



DRAFT Land Legacy Committee (LLC) Meeting Agenda
East Multnomah Soil & Water Conservation District
 Monday, September 30, 2019, 4:00 – 6:00 PM
 5211 North Williams Ave, Portland OR

(September 20, 2019)

Item #	Time	Agenda Item	Purpose	Presenter	Packet <i>* please read; ~ please review</i>
1	4:00 5 mins	<ul style="list-style-type: none"> • Welcome and Call to Order • Review/revise agenda • Previous action items • Approval of August 5, 2019 minutes 	Information/ Decision	Sanneman/ Masterson	a) 8/05/2019 Minutes
2	4:05 5 mins	Time reserved for public comment ¹	Information	Public	n/a
3	4:10 15 mins	StreamCare	Information	DiLeone	a) Protecting StreamCare Riparian Areas
<u>Overview:</u> Staff will discuss potential protection options for StreamCare properties.					
4	4:25 75 mins	Executive Session under ORS 192.660(2)(e) held for discussion of real estate negotiations	Information	Shipkey/ Brown/ Till	a) Maryland Easement Valuation Formulas * b) Project proposal *
<u>Overview:</u> Staff will discuss easement valuation considerations, and one or more land conservation opportunities.					
5	5:40 5 mins	Decisions related to matters discussed in Executive Session (if needed).	Decision	Sanneman/ Masterson	n/a
6	5:45 10 mins	Portland Water Bureau Property	Information	Shipkey	n/a
<u>Overview:</u> Staff will provide an update on the Portland Water Bureau plans to construct a drinking water filtration plant on a significant farmland property within the district.					
7	5:50 5 mins	Metro Open Space Bond	Information	Shipkey	n/a
<u>Overview:</u> Staff will share updates on the current status of efforts to include funding for working farmland protection efforts in the potential Metro open space bond measure.					
8	5:55	<ul style="list-style-type: none"> • Announcements and Reminders • Action Items • Adjourn 	Information	Sanneman/ Masterson	n/a

¹ Each member of the public who wishes to speak shall be given approximately 3 minutes.



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EMSWCD Board Members, Officers and Meeting Dates:

EMSWCD Board			LLC	Year	FY19-20 Schedule	Board	LLC Co-Chair's	LLC
Members	Positions	Officers						
Gabrielle Rossi	Zone 1 Director	Treasurer	X	2019	July	-	19 th	
Laura Masterson	Zone 2 Director	Vice-Chair	Co-Chair		August	5 th	16 th	5 th
Mike Guebert	Zone 3 Director		X		September	9 th	20 th	30 th
Rick Till	At-Large 1 Director	Secretary	X		October	7 th	18 th	
Allison Hensey	At-Large 2 Director	Chair	X		November	4 th	15 th	25 th
Carrie Sanneman	Associate Director		Co-Chair		December	2 nd	20 th	
Dianna Pope	Director Emeritus			2020	January	6 th	17 th	27 th
					February	3 rd	21 st	
					March	2 nd	20 th	30 th
					April	6 th	17 th	
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MINUTES

Attendees	
Committee Members	Laura Masterson, Co-Chair (called in and then arrived in person at 4:54pm) Carrie Sanneman, Co-Chair Allison Hensey Mike Guebert Rick Till
Committee Members Not attending	Gabrielle Rossi
Staff	Matt Shipkey, Land Legacy Program Manager Lindsay Nelson, Office Manager Andrew Brown, Acting Executive Director and Conservation Program Supervisor
Guests	None

Item #	Time	Agenda Item	Purpose	Presenter	Packet <i>* please read; ~ please review</i>
1	4:40	<ul style="list-style-type: none"> Welcome and Call to Order Review/revise agenda Previous action items Approval of May 20, 2019 minutes 	Information/ Decision	Sanneman/ Masterson	a) 5/20/2019 Minutes
<p>Called to order at 4:40pm</p> <ul style="list-style-type: none"> Shipkey requested to move old agenda item number four (Portland Water Bureau Property) to post Executive Session and to discuss item number 3 (Easement Valuation) in Executive Session. The Committee agreed. Shipkey reviewed the status of previous action items. <p>MOTION: Till moved to approve the May 20th, 2019 meeting minutes Guebert 2nd 4-0 vote in favor (Hensey abstained), motion passes</p>					
2	4:43	Time reserved for public comment ¹	Information	Public	n/a
<ul style="list-style-type: none"> There were no comments made by the public. 					
3	4:40	Easement Valuation	Information	Shipkey	n/a
<ul style="list-style-type: none"> This agenda item was discussed in Executive Session. 					

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4	4:44	Executive Session under ORS 192.660(2)(e) held for discussion of real estate negotiations	Information	Shipkey/ Brown/ Till	n/a
Executive session entered at 4:44pm Executive session ended at 5:41pm					
5	5:41	Decisions related to matters discussed in Executive Session (if needed).	Decision	Sanneman/ Masterson	a) n/a
<ul style="list-style-type: none"> • There were no decisions made at this time. 					
6	5:42	Portland Water Bureau Property	Information/ Decision	Shipkey	7/23/2019 Portland Tribune article *
<ul style="list-style-type: none"> • Shipkey described a proposal by the Portland Water Bureau to construct a drinking water filtration plant on a significant farmland property within the district. • Shipkey suggested proposed messaging around this issue and requested feedback from the Committee as to same. <ul style="list-style-type: none"> ○ There was a brief discussion on the proposed responses. <p>MOTION: Hensey moved to recommend to the Board that Masterson work with EMSWCD Staff to develop a statement Sanneman 2nd All in favor, motion passes unanimously</p>					
7	5:58	Northwest Land Camp, Website Edits, Outreach, Colwood	Information	Shipkey	a) 7/04/2019 Gresham Outlook article 7/10/2019 Portland Business Journal
<ul style="list-style-type: none"> • Shipkey provided a very brief summary of outreach efforts. <ul style="list-style-type: none"> ○ Shipkey quickly spoke about his participation in the Northwest Land Camp. ○ Shipkey also shared edits to the Land Legacy Program component of the website and other outreach items. ○ Lastly, Shipkey asked the Committee if they were still interested in an on-site meeting at Colwood – the Committee indicated they would prefer to defer this to a later date. 					
8	6:00	Metro Open Space Bond & Oregon Agricultural Heritage Program	Information	Shipkey	b) n/a
<ul style="list-style-type: none"> • Shipkey briefly provided updates on the current status of the potential Metro open space bond measure and, efforts to include funding for working farmland protection efforts in that bond. 					
9	6:01	<ul style="list-style-type: none"> • Announcements and Reminders • Action Items Adjourn	Information	Sanneman/ Masterson	n/a
<ul style="list-style-type: none"> • Sanneman announced that she took a new position with the Multnomah County Drainage District and will be managing their environmental program. <p>Meeting adjourned at 6:04pm.</p>					



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ACTION ITEMS:

<u>Date Generated</u>	<u>Action Items</u>	<u>Responsible Parties</u>	<u>Due Date</u>	<u>Status as of Date of Draft Minutes</u>
8/5/19	Follow up with ODA on critical mass analysis.	Shipkey	ASAP	Complete
8/5/19	Draft talking points around the Portland Water Bureau proposal.	Masterson/Shipkey	ASAP	Pending
8/5/19	Identify if counsel has any concerns regarding proposed disposition criteria.	Shipkey	ASAP	Complete
8/5/19	Secure approved Qualified Farm Dwelling list.	Shipkey	ASAP	Complete

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Introduction

EMSWCD has invested, installed, and maintained buffers along streams on 650 acres in four watersheds. This document introduces a viable method for long term protection of StreamCare riparian areas based on the methods currently in use by the Tualatin SWCD and Clean Water Services.

Long term protection of StreamCare riparian areas has been planned for many years. It was first a Board approved goal in the 2012-15 Strategic Plan: “Determine and implement a long-term management and protection strategy for all StreamCare sites.” In our annual survey of StreamCare graduates over five years, 76% of respondents were interested in incentives that would be offered for not altering the StreamCare area.

Rural Lands will have capacity next fiscal year to begin enrolling StreamCare areas in longer term agreements, but we need Board approval of the process and funding.

Stewardship Agreements

The Tualatin SWCD added the option of a 15- or 30-year Stewardship Agreement to their riparian buffer program in 2014. While it is not a permanent easement, it is recorded to the deed. Their program is in partnership with Clean Water Services whose legal team was involved in ensuring that the process was not burdensome to the District, financially or bureaucratically, while still offering long-term protection of the riparian area. Clean Water Services provides funding for Tualatin’s program and in turn gets ecological credits for shade that help mitigate the temperature impacts of their water treatment plant under an agreement with DEQ.

We believe that limited duration easements would be more palatable to landowners than a permanent easement, while still offering protection of the riparian investment and allowing for re-enrollment at the end of the term. The methods used by Clean Water Services and Tualatin SWCD are also less costly than a traditional easement through streamlining of processes and payments and standardization of documentation. Land rental rates based on the enhanced version of the Farm Services Administration’s Conservation Reserve Enhancement Program (ECREP) were used instead of an appraisal to determine a standardized per acre value to apply to all properties. They also do not use a survey to delineate the riparian area, saving money by instead tying a map to the Stewardship Agreement like a standard SWCD or NRCS agreement. The process does include a title search and recording the agreement to the deed with the county. Of course, we may still want to consider longer term or permanent easements if the landowner is interested in a donation or if the property also has agricultural acreage.



Cost Estimates

The numbers in the table below assume annual payments at the ECREP rate for non-irrigated crop land. The table represents the maximum investment by EMSWCD as it shows cost estimates for the enrollment of every StreamCare Project Area into a Stewardship Agreement. It is unlikely that every landowner enrolled in StreamCare would choose to enroll in a Stewardship Agreement. The numbers below do not include the cost of title searches, deed recording fees, or staff time. While we will need some of Matt's time initially, we do not think the work will add to his workload long term.

Annual Payment Per Acre	\$71
Total Number of StreamCare Acres	650
Annual cost for 650 acres	\$46,150

	15 years	30 years
Total for 650 Acres Over the Agreement Term	\$692,250	\$1,384,500

The Land Conservation Fund is the logical source of funding for these term easements. If every StreamCare landowner agreed to a 30-year agreement, the cost over 30 years is almost \$1.4 million. Annually the amount required from the Land Conservation Fund if everyone signed a 30-year agreement in the first year it was offered would be \$46,146. Because it is unlikely that everyone would sign up for 30 years, the actual cost of long-term protection of StreamCare sites would likely be lower.

The total cost could be reduced by offering payment all at once at a discounted rate based on net present value. Clean Water services does this and uses a 6% net present value rate. They also offer a higher per acre rate for longer term agreements. These were not included above and because there are pros and cons to both annual and lump sum payments, further analysis is needed.

The cost estimates appear to be a good investment to protect 650 acres of riparian area in EMSWCD.