property  
17 shall be limited to those uses which are passive in nature, or related to agriculture or forestry;  
18 provided that active recreation may be allowed on a conservation futures property or portion  
19 thereof, when recommended by the Board and/or approved by the Council and addressed in the  
20 covenants or property restrictions. In all cases, improvements to conservation futures properties  
21 purchased with conservation futures funds must meet the requirements and intent of RCW  
22 84.34.200-220.

23  
24 "Long Term Obligations" means recorded conditions and covenants that require monitoring,  
25 maintenance and protection of the project area acquired through the Conservation Futures  
26 Program.

27  
28 "Match Funding" means the applicant contribution towards project acquisition through either  
29 cash, bargain sale or other obligated monies provided by federal, Washington State, Tribal  
30 Government, local municipality or private project funders.

31  
32 "Marine Estuaries, and Tidal Marshes" means areas that are inundated or saturated by a mixture  
33 of salt and fresh surface or groundwater at a frequency sufficient to support vegetation typically  
34 adapted for life in saturated soil conditions and associated buffer areas.

35  
36 "Marine Waters" means Puget Sound and its associated undeveloped shoreline areas.

37  
38 "May" means optional and permissive and does not impose a requirement.

39  
40 "Natural Climate Solutions" are defined as the conservation, restoration and improved land  
41 management actions that increase carbon storage or avoid greenhouse gas emissions in  
42 landscapes and wetlands and mitigate the impacts of climate change by providing "regulating  
43 ecosystem services".

44  
45 "Non-Profit Receiving Agency" means a non-profit historic preservation corporation as defined  
46 in RCW 64.04.130 or a non-profit nature conservancy corporation or association as defined in  
47 RCW 84.34.250.





1 "Open Space" means a landscape which is primarily unimproved. Open space areas may include:  
2 agricultural and timber lands, marine waters, estuaries and tidal marshes, streams, rivers, lakes,  
3 critical areas, wooded areas, passive recreation areas, parks with active recreation uses, scenic  
4 viewpoints, scenic corridors, archeological sites, historic landmark sites, trails, abandoned  
5 railroad lines, utility corridors, and other vacant rights-of-way. Permanent dedication,  
6 designation, or reservation of open space for public or private use may occur in accordance with  
7 the County's Comprehensive Plan policies.

8  
9 "Open Space Passive Recreation Areas" means open space areas where public use and access is  
10 desired and improvements will enhance public accessibility to the natural resources available at  
11 the site. County open space parks as found in the County's Capital Facilities Plan Element of the  
12 Comprehensive Plan are included.

13  
14 "Options Agreement or Options Contract (also known as a Purchase Option Agreement)" means  
15 a uniquely designed, legal agreement between a seller and a buyer or investor that allows the  
16 buyer or investor the right to purchase a property. An option agreement usually gives the buyer  
17 or investor a specific timeframe to make their decision whether or not to purchase the property.  
18 In this agreement, a seller offers an option to the buyer to purchase property at a fixed price  
19 within a limited time frame.

20  
21 "Other Environmental Goals" means goals, objectives, policies, or regulations that address  
22 environmental issues adopted by a city, town, Tribe, special purpose district, or county including,  
23 without limitation, goals that address air and water quality, fish and animal habitat, natural  
24 resource protection, and conservation of land. Adopted plans may include the County's  
25 community plans, the County's Parks, Recreation and Open Space Plan, or a City's  
26 Comprehensive Plan or Parks Plans.

27  
28 "Owner" means the party or parties holding a fee interest in the land including, without  
29 limitation, the holder of a vendee's interest in a real estate contract.

30  
31 "Parks with Developed Facilities" means a park designed for organized activities and sports,  
32 although individual and family activities are also encouraged.

33  
34 "Passive Recreation Uses" means an outdoor leisure-time activity which usually occurs in a  
35 setting that has been preserved, as nearly as possible, in the original or natural condition. Passive  
36 recreation may occur in open space, farm, agricultural and timber lands and, where determined  
37 appropriate, in critical area buffers, aquifer recharge and flood water storage areas. Activities  
38 may include, but are not limited to: picnicking, sightseeing, walking, hiking, ~~biking~~, horseback  
39 riding, and nature walks. Accessory structures associated with passive recreation uses may  
40 include, but are not limited to: ~~playground equipment~~, picnic shelters and tables, barbecue pits,  
41 ~~exercise stations~~, restroom facilities, benches, directory signs, garbage containers, trails, paths,  
42 parking areas, and landscaped areas.

43  
44 "PCC" means the Pierce County Code.

45  
46 "Perpetuity" means never ending or changing, seemingly ceaseless, or unlimited duration.  
47



1 "Prairie Land" means a parcel of land that is 10 or more acres or multiple parcels of land that are  
2 contiguous and total 10 or more acres with a minimum width of 300 feet predominated by native,  
3 drought-resistant grasses, forbs (flowering non-woody plants), and herbs. In Pierce County,  
4 prairies are an unusual vegetation regime found in areas of extremely well-drained soils.

5  
6 "Preserved Open Space" means land that is controlled by a public agency or non-profit agency  
7 through fee simple ownership or conservation easement and is preserved or restricted to open  
8 space purposes for the types of conservation futures priorities defined in PCC 2.97.030.

9  
10 "Public Receiving Agency" means a State agency, Federal agency, county, city, town,  
11 metropolitan park district, park and recreation district, or municipal corporation empowered to  
12 hold on behalf of the public fee simple or other interests in land.

13  
14 "Receiving Agency Affidavit" means a signed affidavit by a Public Receiving Agency or a Non-  
15 Profit Receiving Agency agreeing to accept the conveyance of a conservation futures property  
16 and to hold the same in perpetuity for and on behalf of the general public.

17  
18 "Recommendations" means the Board's written findings and conclusions as to how its  
19 recommendations satisfy the fund allocation and selection criteria; along with a summary of the  
20 proceedings and the Boards' vote on all matters; any concerns which the Board desires to be  
21 considered by the Council; and a proposed appropriation ordinance setting forth the applications  
22 and/or proposals recommended for funding (See PCC 2.96.050).

23  
24 "Regulating ecosystem services" are benefits provided by ecosystem processes that moderate  
25 natural phenomena. Regulating ecosystem services include shading and cooling to reduce heat-  
26 islands, water and air purification, erosion and flood control, and carbon storage and climate  
27 regulation.

28  
29 "Review Appraisal" means an independent, written review of the Appraisal Report for the  
30 subject Conservation Futures property commissioned by the County, with Pierce County as  
31 intended user, conducted in accordance with the Uniform Standards for Professional Appraisal  
32 Practice ("USPAP") by a "State Certified General Real Estate Appraiser" who is licensed and  
33 certified by the State of Washington per Chapter 18.140 RCW.

34  
35 "Scenic Corridors" means an area of adjoining parcels which individually may be less than one  
36 acre but which, when combined, total at least one acre and create a view corridor critical to  
37 maintaining a view of a scenic resource visible from a federally- or state-designated scenic  
38 highway which is visually significant to the aesthetic character of the County.

39  
40 "Scenic Viewpoint" means property adjacent to a federally- or state-designated scenic highway  
41 or other officially designated viewpoint that provides a view of an area which is visually  
42 significant to the aesthetic character of the county and which provides unlimited public access  
43 identified by a permanent sign readily visible from the road. Viewpoints may be officially  
44 designated by the State of Washington, the County, or a city or town.

45  
46 "Shall" means mandatory and imposes a requirement.  
47





1 "Sponsor" means ~~the property owner or~~ an authorized representative of a public or non-profit  
2 receiving agency or any County resident ~~other than an owner of the conservation futures property~~  
3 ~~being considered for acquisition~~ ~~nominating conservation futures properties for acquisition.~~

4  
5 "Sponsor Affidavit" means an affidavit signed by a Sponsor indicating the owner of a  
6 conservation futures property has been informed said property is being nominated for purchase  
7 through the conservation futures program.

8  
9 "Streams and Rivers" means a flow of water conveyed in a channel or course either continuously  
10 or intermittently, and the water's associated buffer.

11  
12 "Threatened" means that within the next three years from the date conservation futures  
13 applications are due for that application cycle, the conservation futures nominated property will  
14 likely not be available in its current open space condition. Evidence of threat may include but is  
15 not limited to the following: (1) there is development activity adjacent to or within the vicinity of  
16 the conservation futures nominated property which will likely over time impact the open space  
17 condition of the property; (2) the conservation futures nominated property is currently listed for  
18 sale; (3) applications for development permits have been submitted with respect to the  
19 conservation futures nominated property; (4) the conservation futures priorities of the nominated  
20 property is not adequately protected by existing development regulations.

21  
22 "Timber land" means any parcel of land that is 40 or more acres or multiple parcels of land that  
23 are contiguous and total 40 or more acres which is or are devoted primarily to the growth and  
24 harvest of forest crops for commercial purposes.

25  
26 "Trails and Corridors" means trails and corridors that are used for hiking, biking, walking,  
27 horseback riding, and jogging. The trails may vary in scale and surfacing and may also be used  
28 as a means of non-motorized transportation connecting one destination point to another.  
29 Potentially, trails may include areas providing linkages between trails, abandoned rail lines,  
30 utility corridors, vacant rights-of-way, and road endings.

31  
32 "Uses which are passive in nature" means public outdoor recreation activities, fish and wildlife  
33 habitat, and open space uses that do not disturb the integrity of the underlying environment and  
34 that have predominant value as sites in their natural condition as existing or as restored with  
35 vegetation and wildlife. Such uses shall include, but are not limited to, trails, paths, interpretive  
36 kiosks, viewpoints, picnicking areas, access, restrooms, parking, landscaping that includes  
37 restoring the natural habitat, wildlife observation structures, and primitive camping, where  
38 appropriate.

39  
40 "Wetlands" means areas that are inundated or saturated by surface or groundwater at a frequency  
41 sufficient to support vegetation typically adapted for life in saturated soil conditions, and  
42 associated buffer areas. Wetlands generally include swamps, marshes, bogs and similar areas.

43  
44 "Willing Seller/Owner's Statement" means a signed statement by a willing seller of a proposed  
45 Conservation Futures property that they are the legal owner of the property and are aware that a  
46 Conservation Futures application has been proposed, which may result in a grant award and  
47 negotiations for purchase of the property, either as a fee simple purchase or less than fee simple



1 purchase, subject to an appraisal determining fair market value and achieving mutually  
2 acceptable terms.

3  
4 "Wooded Areas" means a parcel of land that is 20 or more acres or multiple parcels of land that  
5 are contiguous and total 20 or more acres with a minimum width of 300 feet on which is found a  
6 stand of coniferous or deciduous trees with over 50 percent canopy cover, diversity of species,  
7 and native plant under story. The wooded area must serve a demonstrated functional purpose in  
8 climate, noise, light, habitat or pollution control.

9  
10 **2.97.030 Conservation of Open Space Lands-Futures Property Eligibility and Priorities.**

11 Pierce County considers all of the open space resources identified in Chapter 19D.170 PCC  
12 important to the health, safety, and welfare of its citizens. However, to more efficiently use  
13 conservation futures funds, Conservation Futures property eligibility includes the fee simple or  
14 lesser interest in open space land, farm and agricultural land, and timberland as described in  
15 RCW 84.34.210 and specified by the following priorities-are hereby established:  
16  
17

<b>Conservation Futures Priorities</b>
<b>Resource Conservation</b>
<ul style="list-style-type: none"><li>• Agricultural Lands</li><li>• Timber Lands</li><li>• Wooded Areas</li></ul>
<b>Biodiversity Conservation</b>
<ul style="list-style-type: none"><li>• Critical Salmon Habitat</li><li>• Fish and Wildlife Habitat Conservation Areas</li><li>• Prairie Land</li></ul>
<b>Marine Shoreline Conservation</b>
<ul style="list-style-type: none"><li>• Marine Waters</li><li>• Marine Estuaries and Tidal Marshes</li></ul>
<b>Lake, River and Stream Conservation</b>
<ul style="list-style-type: none"><li>• Streams and Rivers</li><li>• Lakes</li><li>• Floodplains</li></ul>
<b>Trail Conservation</b>
<ul style="list-style-type: none"><li>• Trails and Corridors</li></ul>
<b>Natural Heritage Conservation</b>



**Conservation Futures Priorities**

- Open Space Passive Recreation Areas
- Parks with Active Recreation Areas
- Scenic Viewpoints and Corridors
- Archaeological and Historic Landmark Sites

**2.97.040 Conservation Futures Funds – Selection and Allocation.**

A process is hereby established for the Council's review of the recommendations of the Committee and Board regarding the allocation of Conservation Futures Funds. ~~Effective with calendar year 2013 and thereafter,~~ The application, selection, and allocation process for Conservation Futures Funds shall occur on an every other year basis consistent with the County's biennial budget. Applications shall be submitted, and projects shall be selected during falling on the odd-numbered years of the calendar. Funding eligibility for selected Conservation Futures projects began on January 1 of even-numbered years and shall remain valid throughout the 2-year Conservation Futures funding cycle until December 31 of odd-numbered years.

- A. Each allocation year, the Department shall ~~determine an application schedule and~~ provide notice to all cities and towns, park districts and interested parties within Pierce County of the opportunity to nominate to the County conservation futures properties which may be purchased under the conservation futures program. Notice shall also be provided for two consecutive weeks prior to the first day applications are available for each allocation year in a daily newspaper of general circulation in Pierce County and in the official County paper. ~~The deadline to submit applications to be considered in a Conservation Futures funding cycle shall be no later than March 1 of odd-numbered years.~~
- B. Nominations shall be submitted to the ~~Technical Advisory~~ Committee each allocation year and the Committee shall forward its recommendations to the Board ~~by April 1~~. The Board shall be required to hold at least one public hearing and then shall forward its recommendations to the Council for approval or modification ~~by June 1~~. Notice of the Board's hearings shall be provided for two consecutive weeks in a daily newspaper of general circulation in Pierce County and in the official County paper.
- C. The Council, after holding at least one public hearing, may select from the Board's recommendations conservation futures properties which in the Council's view are to be pursued for acquisition. The Council shall allocate funds from the Conservation Futures Fund in the subsequent year's biennial Budget for said acquisition. The Council's Resolution shall indicate which projects are allocated funds and may suggest the priority order of unfunded projects if funded projects are withdrawn ~~in which the acquisitions are to be pursued.~~
- D. The Council may require that proposed purchase and sales agreements are to be reviewed prior to execution by the Pierce County Executive.
- E. The Council, after holding at least one public hearing on the matter, may for any reason and at any time, modify or suspend the selections being pursued by the County.

**2.97.050 Nomination, Application and Acquisition Requirements.**

- A. The Department shall develop the ~~application~~ forms upon which ~~s~~ Sponsors may nominate conservation futures properties for acquisition through the conservation futures program. Nomination ~~application~~ forms shall, at a minimum, contain the following:



1. Set forth how the conservation futures property acquisition satisfies the selection criteria in PCC 2.97.060; and
  2. Identify the intended future uses for the conservation futures property and improvements to remain or occur after acquisition and provide a description of how these uses are compatible with the conservation values of the property. Farm, forest and active recreation applications shall ensure any proposed uses are consistent with the underlying zone; and
  3. Identify the conservation futures priorities properties that the conservation futures property contains as listed in PCC 2.97.030; and
  4. Be accompanied by:
    - a. A Sponsor Affidavit signed by the s-Sponsor;
    - b. A Receiving Agency Affidavit signed by the receiving agency that includes a statement demonstrating commitment to work expeditiously to negotiate agreements with Seller and County so final documents can be signed generally no later than 24 months from the County Council's adopted project funding Resolution;
    - c. A Leverage Statement detailing all matching funds for project;
    - d. A copy of the current year Pierce County Assessor's tax statement showing the assessed value for that year; and
    - e. ~~For each conservation futures property that seeks points under the Evaluation Category of "additional or matching funds" in Appendix A, a Letter of Opinion shall be submitted as part of the application materials; and~~
    - fe. A Willing Seller Affidavit is signed by the seller of the property, that states:
      - (1) Seller is willing to negotiate with the Receiving Agency and Pierce County to sell a fee simple title or a Conservation Easement encumbering the property identified in the Sponsor's application for Conservation Futures funding for a purchase price consistent with an appraisal;
      - (2) Seller understands the funding is available for a limited time and will cooperate to expeditiously negotiate agreements so final documents can be signed generally no later than 24 months from the adopting Resolution. Funding for each conservation futures funding cycle shall expire on December 31 of odd-numbered years;
      - (3) Seller understands covenants will be recorded against title to permanently limit the future use of the property and protect the conservation values; and
      - (4) Seller is willing to allow public access to the property consistent with conservation values. For example, unrestricted public access may not be appropriate or required for agricultural land or habitat preservation projects. See PCC 2.97.060 A.3. for public access requirements.
  5. Documentation that the nominated property is supported by the adopted goals of the local jurisdiction as shown on a map or formal document adopted by the local jurisdiction, or other state or federal map.
- B. The Executive shall pursue acquisition of conservation futures properties selected by the Council in accordance with the following procedures:
1. Within 30 days of property Resolution adoption, the Department or Sponsor will order a title report, Sponsors will perform due diligence. Any title encumbrances incompatible with Conservation Futures covenants shall be identified and cleared from the title prior to purchase.





- 1 2. Prior to making an offer to purchase a conservation futures property, a Letter of  
2 Opinion ~~may shall~~ be obtained as a guideline for establishing the purchase price.
- 3 3. An Appraisal Report and Review Appraisal shall be obtained to determine the fair  
4 market value of the property and be used for establishing the final Conservation  
5 Futures contribution.
- 6 a. For fee simple purchases, appraisals shall be ordered within 180 days of adoption  
7 of the funding Resolution.
- 8 b. For Conservation Easements or other property agreements, the draft terms and  
9 conditions shall be submitted to the Department no later than 180 days following  
10 adoption of the funding Resolution. When the county, seller, receiving  
11 agency/Sponsor have concurrence on the conservation easement terms, the  
12 appraisals shall be ordered and include the easement terms.
- 13 24. All offers to purchase conservation futures property shall be made in writing by  
14 purchase and sale agreement approved as to legal form by the Pierce County  
15 Prosecuting Attorney. In the interest of completing conservation future purchases  
16 within a reasonable period of time, the County may establish specific deadlines ~~must~~  
17 be adhered to in each purchase and sale agreement requiring the purchase to be  
18 completed within a prescribed time frame. In the event project Sponsors or the  
19 County anticipate difficulty in meeting the timelines established in this Section, a  
20 project milestone agreement may be executed, establishing reasonable project-  
21 specific timelines. If applicable, project milestone agreements shall be completed  
22 within 90 days of adoption of the Council's project funding Resolution.
- 23 5. Applicants should review the Administrative Guidelines for a list of items necessary  
24 to request an Agreement to Fund with the County. See PCC 2.97.080 A. for  
25 conservation futures covenant obligations.
- 26 36. The Executive shall attempt to purchase each conservation futures property ~~in the~~  
27 ~~order established by the allocated for funding in the Council's funding Resolution:~~  
28 PROVIDED, The Executive is authorized to stop the negotiation of a purchase and  
29 sales agreement if, in the opinion of the Executive, pursuit thereof is no longer in the  
30 public interest, the project is not progressing within reasonable timelines, the  
31 requirements of the program cannot be met or the Sponsor has withdrawn the  
32 application. ~~PROVIDED, After such a finding,~~
- 33 7. If a Conservations Futures project that was allocated funds in the Council's funding  
34 Resolution is withdrawn, the Executive ~~shall may~~ begin negotiation of a purchase  
35 and sales agreement for the next ranked ~~unfunded~~ conservation futures property in  
36 the Council's funding Resolution: PROVIDED, Sufficient funds are available, in the  
37 opinion of the Executive, to warrant commencement of these negotiations.
- 38 48. The Executive shall place ~~an executed purchase and sales agreement~~ Conservation  
39 Futures grant documents into an escrow account chosen by the County or made by  
40 the Sponsor with County's consent, and the company must be located within Pierce  
41 County.
- 42 59. Any conservation futures property listed for acquisition in a Resolution adopted by  
43 the Council pursuant to this Chapter ~~on or after January 1, 2007,~~ shall remain  
44 eligible for purchase by the Executive throughout the funding biennium until  
45 December 31 of odd numbered years unless ~~until~~ removed from the list by  
46 subsequent Council Resolution or withdrawn by the Sponsor.
- 47  
48



1 **2.97.060 Selection Criteria.**

2 A. Eligibility. Each conservation futures property nominated by a Sponsor must meet the  
3 following minimum criteria to be eligible for selection.

4 **61. Conservation Futures Priorities.** The conservation futures property must exhibit at  
5 least one of the Conservation Futures Priorities identified in PCC 2.97.030;

6 **82. Not Less than One Acre.** The conservation futures property shall not be less than  
7 one acre in size, unless it is contiguous to other preserved open space property that  
8 together is not less than one acre in size;

9 3. **Public Access.** The general public shall be provided access to the conservation  
10 futures property in a manner that does not conflict with the conservation futures  
11 priorities of the nominated property. For example, unrestricted public access may not  
12 be appropriate or required for agricultural land or habitat preservation projects. If the  
13 nominated property is enrolled in the Public Benefit Rating System, public access  
14 rights shall not be reduced to less than the minimum standards required to receive  
15 and maintain open space land classification pursuant to PCC 2.114.060;

16 a. If Conservation Futures funds are used to acquire fee simple title, a conservation  
17 easement or other real property interest in a site, a covenant ensuring public  
18 access shall be recorded against title to the property unless the Council's funding  
19 Resolution indicates that public access is limited or excluded from the site.

20 b. If a site with recreational value is selected for Conservation Futures funding, the  
21 covenant shall include, at a minimum, a perpetual right to allow the public to  
22 enter the property and physically access designated area(s) for the public's  
23 recreational enjoyment during reasonable hours and days to be specifically  
24 negotiated with the County.

25 c. When a project Sponsor nominates a site for a conservation easement  
26 acquisition, the Sponsor must provide written acknowledgment from the Seller  
27 indicating a willingness to negotiate provisions for public access rights to the  
28 conservation easement area designated for public access. Lands that have only  
29 agriculture, habitat, or water quality protection value and no recreational value  
30 may be exempt from the requirement to provide for public access rights.

31 d. On sites that have both recreation value and agricultural, habitat, or water quality  
32 protection values, etc. that could result in a conservation futures site with limited  
33 or restricted public access, any public path and designated public access area  
34 must be described and generally illustrated in the application nominating the site  
35 for Conservation Futures funding and specifically cited in the Council's funding  
36 Resolution.

37 e. If the Sponsor or property owner wishes to limit public access to certain hours  
38 and days or limit public access to certain specified activities, those proposed  
39 limitations must be described in the application nominating the site for  
40 Conservation Futures funding and specifically cited in the Council's funding  
41 Resolution.

42 **24. Legal Access to Public Right of Way.** The conservation futures property shall have  
43 existing, permanent legal access to and from the public right-of-way as shown on a  
44 map. If the access is through a permanent easement, a copy of the easement shall be  
45 submitted and may need to be revised to allow access by the general public;  
46





1 **15. Legal Lot Requirement.** At the time the conservation futures a property is  
2 nominated for consideration Conservation Futures funding, it must be a comprised of  
3 one or more legal lots of record or in the case of a lesser property interest, described  
4 upon a legal lot of record. If the proposal is to acquire interest in a portion of a legal  
5 lot, or portions of multiple legal lots, such area shall be specifically described and  
6 accurately depicted and all persons holding Title to the affected parcels must sign  
7 their consent on the Willing Seller Affidavit;

8 a. **Fee Simple.** If the proposal is to acquire a fee simple interest in only a portion of  
9 one legal lot or portions of several lots, the proposal must be accompanied by a  
10 specific plan and timeline of actions that the Sponsor will take to achieve  
11 recording of new legal lot demonstrating the Sponsor can complete all steps to  
12 close within grant timeline;

13 b. **Conservation Easements.** If the proposal is to acquire a conservation easement,  
14 the proposed easement must be specifically described and depicted on a survey  
15 completed by a professional surveyor and submitted to the Department no later  
16 than one year after adoption of the funding Resolution.

17 (1) For conservation easements that do not follow parcel boundaries, the  
18 easement boundary must be clearly marked in the field.

19 **46. No Eminent Domain.** The conservation futures property shall not be part of a  
20 current or anticipated eminent domain process;

21 **57. Complete Application.** The application shall be presented on a fully completed  
22 form which complies with the requirements of PCC 2.97.050;

23 **78. Limitations on Existing Structures.** The conservation futures property shall not  
24 contain structures which cannot be removed immediately after completion of the  
25 acquisition, except for structures that are deemed operationally, culturally,  
26 historically, or archeologically significant and are consistent with the conservation  
27 purpose for which the property was nominated, the focus of the conservation futures  
28 property being nominated or structures which are included in a life estate entered  
29 into when acquiring the conservation futures property;

30 **9. Limitations on Improvements.** The Conservation Futures property shall not retain  
31 rights to construct, reconstruct, or expand improvements other than those  
32 improvements directly related to maintaining agricultural operations, timber growth  
33 and harvesting or recreation consistent with conservation values as described in the  
34 conservation futures application and cited in the Council's funding Resolution.

35 **910. Executed Options.** If the conservation futures property is subject to an executed  
36 option, the Sponsor must provide the County with a copy of the option agreement.  
37 Regardless of the terms of the option agreement, the County will only offer to  
38 purchase the property at a price established by the County's appraisals;

39 **1011. Not Already Protected from Development.** The conservation futures property shall  
40 not be adequately protected from development through an existing  
41 Conservation/Historic Preservation Easement. This provision is not intended to  
42 disqualify reimbursement of costs associated with conservation futures projects that  
43 have been acquired prior to approval of the Council's funding Resolution when  
44 recommended for acquisition by the Board; and

45 **112. Matching Funds.** The nomination shall include matching funds equal to or greater  
46 than 10 percent of the purchase price provided either through a cash contribution at  
47 the time of closing or an agreement by the owner of the conservation futures  
48 property to reduce the purchase price of the conservation futures property by 10



1 percent up to the match funding amount of the appraised value as evidenced by a  
2 written letter indicating such signed by the owner. Pierce County reserves the right  
3 to withdraw Conservation Futures funding from a project if an applicant is unable to  
4 provide additional or matching funds identified in their application before final  
5 documents are ready for execution of the sale at closing at the time the County  
6 executes a purchase and sale agreement with the landowner.; and

7 **13. Compliance with Other Open Space Programs.** If the nominated property is  
8 enrolled in the Open Space Public Benefit Rating System pursuant to PCC  
9 2.114.060, the Sponsor must demonstrate the property is in compliance with  
10 program requirements by providing a letter or statement of compliance from the  
11 Pierce County Planning and Public Works Department.

12 B. Verification of Open Space Priority Resources Eligibility by Committee.

- 13 1. The Committee shall review all conservation future property applications to  
14 determine their eligibility using the minimum criteria set forth in PCC 2.97.060 A.  
15 prior to review by the Board. Only conservation futures applications deemed to have  
16 met the minimum criteria by a majority of the Committee shall be reviewed by the  
17 Board. In conducting its review, the Committee shall verify the presence or  
18 occurrence of proposed open space resources.  
19 2. In all cases, the Committee shall have the latitude to use its professional judgment  
20 when reviewing conservation futures property applications, but shall also strive to  
21 use a strict interpretation of the minimum criteria in PCC 2.97.060 A.  
22 3. If the nominated property is enrolled in the Public Benefit Rating System, the  
23 Committee shall review and make recommendations regarding protection of  
24 conservation values and public access requirements pursuant to PCC 2.114.060.

25 C. The Evaluation Point System.

- 26 1. Evaluation points may be assigned for each conservation futures application by the  
27 Board as provided for in Table 2.97.110-1 found in Appendix "A" titled  
28 "Conservation Futures Evaluation Categories and Points".  
29 2. The presence or occurrence of an Evaluation Category shall be verified using the  
30 definitions set forth in PCC 2.97.020.  
31 3. Where there is a range of points allowed in an Evaluation Category, each member of  
32 the Board may use individual discretion in the assignment of a point value for the  
33 category for the application.

34 D. Scoring of the Conservation Futures Application.

- 35 1. At least one public meeting shall be held by the Board at which the members present  
36 at that meeting shall, after examination, provide for each application, a score for  
37 each Evaluation Category based on the s-Sponsor's application.  
38 2. A composite score shall be computed for each conservation futures application  
39 which will yield a ranking for that application as compared to all applications under  
40 consideration in that year and calculated as follows: (1) The points given to a  
41 conservation futures application shall be totaled; and (2) the application's totaled  
42 points shall be divided by the number of Board members present at the public  
43 meeting who scored the conservation futures application at which the review  
44 occurred.



1 3. The composite score for each conservation futures application shall be used to  
2 establish an overall ranking of all conservation futures applications reviewed by the  
3 Board. Where conservation futures applications share identical scores, the Board  
4 shall establish the priority among those applications.

5 E. Evaluating Intended Future Uses, Including Active Recreational Uses.

- 6 1. The Board shall consider intended future uses identified on an application and  
7 evaluate compatibility with the conservation values and requirements of the  
8 Conservation Futures program and may recommend additions to covenants and  
9 property restrictions needed to assure the preservation of the conservation futures  
10 property is or may recommend denial of proposed future uses to be consistent with  
11 the goals of this Chapter.
- 12 2. Active recreation uses may be allowed on conservation futures properties when  
13 recommended by the Board and approved by the Council, and addressed in the  
14 covenants or property restrictions.
- 15 3. When an application indicates active recreational uses are intended future uses of  
16 conservation futures property, the Board shall determine if such uses should be  
17 recommended for approval and shall identify the specific active recreational uses to  
18 be recommended. Applications that include proposals for active recreational uses  
19 shall include cost estimates for the development, maintenance and operation of  
20 proposed active uses.
- 21 4. The Board may recommend that only a portion of a conservation futures property be  
22 used for active recreational use.
- 23 5. The Board's recommendations concerning intended future uses and related covenants  
24 and property restrictions shall be included with the priority list of conservation  
25 futures properties identified by the Board pursuant to PCC 2.97.060 D. above.
- 26 6. Any intended future use recommendations approved by the Council shall be included  
27 in the Council's resolution approving a priority order for purchase of conservation  
28 futures properties with conservation futures funds.

29  
30 **2.97.070 Property Acquisition Costs.**

- 31 A. The Public Receiving Agency of selected conservation futures property shall bear all  
32 costs relating to property reports including, but not limited to, land surveys, hazardous  
33 materials assessment and cleanup, structural inspections and repairs; provided however,  
34 said receiving agency may waive in writing any such reports; provided further, said  
35 waiver shall be submitted to the County prior to the County beginning preliminary  
36 negotiations with a seller.
- 37 B. The County shall charge to the conservation futures fund all buyer's closing costs  
38 directly associated with the purchase of a conservation futures property including, but  
39 not limited to, buyer's appraisal fees, buyer's title insurance premiums, preparation of  
40 conveyance and reconveyance instruments, buyer's recording fees, and buyer's escrow  
41 fees.
- 42 C. The County may charge to the conservation futures fund such costs requested by a Non-  
43 profit Receiving Agency relating to the acquisition of eligible conservation futures  
44 properties as the Executive may deem appropriate and in the public interest; provided,  
45 that with respect to any particular conservation futures property, such acquisition costs  
46 shall not exceed 5 percent of the purchase price thereof.
- 47 D. Costs for all notices required by this Chapter shall be paid from the conservation futures  
48 fund.





1 E. Costs for a Conservation Futures Project Sponsor or Receiving Agency to obtain a Right  
2 of First Refusal as an option to acquire the conservation futures property from the  
3 underlying fee simple property owner in the event of sale may be paid from the  
4 conservation futures fund.

5 F. Grant Award Modifications. In an effort to advance as many Conservation Futures  
6 projects during a grant cycle as possible, it is critical that Sponsors and the County  
7 communicate on projects frequently. In general, projects are expected to be completed  
8 within 24 months of adoption of the County's funding Resolution and shall close within  
9 the funding biennium. Determinations regarding modification requests are made on a  
10 case-by-case basis by the Department Director. If necessary to successfully complete a  
11 Conservation Futures project, the following project modifications are allowed:

- 12 1. Reduced project size: If the project size can be reduced while still protecting all of  
13 the conservation priorities identified in the application, the grant award will be  
14 reduced proportionately to the size of the project.
- 15 2. Increased project size: If the project size can be increased without increasing the  
16 grant award and the additional property proposed for acquisition enhances the  
17 conservation priorities identified in the application, acquisition of additional property  
18 may be considered.
- 19 3. Increase in project acquisition cost: If the appraisal of the property is significantly  
20 different than the value anticipated in the grant application, the Sponsor may request  
21 a 10 percent increase in the project award to complete the project or resubmit the  
22 project for consideration during a future funding cycle. Any award increase is  
23 dependent on the availability of uncommitted funds in the grant round.
- 24 4. In all cases of any grant modifications, the percentage of committed grant match  
25 must be maintained.

26  
27 **2.97.080 Conservation Futures Covenants.**

- 28 A. The Parks and Recreation Department shall develop covenants and property restrictions  
29 which assure the preservation of conservation futures properties. Prior to executing any  
30 agreement to release Conservation Futures funding, the terms and conditions of all such  
31 covenants and property restrictions must be reviewed and approved by the County for  
32 consistency and compliance with laws governing Conservation Futures funding and to  
33 ensure that additional restrictions and requirements proposed in Sponsor's application,  
34 and any additional conditions to funding directed by Council in its funding  
35 authorization, are incorporated.
- 36 B. The covenants shall run with the land, in perpetuity, and in fulfillment of the  
37 requirements necessary to protect, preserve, maintain, improve, restore, limit the future  
38 use of, or otherwise conserve wildlife habitat areas, farm, agricultural, and timber lands  
39 for the public use and enjoyment.
- 40 C. The covenants and property restrictions shall be recorded on the title of all conservation  
41 futures properties purchased with conservation futures funds pursuant to the  
42 conservation futures grant application and adopted Council Resolution.
- 43 D. The covenants and property restrictions shall specify that any improvements to a  
44 conservation futures property shall be limited to those which are passive in nature, or  
45 related to agriculture or forestry; provided that if the Council has approved active  
46 recreational uses for a particular conservation futures property or portion thereof, the  
47 covenants and property restrictions shall specify the active recreational uses allowed. All



1 uses and improvements to conservation futures properties must meet the requirements  
2 and intent of RCW 84.34.200-220.

3 E. Conservation Futures Properties shall be restricted from retaining rights to subdivide or  
4 develop the land for residential, commercial, or industrial uses. Working farms, forests,  
5 and active recreation may have development only as is compatible with protection of  
6 conservation values and necessary to the function of the underlying use.

7 F. Lease-back agreements are restricted to a maximum of 18 months.  
8

9 **2.97.090 Long-Term Financial Commitments.**

- 10 A. The Board and the Council may consider long-term financial commitments of  
11 conservation futures funds for purchases of conservation futures properties.
- 12 1. Long-term financial commitments shall be described as encumbrances against  
13 conservation futures funds that occur for two or more consecutive years.
  - 14 2. The conservation futures fund shall be reduced by all long-term financial  
15 commitments. Funds that remain shall be available for allocation under this Chapter.
  - 16 3. The Council may withdraw any purchase and sale agreement that incorporates the  
17 use of long-term financial commitments.
  - 18 4. The Council may specify sources of partial or full funding for long-term financial  
19 commitments.
  - 20 5. The Council shall return any withdrawn long-term financial commitment funds to  
21 the conservation futures funds for subsequent allocation under this Chapter.  
22

23 **2.97.100 Property Management Authority.**

- 24 A. When conservation futures funds are appropriated to purchase an eligible property with  
25 the intention that the County shall hold the title thereto, the Property Manager shall be  
26 the Director of Parks and Recreation or their designee.
- 27 B. When conservation futures funds are appropriated to purchase an eligible property with  
28 the intention that title to said property be held by a Non-profit Receiving Agency, it shall  
29 be that agency's responsibility to manage the conservation futures property. In the event  
30 a Receiving Agency disbands or closes, Pierce County shall have the first option to  
31 acquire the property that was acquired with conservation futures funds.
- 32 C. The County may enter into ~~interlocal~~ agreements with nonprofit historic preservation  
33 corporations as defined in RCW 64.04.130 or nonprofit nature conservancy corporations  
34 as defined in RCW 84.34.250 for the purpose of management of the conservation futures  
35 covenants and other property restrictions provided for in this Chapter.
- 36 D. The Department will develop a plan and program to inspect all properties acquired with  
37 Conservation Futures Funds to assure that conservation easements and covenants are  
38 maintained.  
39

40 **2.97.110 Conservation Futures Opportunity Account.**

41 Pierce County recognizes the importance of having the flexibility to pursue the purchase of  
42 exceptional conservation futures properties using conservation futures funds which become  
43 available outside of the normal selection process outlined in PCC 2.97.040 and establishes a  
44 Conservation Futures Opportunity Account using an allocation from Conservation Futures Fund  
45 to acquire such properties. Acquisitions of conservation futures properties using funds from the  
46 Conservation Futures Opportunity Account shall be selected and approved using the procedure  
47 outlined in this Section.



- 1 A. ~~Each year~~ Through adoption of the County ~~annual~~-biennial budget, the Executive shall  
2 propose and the Council shall consider allocating an amount of not more than ~~\$250,000~~  
3 ~~\$500,000~~ from the Conservation Futures Fund to be reserved for possible acquisition of  
4 exceptional open space properties selected and approved under PCC 2.97.110. At the  
5 end of the budget ~~year~~-cycle, any unused funds in the Conservation Futures Opportunity  
6 Account shall be carried over to subsequent years and shall be allowed to accumulate a  
7 fund balance not to exceed ~~\$2,000,000~~ ~~\$4,000,000~~ subordinate to all debt.
- 8 B. All properties purchased through the Conservation Futures Opportunity Account shall  
9 utilize the following selection process:
- 10 1. Within ~~three~~-~~six~~ weeks of notification from the ~~Council~~ or Executive of a proposal to  
11 fund a conservation futures property through the Opportunity Account, the TAC  
12 shall review the project and provide comments and the Board shall hold a public  
13 meeting to evaluate the proposal using the evaluation categories in Table 2.97.110-1  
14 and make a recommendation to the Council on the proposal.
  - 15 2. The ~~Executive~~ Parks and Recreation Department shall submit for Council approval a  
16 resolution outlining the exceptional opportunity at hand; specific details of the  
17 proposed purchase; and certification the property meets the requirements of PCC  
18 2.97.110 C.
  - 19 3. Upon approval of the resolution, the Executive shall be authorized to acquire the  
20 property in accordance with the provisions of Chapter 2.97 PCC.
  - 21 4. Opportunity Account projects shall close within one year of award.
- 22 C. All properties purchased using the Conservation Futures Opportunity Account shall  
23 meet the following criteria:
- 24 1. The property shall meet the minimum eligibility requirements in PCC 2.97.060 A.  
25 following the definition of an "exceptional opportunity" as defined in PCC 2.97.020  
26 as determined by the Department.
  - 27 2. The property shall be under sufficient threat of immediate development or financial  
28 distress, as detailed by the Sponsor, which would preclude it from being considered  
29 in the next regular application and award cycle called for in PCC 2.97.040 ~~or~~  
30 ~~additional secured matching funds provided by a third party for use in purchasing the~~  
31 ~~property are under immediate threat of expiring prior to the next regular application~~  
32 ~~and award cycle called for in PCC 2.97.040.~~
- 33 D. Once all funds in the Conservation Futures Opportunity Account are utilized, no further  
34 purchases shall be authorized under PCC 2.97.110 until such time as the Council  
35 appropriates additional funds by ordinance.  
36  
37





1 Appendix "A."  
2

**Table 2.97.110-1. Conservation Futures Evaluation Categories and Points**

	<b>Categories</b>	<b>Points</b>
<b>CONSERVATION VALUES</b> (60 45% of available points)	The value of the primary Conservation Futures priority (listed in PCC 2.97.030) identified on the application.	0 to 30 25 points
	The value of the secondary Conservation Futures priority (listed in PCC 2.97.030) identified on the application.	0 to 15 points
	The value of the tertiary Conservation Futures priority (listed in PCC 2.97.030) identified on the application.	0 to 5 points
	<del>Acquisition of the Conservation Futures property is supported by other environmental goals.</del>	<del>0 to 5 points</del>
	<del>The proposed use of the property, as outlined in the Sponsor's application, is compatible with the Conservation Futures priority(s) identified on the property.</del>	<del>0 to 5 points</del>
<b>PROGRAM GOALS</b> (25 45% of available points)	The Conservation Futures property is within a designated Urban Growth Area (UGA).	5 points
	The Conservation Futures property is 40 acres or greater in area.	0 to 5 points
	The Conservation Futures property is contiguous with (abuts) or creates linkage with another preserved open space property.	0 to 5 points
	The Conservation Futures property is threatened by development as defined in PCC 2.97.020.	0 to 5 points
	The Conservation Futures property is designated Agricultural Resource Land.	5 points
	<del>The Conservation Futures property provides public access.</del>	<del>0 to 10 points</del>
	<del>The Conservation Futures property is located in an underserved community (Equity).</del>	<del>0 to 5 points</del>
	<del>The Conservation Futures property conserves sequestered carbon through management practices such as Forest Carbon Conservation and/or Forest Carbon Restoration.</del>	<del>0 to 5 points</del>



**Table 2.97.110-1. Conservation Futures Evaluation Categories and Points**

	<b>Categories</b>	<b>Points</b>
<b>MATCHING FUNDS</b> (15-10% of available points)	*Additional or matching funds are available and can be applied toward the purchase of the conservation futures property. (1 point for every 48 percent greater than 10 percent, up to a maximum of 10-5 points)	0 to 5 10 points
	*Additional or matching funds are provided by a private funding source rather than a public funding source, or additional or matching funds are secured at the time of application either through cash or a funded grant award.	0 to 5 points
<b>TOTAL NUMBER OF POINTS</b>		<b>100 Points</b>
<b>BONUS POINTS</b>	The proposed property is of regional significance and is comprised of a minimum of 500 acres.	5 Bonus Points

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3  
4  
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\*Pierce County reserves the right to withdraw Conservation Futures funding from a project if an applicant is unable to provide additional or matching funds identified in their application at the time the County begins negotiating begins with the landowner.

