



# **MEETING AGENDA**

## **CLALLAM COUNTY CONSERVATION FUTURES PROGRAM ADVISORY BOARD**

**223 East 4<sup>th</sup> Street, Room 160  
Port Angeles, Washington  
July 14, 2021 – 1 p.m.**

### **\*\*ATTENTION\*\***

In response to the current Governors order Clallam County is now operating under the Washington Ready Plan. To be in compliance with the Washington Ready Plan and to reduce the spread of COVID the following general requirements for COVID safety for meetings held in the Board of Commissioners Board Room are as follows:

1. All attendees are encouraged to provide contact information on a sign in sheet which will be retained for 28 days for contact tracing purposes.
2. Public seating areas and Board member seating must be arranged to ensure physical distancing is maintained.
3. Meeting attendees must follow current face covering guidelines.
4. No food or drink should be consumed in the BOCC Board Room.
5. Meeting organizers shall clean or arrange to have cleaned high-touch surfaces before and after each meeting.
6. Hand sanitizing stations will be available in the BOCC Board Room.
7. Keep doors and windows open where possible to improve ventilation.
8. The Chair of the meeting shall ensure current masking and social distancing practices are enforced and practiced by all event attendees.

This meeting can be viewed on a live stream at this link: <http://www.clallam.net/features/meetings.html>

**If you would like to participate in the meeting via Zoom audio only, call 253-215-8782 and use meeting ID: 875 561 7844 and passcode: 12345**

**If you would like to participate in the meeting via Zoom video conference, visit <https://zoom.us/j/8755617844> and use meeting ID: 875 561 7844 and passcode: 12345**

Public comment and questions can be directed to the Clerk of the Board at 360-417-2256 or [agores@co.clallam.wa.us](mailto:agores@co.clallam.wa.us).

### **CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**

### **REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA**

### **PUBLIC COMMENT – Please limit comments to three minutes**

### **APPROVAL OF MINUTES**

- Minutes June 9, 2021

### **REPORTS AND PRESENTATIONS**

- Chair report

### **BUSINESS ITEMS**

- Priorities and Criteria for Conservation Futures Farmland Funding

### **PUBLIC COMMENT – Please limit comments to three minutes**

### **ADJOURNMENT**

**AGENDA for the Meeting of July 14, 2021**  
**CONSERVATION FUTURES ADVISORY BOARD**  
**Page 2**



**Conservation Futures 2021 meeting dates:**

- August 11, 2021
- September 8, 2021
- October 5, 2021
- November 10, 2021
- December 8, 2021

# **Draft Minutes**

**June 9, 2021**



## **CLALLAM COUNTY CONSERVATION FUTURES PROGRAM ADVISORY BOARD MINUTES of June 9, 2021**

### **MEETING OF THE CONSERVATION FUTURES PROGRAM ADVISORY BOARD**

Chair Ricardo Fleischfresser called the special meeting to order at 1 p.m., Wednesday, June 9, 2021. Also present were Ruth Jenkins, Myles Cowan, Susan Bliven, Tom Sanford, Diane Chung, Clea Rome and Mark Ozias (video). Mike Auguer, Cathy Lear and Jennifer Bond were absent.

### **REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA**

**ACTION TAKEN:** Fleischfresser moved to adopt the agenda as presented, no objections, motion carried.

### **APPROVAL OF MINUTES**

Chung requested to correct the spelling of her last name on the second page from Chang to Chung. Sanford noted that he did not make the last motion on the second page. Jenkins noted she can make the motion and Chung can second.

**ACTION TAKEN:** Fleischfresser moved to approve as modified, Jenkins seconded; motion carried

### **REPORTS AND PRESENTATIONS**

- Chair report

Fleischfresser discussed asking the local Tribes if they wanted to have representatives on the Conservation Futures Program Advisory Board. Clerk Gores noted that the Tribes have been contacted by the Board of Commissioners Office (BOCC) and one response was received by the Lower Elwha Klallam Tribe. Gores commented the BOCC staff will follow-up after the meeting to contact the Tribes again.

### **BUSINESS ITEMS**

- Establish evaluation criteria for prospective Conservation Futures Grants.

Fleischfresser provided opening remarks regarding establishing evaluation criteria. Conservation Futures (CF) Board discussed the document provided by Fleischfresser regarding "CF Priorities until December 31<sup>st</sup>, 2030" (see attached). CF Board came to a consensus to approve the following 3 CF priorities:

- Preservation of Viable Producing Farmlands within Clallam County as per Definition in RCW 84.34.020
- Preservation of Viable, but currently non producing Farmlands in Clallam County
- Preservation and access to viable water sources critical to farming operations

Fleischfresser requested that Gores submit a legal action request to the Prosecuting Attorney's Office to have a review of the 3 CF priorities to make sure the language is in line with the Ordinance and County Code.

CF Board discussed the document provided by Fleischfresser regarding "Criteria for Selection of Projects for CF Funding" (see attached). Rome handed out a criteria suggestions document (see attached). CF Board members decided to review at home and send any comments to Gores. Fleischfresser will take all comments and draft a new document for criteria. Discussion will be held at the next meeting.

### **PUBLIC COMMENT**

- Mark Ozias, complimented the CF Board on their efforts.

### **NEXT MEETING – June 14, 2021 at 1 p.m.**

### **ADJOURNMENT**

Meeting concluded at 2:57 p.m.

**CF PRIORITIES Until December 31<sup>st</sup>, 2030**

Preservation of Viable Producing Farmlands within Clallam County as per Definition in RCW 84.34.020

Preservation of Viable, but currently non producing Farmlands in Clallam County

Preservation of viable water sources critical to continued farming operations

Funding of physical/commercial/distribution infrastructure in support of farming activities

**Criteria for Selection of Projects for CF Funding**

Point System based on a maximum of 100 points distributed among the following factors to be considered:

- Economic Productivity (Average \$ per acre per year)
- Size of farm in acres
- Soil Quality
- Willing/Selling Effort is underway or imminent
- Suitability of Farm for Commercial and/or Residential Development
- Adequate Water Availability to sustain future farming operations
- Accessibility of Farm to Market/Distribution
- Proximity of Farm to other farmland under Conservation
- Opportunity for Leveraging
- Farming/Community Support for Conservation Funding

Fleischfresser  
Document 6/1/21

**CF PRIORITIES Until December 31<sup>st</sup>, 2030**

Preservation of Viable Producing Farmlands within Clallam County as per Definition in  
RCW 84.34.020

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- Proximity of Farm to other farmland under Conservation
- Opportunity for Leveraging
- Farming/Community Support for Conservation Funding

**Suggestions to the Conservation Futures Committee on Evaluation Criteria for Farmland Preservation**

submitted by Clea Rome

June 9, 2021

Recommended criteria:

- **Viability of the site:**

Farm has the conditions for successful farming, including

- Current and future access to water
- Soil type conducive to various types of farming
- Size and shape- preference given to larger parcels to conserve the greatest variety of farming opportunities
- On-site farm infrastructure and market opportunities
- Consideration of the history of use
- Considerations of projected climate impacts

- **Threat to the Land:** a focus on farmland in Agricultural Retention zones that have been subdivided and susceptible to intensive residential development



# **Business Item**

## **Priorities and Criteria**

## Gores, Alanna

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**From:** Ricardo Fleischfresser <ricardo@fetraco.com>  
**Sent:** Wednesday, July 07, 2021 11:21 AM  
**To:** Gores, Alanna  
**Subject:** July 14th CF meeting materials  
**Attachments:** Criteria for Selection of Properties for Farmland Preservation.doc

Hi Loni,

At our last meeting we decided I would prepare a draft of the ideas that were discussed regarding the criteria for selection of farmland for CF funding.

I am attaching a draft of the criteria discussed based on my notes at our last meeting. It is a WORD document that you are welcome to convert into PDF if you wish.

Please send this out to board members so they have time to evaluate it and prepare for continued discussions. This is only a draft of the main points brought up at our last meeting. I look forward to adding or deleting items, changing the order etc... I hope we can finalize this topic at our next meeting and then submit our recommendations to the Commissioners for approval.

As to the agenda of next meeting, unless any other topics are brought up by board members, the main topic will be "PRIORITIES and CRITERIA for Conservation Futures Farmland Funding".

Thanks!

Ricardo Fleischfresser

(206) 491 3199

## Criteria for Selection of Properties for Farmland Preservation

In evaluating farmland for Conservation Futures grants, a 60% weight will be given to **viability** considerations, and 40% to the **opportunity** presented.

### 1) Viability of the Site

|                                    | Yes                      | No                       |
|------------------------------------|--------------------------|--------------------------|
| Current and future access to water | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments                           |                          |                          |

|                                                         |                          |                          |
|---------------------------------------------------------|--------------------------|--------------------------|
| Soil type/quality conducive to various types of farming | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments/Description                                    |                          |                          |

|                                                |                          |                          |
|------------------------------------------------|--------------------------|--------------------------|
| Location - Within Agricultural Retention Zone  | <input type="checkbox"/> | <input type="checkbox"/> |
| Proximity to other farmland under conservation | <input type="checkbox"/> | <input type="checkbox"/> |
| Accessibility to Market                        | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments                                       |                          |                          |

|                                          |                          |                          |
|------------------------------------------|--------------------------|--------------------------|
| Existence of on-site farm infrastructure | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments                                 |                          |                          |

Viability of Applicant/Longevity of Stewardship/History of Use/Farm Plan/Climate Change Concerns

Comments

Benefits to Community & Support

Comments

**2) Opportunity/Threat to the land**

Willing/Selling Effort underway or imminent (subdivision of property)  
Comments

Suitability of Farmland for Commercial and/or residential development  
Comments

Leveraging Opportunity  
Comments

# **Prosecuting Attorney Response on Conservation Futures Priorities**

## Gores, Alanna

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**From:** Stanley, Elizabeth  
**Sent:** Wednesday, June 23, 2021 3:00 PM  
**To:** Gores, Alanna  
**Subject:** LAR 21-227 Conservation Futures Priorities

Loni,

You asked me to review 3 Conservation Futures priorities to see if they align with relevant laws. The Clallam County Code sets forth allowable uses for conservation futures funds.

Clallam County Code 5.45.040 states: Amounts placed in the conservation futures fund shall be used to acquire rights and interests in farm and agricultural land, open space land, timberland, and public access to water on a voluntary basis, as established in Chapter 84.34 RCW and for the maintenance and operation of any property acquired with these funds.

Clallam County Code 5.45.060 states: All monies collected during the initial 10-year period shall be expended for the conservation of farm and agricultural land.

The first two proposed priorities fall squarely within these legal parameters. These two priorities are the preservation of viable producing farmlands and viable but not currently producing farmlands.

The third priority does not seem to fit into the parameters of the County Code. The 3<sup>rd</sup> priority is "preservation and access to viable water sources critical to farming operations." This does not meet the criteria set forth in CCC 5.45.060 which prioritizes conservation of farm and agricultural land until 2030. While access to water is an allowable use under CCC 5.45.040, access to water is not a use that should be prioritized during the current ten year cycle.

Please let me know if you or the CFPAB members have any follow up questions.

Thanks,  
Elizabeth

Elizabeth Stanley | Chief Civil Deputy Prosecuting Attorney | Clallam County  
223 E. 4th Street, Ste. 11 | Port Angeles, WA 98362 | ☎ 360.417.2426 | 📠 360.417.2543 | ✉ [estanley@co.clallam.wa.us](mailto:estanley@co.clallam.wa.us)

**LEGAL ACTION REQUEST  
FOR CLALLAM COUNTY PROSECUTING ATTORNEY**

DEPARTMENT: BOCC DATE: 6-9-21

Legal action requested or question you desire to be answered:

Please review the following 3 Conservation Futures priorities to make sure they wording is in line with the County Ordinance and County Code:

**CF PRIORITIES Until December 31<sup>st</sup>, 2030**

Preservation of Viable Producing Farmlands within Clallam County as per Definition in RCW 84.34.020

Preservation of Viable, but currently non producing Farmlands in Clallam County

Preservation and access to viable water sources critical to farming operations

Legal action needed by: June 30, 2020

Please attach any materials necessary or helpful to the attorney in accomplishing this request.

Loni Gores x2256 CF PRIORITIES Until December 31<sup>st</sup>, 2030

Preservation of Viable Producing Farmlands within Clallam County as per Definition in RCW 84.34.020

Preservation of Viable, but currently non producing Farmlands in Clallam County

Preservation and access to viable water sources critical to farming operations

Official Requesting Action Ext.

**PROSECUTING ATTORNEY USE ONLY:**

|                  |       |
|------------------|-------|
| Referring Dept.  | _____ |
| Date Received    | _____ |
| Opinion Rendered | _____ |
| Reviewed by MBN  | _____ |

**CF PRIORITIES Until December 31<sup>st</sup>, 2030**

**Preservation of Viable Producing Farmlands within Clallam County as per Definition in RCW 84.34.020**

**Preservation of Viable, but currently non producing Farmlands in Clallam County**

**Preservation and access to viable water sources critical to farming operations**



3b  
11/26

Ordinance 958

An ordinance creating a chapter titled Conservation Futures Fund, of the Clallam County Code

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

**Section xxx.010, Purpose, is created to read as follows:**

It is hereby declared to be in the public interest and to be a County purpose to adopt and impose a property tax levy as authorized by RCW 84.34.230 and to create a special fund to which all such levy proceeds shall be credited. The purpose of the fund created is to acquire interest or rights in real property in order to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the county and its citizens.

**Section xxx.020, Property tax levy imposed, is created to read as follows:**

Pursuant to RCW 84.34.230, there is hereby imposed a property tax levy to be applied against all taxable property within Clallam County. The levy shall be applied at a rate of two and three-quarter cents (\$0.0275) per thousand dollars (\$1,000) of assessed valuation.

**Section xxx.030, Fund established, is created to read as follows:**

A special fund is hereby established, as provided for under RCW 84.34.230, which shall be known as the Conservation Futures Fund and to which will be credited all taxed levied under this chapter.

**Section xxx.040, Use of fund, is created to read as follows:**

Amounts placed in the conservation futures fund shall be used to acquire rights and interests in farm and agricultural land, open space land, timberland, and public access to water on a voluntary basis, as established in Chapter 84.34 RCW and for the maintenance and operation of any property acquired with these funds. The purpose is to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve the property for public use or enjoyment. Included are debt issuances and debt service costs related to bond monies and repayment in instances where bonds are issued to further these purposes. Until withdrawn for such use, the monies accumulated in the fund may be invested in interest-bearing securities. It shall be the joint responsibility of the Clallam County Treasurer and the County Auditor to account for all aspects of this fund. Any money remaining in the fund upon fund closure shall be transferred as directed by the Board of County Commissioners.

**Section xxx.050 Establishment of a Conservation Futures Program Advisory Board, is created to read as follows:**

Effective January 1, 2020, the Board of County Commissioners shall appoint a Conservation Futures Program Advisory Board to implement the provisions of this chapter. The Advisory Board shall recommend to the Board of County Commissioners criteria for selection of the projects to be funded. The Advisory Board shall also make annual or more frequent recommendations to the Board of County Commissioners for projects to be funded as part of the conservation futures program and

shall develop strategic, long-term plans for the program. All recommendations of the Program Advisory Board shall be forwarded to the Board of County Commissioners for final action.

The Advisory Board shall consist of five voting members, with one voting member from each of the respective County Commissioner Districts and two at-large members, with expertise and experience in the areas of farming and agriculture, family forestry, or natural resource conservation. Non-voting ex-officio members include the North Olympic Land Trust Director or designee, the Clallam Conservation District Director or designee, the Clallam County Habitat Biologist or designee, the WSU Extension Agent, and representatives from one or more Tribal Governments. Terms of the Advisory Board members shall be limited to four (4) years. Initial terms shall be staggered so that no more than thirty-three (33) percent of the board members' terms shall expire in any year.

**Section xxx.060 Review of Tax and Funding Priorities Required, is created to read as follows:**

All monies collected during the initial ten year period shall be expended for the conservation of farm and agricultural land.

No later than December 31, 2030, and every ten (10) years thereafter, the Board of County Commissioners shall hold a public hearing to consider public input regarding the continued need for the tax collected pursuant to RCW 84.34.230. The Advisory Board shall submit a report to the Board of Commissioners, which includes an accounting of all funds collected and expended as well as recommendations for future funding priorities. After the public hearing, the Board of Commissioners shall determine whether to continue collecting the tax, whether to change the rate of the tax, or whether to repeal the tax. The Board of Commissioners will also set funding priorities. The Board of Commissioners shall consider, among other things, whether there is a continued need for funding, whether alternative funding sources exist and are adequate, and the success of past projects.

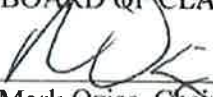
Any changes to this ordinance must be made pursuant to the process set forth in the Clallam County Home Rule Charter.

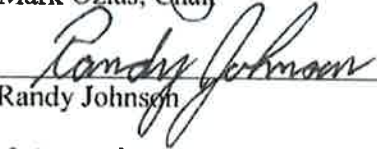
**Section xxx.070 Severability, is created to read as follows:**

If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances, is not affected.

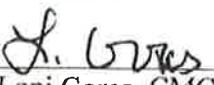
ADOPTED this 26 day of November 2019

BOARD OF CLALLAM COUNTY COMMISSIONERS

  
Mark Ozias, Chair

  
Randy Johnson

ATTEST:

  
Loni Gores, CMC Clerk of the Board

Noted no  
Bill Peach

## **Chapter 5.45 CONSERVATION FUTURES FUND**

Sections:

**5.45.010 Purpose.**

**5.45.020 Property tax levy imposed.**

**5.45.030 Fund established.**

**5.45.040 Use of fund.**

**5.45.050 Establishment of a Conservation Futures Program Advisory Board.**

**5.45.060 Review of tax and funding priorities required.**

**5.45.070 Severability.**

SOURCE: ADOPTED:

Ord. 958 11/26/19

**5.45.010 Purpose.**

It is hereby declared to be in the public interest and to be a County purpose to adopt and impose a property tax levy as authorized by RCW 84.34.230 and to create a special fund to which all such levy proceeds shall be credited. The purpose of the fund created is to acquire interest or rights in real property in order to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the County and its citizens.

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**5.45.040 Use of fund.**

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years. Initial terms shall be staggered so that no more than 33 percent of the board members' terms shall expire in any year.

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Any changes to this chapter must be made pursuant to the process set forth in the Clallam County Home Rule Charter.

**5.45.070 Severability.**

If any provision of this chapter, or its application to any person or circumstance, is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances, is not affected.

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The Clallam County Code is current through Ordinance 971, passed February 23, 2021.

Disclaimer: The Commissioner's Office has the official version of the Clallam County Code. Users should contact the Commissioner's Office for ordinances passed subsequent to the ordinance cited above.

County Website: <http://www.clallam.net/>

County Telephone: (360) 417-2256

Code Publishing Company