



Land Legacy Committee (LLC) Meeting Agenda East Multnomah Soil & Water Conservation District

(January 17, 2023)

Monday, January 23, 2023, 4:30 – 6:30 PM

To be held at the EMSWCD Office (5211 N Williams Ave, Portland, OR 97217)

Or join virtually: <https://meet.goto.com/993088381> Access Code: 993-088-381

United States (Toll Free): 1 877 309 2073 United States: +1 (646) 749-3129

AGENDA

| Item # | Time | Agenda Item | Purpose | Presenter | Packet |
|---|-----------------|--|--------------------------|---------------|---|
| 1 | 4:30 10 mins | <ul style="list-style-type: none"> • Welcome and Call to Order • Review/Revise agenda • Previous Action Items • Approval of December 6, 2022 meeting minutes | Information/ Decision | Zimmer-Stucky | a) 12/6/2022 LLC Meeting Minutes |
| 2 | 4:40 5 mins | Appointment of LLC Chair | Discussion/ Decision | LLC | N/A |
| 3 | 4:45 5 mins | Time Reserved for Public Comment | Information | Public | N/A |
| 4 | 4:50 45 mins | Recommendation on EMSWCD's role in Natural Area and Access to Nature Projects | Discussion/ Decision | Shipkey / LLC | a) EMSWCD Land Legacy Overview of Previous Non-Farmland Investments b) Historical EMSWCD Land Conservation Priorities c) LLC Presentation (contains options and staff recommendation) |
| <p><u>Overview:</u> Shipkey will review options for the role EMSWCD might play in Natural Area / Access to Nature projects, the consensus Staff recommendation amongst those options and how that recommendation aligns with community feedback and the EMSWCD strategic plan. The LLC will then discuss the options and the Staff recommendation and decide on a recommendation for the Board to take formal action on at its February 6, 2023, meeting.</p> | | | | | |
| 5 | 5:35 45 mins | Next Steps for Gordon Creek Farm Access Equity Project | Discussion/ Decision | Shipkey / LLC | a) Potential Framework for Farm Access Equity Initiative |
| <p><u>Overview:</u> Shipkey will review potential implementation options for the Gordon Creek Farm Access Equity Project, and the LLC will discuss the proposal and make a decision on the Staff recommendation. Time permitting, Staff may review next steps, proposal requirements and assessment criteria.</p> | | | | | |



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| | | | | | |
|---|-----------------|---|-------------|-----------|-----|
| 6 | 6:20 10 mins | <ul style="list-style-type: none"> • Announcements and Reminders • Action Items • Adjourn | Information | LLC Chair | N/A |
|---|-----------------|---|-------------|-----------|-----|

EMSWCD Board Members, Officers and Meeting Dates:

| EMSWCD Board | | | LLC | Year | FY22-23 Schedule | Board | LLC |
|-----------------------|---------------------|------------|-------|------|---------------------|-----------------|------------------|
| Members | Positions | Officers | | 2022 | July | 6 th | 25 th |
| Joe Rossi | Zone 1 Director | | X | | August | 1 st | |
| Laura Masterson | Zone 2 Director | Secretary | X | | September | x | x |
| Mike Guebert | Zone 3 Director | Chair | X | | October | 3 rd | 17 th |
| Jim Carlson | At-Large 1 Director | Treasurer | X | | November | 7 th | 21 st |
| Jasmine Zimmer-Stucky | At-Large 2 Director | Vice Chair | Chair | | December | 5 th | 6 th |
| | | | | 2023 | January | 4 th | 30 th |
| | | | | | February | 6 th | |
| | | | | | March | 6 th | 27 th |
| | | | | | April | 3 rd | |
| | | | | | May | 1 st | 22 nd |
| | | | | | June | 5 th | |



1/11/2023

East Multnomah Soil and Water Conservation District Land Legacy Committee Meeting Minutes

Tuesday, December 6th, 2022

Introductions: Zimmer-Stucky conducted introductions for the record. The following persons were present:

Land Legacy Committee: Jasmine Zimmer-Stucky (At-Large Director 2), Laura Masterson (Zone 2 Director) (4:15pm), Mike Guebert (Zone 3 Director), Jim Carlson (At-Large Director 1)

Absent: Joe Rossi (Zone 1 Director)

Staff: Nancy Hamilton (Executive Director), Dan Mitten (CFO), Julie DiLeone (Rural Lands Program Manager), Matt Shipkey (Land Legacy Program Manager), Heather Nelson Kent (Grants Program Manager), Monica McAllister (Community Connections Liaison), Asianna Fernandez (Executive Assistant)

Guests: N/A

4:05pm – Nadaka Nature Park Tour

McAllister spoke about the history of Nadaka Nature Park – an underutilized, limited access property. She then walked through the opportunities that EMSWCD and partners' investment in the purchase of additional lands and investment in infrastructure unlocked. Some specific EMSWCD mission aligned outcomes included:

- Pervious pavement, raingarden, bioswales, eco-roof
- Naturescaping (paired with invasive plant removal)
- Nature-based play equipment
- Community garden plots (used intensively by immigrant families) and shared berry plants
- Created access for a deeply underserved neighborhood that is low-income, high diversity
- Helps address urban heat island issues – trees and green space help cool the area and provide refuge for families on hot days. Popular for education and community events.

Board members who were present for the decision around the investment (in 2009) reflected on the discussions of the time and expressed enthusiasm for what our investment had in part helped realize. Discussion of strong leadership on Gresham's part and a hope that such leadership might return in the future. Noted how Gresham has done a good job with management of the site, and that they will be investing in some refurbishment soon (e.g., nature play area).

McAllister Partnerships are a hallmark of the project – in the development amongst funding partners, and in ongoing maintenance / programming with community partners.

4:35pm – Transition to Indoor Meeting Space – Four Points by Sheraton Portland East Hotel

4:55pm – Call to Order, Review/revise agenda, Review previous action items and Welcome Chat

Zimmer-Stucky called to order the regular meeting of the EMSWCD Land Legacy Committee at 4:55pm on Tuesday, December 6, 2022, at the Four Points by Sheraton Portland East Hotel.

Zimmer-Stucky thanked everyone for attending and presenting today. She invited everyone to read over the October 17, 2022, minutes.



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Board discussed clarification of quorum and Robert's Rule of Order. For LLC and Board meetings, there needs to be 3 votes in favor to move a motion as the majority.

Amendments to the minutes: Jim arrived at the meeting at 4:15pm. The two motions on page 6 were null.

MOTION: Guebert moved to approve the October 17, 2022, LLC Meeting minutes as amended. Masterson 2nd. Motion passed unanimously (4-0, Rossi absent).

5:12pm – Round Table Discussion of EMSWCD's Role in Urban Access to Nature Projects – Past & Present

Shipkey thanked Kent and McAllister for presenting at Nadaka. Feedback given today will be used to form recommendations for the January LLC Meeting which Staff are developing. All Land Legacy Program (LLP) investments are rooted in the enabling resolution for the program. Pre-investment areas for the program include farmlands, access to nature, and natural areas.

Keep in mind that access to nature/ natural area projects overlap; there are no bright lines, which is an important consideration as we think about the future of these investments.

Highlighted 3 projects

- Native American Youth and Family (NAYA) Center – were concerned about their ability to pay off the high interest mortgage on their site. District made a catalyzing grant that allowed them to successfully fundraise and secure their future tenure on the site. Our investment resulted in a grant agreement- with a requirement to provide public access and pursue property habitat restoration.
 - Canemah Project – Property habitat restoration vision, pursuing with multiple partners. Have developed compelling design plans which we expect will make the project competitive for grant funds.
 - We funded soil testing- to identify areas of the site that would be safe for first foods cultivation (the site was historically used for Indigenous planting and first foods).
 - Strategic Plan-related outcomes
 - Improving soil and water resources via restoration
 - Native plantings to sequester carbon and mitigate heat island area suffers from
 - Re-establish cultural significance of this historically important indigenous site, providing culturally relevant access to nature for an underserved community.
 - **Hamilton** Investment also will help improve the Columbia Slough.
- Shaull Property – Invested \$200k in 2021. Our investment gives us a seat at the table on management decisions for the property – for example, the recent opportunity we had to provide feedback on an ambitious urban canopy restoration plan for the site.
 - Our grant agreement with Gresham also established milestones and expectations for Gresham on management, programming, and public access development of the site.
 - Restoration of habitat on site will create positive impacts on soil and water quality.
 - Opportunity to improve public access to the site will be of real value to what is one of the most ethnically diverse and low-incomes areas of our District/the region. The zip code Shaull is in, and the adjoining zip code are within the 2 most unhealthy zip codes in the District. 30-40% children live below the poverty line. 34-54% of residents are Black, Indigenous, or People of Color (BIPOC).
- Nestwood Property
 - Recently closed. Wouldn't have happened without us as other funding sources weren't a match for the site and the vision for it.
 - It's also quite likely that without our participation, there wouldn't have been a commitment made to utilize and program this site as an access to nature resource for urban residents.



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- Our participation also ensured we have a voice in management of the site – management of this close to 800-acre site means big opportunities for carbon sequestration in perpetuity.
- Columbia Land Trust: contributed staff time, stewardship funds, and closing expenses.
- Our investment leveraged a several million-dollar donations from the landowner (conservation easement donated outright, bargain sale of the property that was purchased outright).

Shipkey Our participation in these sorts of projects means we can bring forward and incorporate important mission-related perspectives that might otherwise be missing. And our dollars are sometimes filling gaps in financing. For example, in our service area, only Portland has a Parks Department. There is no County Parks Department, nor is there a land trust focused on our urban areas (and Nestwood was an exception to the rule of land trusts typically not being interested in our rural areas). Metro funding has limitations. Shipkey asked if the LLC wanted to review the criteria staff utilizes in analyzing possible opportunities.

Hamilton It's important to at least note that there are criteria we consider when an opportunity is presented. Do we want to keep these criteria if we continue doing these types of acquisitions?

Masterson If we continue with natural spaces in the LLP, let's learn from previous lessons. How can we make these acquisitions work more efficiently?

5:23pm – Discussion of EMSWCD's role in Urban Access to Nature Projects – Future

Zimmer-Stucky Our role in the future: Wants to continue operating in this space. Wants these conversations to move more quickly through the board so that the LLP's priorities stay on farmland protection, but still allowing for other kinds of acquisition.

Masterson appreciates that idea. LLP's focus started on farmland preservation/easements, with the Grants program covering urban/access to nature projects. We're a long way from that initial idea. Doesn't want that history to be lost. Still on the fence about these types of investments. If we go forward with it, supports narrow and focused processes. There is also alignment for these types of projects outside of the Land Conservation Fund (LCF), such that we don't have to divert money/effort/etc. from farmland.

Guebert agrees, the farmland space is underserved. Projects like Nadaka are good examples that things wouldn't happen without us. Wants to keep the option open, especially if they are for community access to nature.

Idea: hold criteria within the LLP that only a specific % of LCF could be spent on natural spaces, which could help set some boundaries and help limit long discussions.

Carlson agrees that priority needs to be on farmland. Nadaka and Shaul has helped us get a seat at the table to share the narrative on what the properties are used for. Not opposed to allocating a dollar amount for these kinds of projects.

Zimmer-Stucky Seems the Board are all in agreement. Priority is farmland preservation. Natural area proposals: small investment, community driven, able to engage quickly.

Masterson Sees 2 ideals: Seat at table and community driven. A lot of the extra funds for Nadaka came from Grants. Doesn't feel true that it wouldn't have gone through without our support. Does LCF have to be used to get both ideals?

Guebert Should we consider holding dedicated funds in the Grants program for these natural area preservation projects?

Masterson Would not be opposed to that but wasn't the angle she was taking.

Zimmer-Stucky Similar questions could be asked about the value of our farmland investments and what they realize.



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Masterson Easements are the way to do long term protection and we can't do that without capital investment.

Zimmer-Stucky If there was a significant spend down in the LCF, then could see more prioritization around funding decisions happening.

Hamilton We aren't flooded with opportunities, in either the urban or rural spaces. Whether we're looking at urban or agricultural space, we still need to look at options and make decisions quickly. It was in the initial founding language of the LLP that natural spaces were included.

DiLeone confirmed that when the LCF was added to the District's budget when we first got our tax base, the resolution did not specify that the funds were for farmland or agricultural land only, nor did any of the District's strategic planning documents.

Action Item: Hamilton to send foundational documents to LLC.

Carlson On the topic of having a seat at the table, if we have a natural lands project opportunity, how do we decide how important it is for us to have a seat at the table? What if there are other groups who are interested/ capable to be involved instead?

Masterson The actual build of Nadaka came from grants from the District to partners.

Hamilton without the District's involvement in the project from the beginning, the group wouldn't have considered the more mission-focused additions that are there now.

DiLeone Getting a seat at table and securing mission related investments only happens with funding contribution.

Guebert Clarifying criteria: common theme amongst the Board is community access instead of simply for preservation. Is that something we want to continue to require? Would we consider a natural area without community access?

Zimmer-Stucky suggested making community access a criterion for funding. **LLC** agrees.

Hamilton If we have a codified list of criteria, that will help us be more efficient on project development.

Action Item: Staff to incorporate feedback into options presented to LLC in January.

5:55pm - Closing items: announcements, reminders, and action items

Action Item: Hamilton to send foundational documents to LLC.

Action Item: Staff to incorporate feedback into options presented to LLC in January.

Action Item: Fernandez to add a virtual option for January Meeting (Masterson will be out of town).

5:58pm - Adjournment

Zimmer-Stucky adjourned the meeting at 5:58pm.

EMSWCD Land Legacy Overview of Previous Non-Farmland Investments

11/28/2022

How does the acquisition of Access to Nature properties support our mission and goals?

1. **Soil and water** benefits
2. Fish and wildlife **habitat** protection/enhancement
3. **Climate Resilience** - including tree canopy, carbon sequestration, heat island effect, etc.
4. **Equity** - Reduce disparities and/or fill gaps in access to nature for people

Why us? What funding gaps necessitate our support for these projects?

- **County** - No Multnomah County funding for conservation and no Parks Department
- **Cities** of Gresham, Wood Village, Troutdale – no official Parks Departments, very limited capital for conservation transactions
- **Regional - Special Districts** – no Park Districts (like Tualatin Hills Park & Recreation District in Washington County)
- **Regional – Metro** - Parks and Nature bond funding has limitations:
 - “Local Share” amount per city is small. For example, Shauli comprised \$2.475M of Gresham’s \$5.4M total local share allocation from Metro’s 2019 Bond.
 - Nature in Neighborhoods grants competitive, require 1:1 funding match
 - Fluctuations in funding availability (as bonds expenditures tail off or ramp up)
 - Majority of Metro acquisitions focus on regional priorities – neighborhood projects do not rise to that level
- **Land Trusts** - No land trust focused on Multnomah County urban areas

How do staff evaluate opportunities for Access to Nature investments inside UGB?

Evaluation criteria developed in partnership with Board used as initial screen along with partnership capacity and availability.

Key criteria

- Is the property identified as a priority in plans or other documents?
- Is protection of the property in line with community priorities?
- Will acquisition advance or hinder Equity, Access & Inclusion efforts?
- The quality and quantity of the natural resources found on and impacted by the property
- If the property is sited within an area that has a deficit of accessible public protected land
- The capabilities of the lead project partner
- The strength of the management and programming plans
- Threats and the urgency therein – e.g., pending sale, development

Other factors

- Cost
- Property condition
- The extent to which EMSWCD involvement is pivotal to making the project happen
- Property size
- Proximity to other protected lands

See full detail of selection criteria in attached table

Project Highlights

To date: overall non-farm projects funded by EMSWCD = 974 acres, \$4.085M

Nadaka Nature Park (Gresham) - 2009

- \$210K to protect 2-acre addition to existing urban park in area with limited access to quality parks
- EMSWCD's Grant program helped fund park planning and development
- Partners – Gresham, Trust for Public Land

Grant Butte Wetlands (Gresham) - 2014

- \$1 million, 33 acres
- Important wetlands and uplands complex, underserved, low-income, highly diverse neighborhood
- Partners – Metro, Gresham

Colwood Natural Area (Northeast Portland) - 2014

- \$1 million, 85 acres
- Contribution targeted towards acreage along Columbia Slough, which was restored with native riparian plantings
- Partners – Trust for Public Land, City of Portland (Parks and BES)

Grant Butte Uplands (Gresham) - 2017

- \$175K, 15 acres
- Built on Grant Butte Wetland transaction, underserved, low-income, highly diverse neighborhood
- Partners – Metro

Native American Youth & Family Center (Northeast Portland) - 2019

- \$500K high-interest mortgage paydown, 10 acres
- Set stage for secure ownership, habitat enhancements for property of cultural significance
- Partners (for Canemah restoration project, not on mortgage paydown) – Multnomah County Drainage District, Columbia Slough Watershed Council, Verde, Portland Parks & Rec., Portland BES

Shauli (Gresham) - 2021

- \$200K, 8 acres
- Protected significant urban tree canopy on a site approved for development, created gateway access opportunity for adjoining park properties including Grant Butte
- Partners – Metro, Gresham

Nestwood (Corbett) – December 1, 2022

- \$1.2M, 787 acres
- Protected one of the largest private forestland parcels in our District; important carbon storage/climate mitigation, habitat and public access resources
- Partners – Columbia Land Trust

EMSWCD Acquisition of Natural Areas and Access to Nature Properties

Example Conservation/Community Benefits:

X=benefits now

F=future benefits

| | Water Quality (stormwater, etc.) | Soil Health (erosion, less compaction, etc.) | Fish Habitat | Wildlife Habitat | Access to Nature for People (general) | Protection from urban development | Underserved Community | Forest or Urban canopy |
|-------------------------|--|---|-----------------|---------------------|--|---|--------------------------|---------------------------|
| Nadaka | X | X | | X | X | X | X | X |
| Grant Butte Wetlands | X | X | X | X | F | X | X | |
| Grant Butte Uplands | X | X | | X | F | X | X | X |
| Colwood Natural Area | X | X | X | X | X | X | X | F |
| NAYA | X | X | X | F | X | X | X | |
| Shaull | X | X | X | X | F | X | X | X |
| Nestwood | X | X | X | X | F | | | X |

Nadaka video: <https://vimeo.com/107305114>

EMSWCD Selection Criteria for the Acquisition of Access to Nature Properties

| Access to Nature Lands West of UGB | | | |
|--|--|--|--|
| Criteria | Ideal Parcel | Acceptable Parcel | Unacceptable Parcel |
| 1. Qualifying (Screening) Criteria | | | |
| 1.1 Community distance from parks and natural areas | 1 or more miles | ½-mile to less than 1 mile | Less than ½-mile |
| 1.2 Accessibility | Readily accessible | Easily made accessible | Not accessible without major investment |
| 1.3 Proximity to water resources | Surface water resources on parcel or parcel is adjacent to surface water resources | Direct or indirect positive impacts to surface water resources | No positive surface water impacts |
| 1.4 RCS/High Habitat Value | Priority habitats included on parcel | Direct or indirect positive impacts to priority habitats | Does not directly or indirectly support priority habitats |
| 2. Determining features of the parcel-specific deal | | | |
| 2.1. Type of purchase; fee or easement | Fee | Easement | No secure property rights |
| 2.2. Type of sale | OR Bargain sale or donation | Appraised value | Over appraised value |
| 2.3. Cost per acre and availability of matching funds | OR Better than agreed upon funding scenario TBD | As per agreed upon funding scenario | Outside of agreed upon funding scenario |
| 2.4. Current condition of property | Good condition; no cleanup or restoration needed | Fair condition; minimal cleanup or restoration needed | Poor condition; extensive cleanup or restoration needed |
| 2.5. Holder of property rights | “Partner” or capable NGO/govt. entity | District as temporary holder or only under exceptional circumstances | District permanently and/or under less than exceptional circumstances; private person, private business, or unestablished NGO/govt. entity |
| 2.6. Stewardship responsibilities and costs | Responsibilities and costs assumed by or shared with “Partner” or capable NGO/govt. entity | Responsibilities and costs assumed by District | Private person, private business, or unestablished NGO/govt. entity |
| 3. To be used when evaluating competing opportunities | | | |
| 3.1. Identified as priority area for protection | Identified in plans by Metro, Parks, BES, others | Identified in other or emerging plans tbd | Not identified in any plan |
| 3.2. Urgency of Sale &/or Threat of Development | Not urgent | Urgent, but time allows for appropriate deliberation | Urgent, no time for deliberation |
| 3.3. Support from Local Communities | Evidence of full community support and engagement | Evidence community is at worst not opposed | Community not yet approached or evidence community is opposed |
| 3.4. Size of Property | More than 5 acres | Between 1 and 5 acres | Less than one acre |



Executive Summary

In recent Board / LLC conversations, there has been curiosity about what prior focus the organization has placed on investments in agricultural / non-agricultural land protection projects. Staff reviewed past minutes, strategic plans and other relevant documents. Based upon that review, ***it appears that a hybrid approach – funding the acquisition of both farm and natural area / access to nature projects – has been a defining theme. And, that emphasis on one aspect of the program over another has also consistently varied.***

Specifics follow. We'll make space at the January 2023 LLC meeting for any follow-up questions which LLC members may have.

Land Conservation Protection Priorities Timeline

Prior to the tax base

April 2004 Board meeting: mentioned by Board in a discussion of their vision for the district that could be achieved if there was a tax base. From the minutes: "acquire easements – buy rights to streambanks and care for them".

2004 ballot description included "The District may purchase conservation easements in ecologically sensitive areas,...".

After the tax base

November 2004-January 2005: Planning discussions after the tax base passed included the mention of conservation easements. (See minutes from 11/30/04 planning session, 12/2004 board meeting, 1/2005 board meeting)

February 2005 Board meeting: ODA presented about conservation easements.

FY 05-06 annual report: A new program was created called the Partner Development and Assistance Program. One of the goals of this program was "research and development of a role for the district in the area of conservation easements".

FY0607 budget included the creation of the Conservation Easements Fund. 100k for purchase and management of conservation easements and 100k for purchase and management of real property.

November 2007 Board/staff planning: One of the 6 vision components for next 5-10 years included "protected, vibrant, healthy farm and forest lands". One of the 5 bullets under this item was "best farm & ecologically valuable land protected". Another bullet set a goal of permanently protecting 10,000 acres of farmland over this time.



January 2008 Board meeting: “DM Fike noted that she has been meeting with Director Laura Masterson, Associate Director Bob Sallinger and Partners Assistance and Contracts (PAC) Coordinator Eann Rains in pursuit of the best methods for the District to engage in land conservation. Currently, no one is focusing on conservation of agricultural lands in the District. The questions of what the best partnerships in this area may be are being investigated.”

April 2008 Board meeting: “DM Fike noted that the District has allocated \$1,000,000 for purchase of land, easements or development rights for conservation purposes and that the District is in process of studying owning and/or protection of land and identifying potential land trust partners. Additionally, the District is interested in offering policy support to the most appropriate partners...”

Discussion noted that this work is about more than just keeping land in agricultural production: “It was noted that the District’s original intention was not land management but financial and technical assistance with paperwork for landowners wanting to put their land into conservation and to encourage more environmentally sound land management practices.”

2008 strategic plan: “...having spoken with key partners, conducted a preliminary GIS analysis, and participated in a series of planning discussions among the board of directors, we are well positioned to make a major contribution to land conservation in East Multnomah County. Although the amount dedicated to this purpose is considerable by any normal measure, land values in the district are extremely high. If we hope to have a significant impact on the viability of sustainable agriculture and long term ecological function of watersheds in the district, we will have to select highly strategic as well as highly leveraged projects. To this end we are proceeding in a deliberate manner and have every expectation of completing our first transaction in FY 2008-09.”

September 2008 Land Conservation Committee’s first meeting

“Land Conservation Committee Goal: Permanent conservation of and protection for the highest quality and most vulnerable agricultural land in the region in order to maintain a viable local agricultural economy and promote best conservation practices.

Short term: Work with partners to identify highest quality and most vulnerable agricultural lands soon and on an ongoing basis, especially those lands about which there would be “no regrets” for having conserved, regardless of future analysis.

Medium Term: talk with EM Board re hiring a staff person to provide more capacity for land conservation.”

October 2008 Land Conservation Committee meeting: “There was agreement on staying flexible with the District’s approach, focusing on the end game and operating strategically. The LCC needs to establish the criteria/priorities for use of the District’s protection dollars and have staff make the case to the Board regarding specific sites that may be appropriate for protection. Sites chosen need to be



consistent with long term regional plans and District needs to reserve the right to pursue natural resource land that falls outside of ag land parameters.”

March 2009 to June 2010- LCC meetings focused on prioritization and geographic focus for conservation of agricultural land, Metro’s urban/rural reserve process, valuation, potential partnerships with land trusts, and funding for Nadaka.

2010-2012- LLC work included exploring idea of farm incubator, evaluating potential properties for the incubator, purchase of 2 ag properties (Headwaters and Oxbow), Grant Butte property, criteria for acquisitions, valuation.

October 2012- Hired staff to focus on land conservation.

2012 strategic plan- ‘The focus of the Land Conservation Fund will be to strategically and permanently protect the following in East Multnomah County: 1) high value agricultural lands in order to maintain a viable agricultural economy and improve watershed health and function and 2) high value natural resource lands in order to improve watershed health and function and increase access to nature.’

June 2013- Board passed a resolution “to establish and implement a Land Legacy Conservation Program”. The resolution reiterated the focus from the 2012 strategic plan and also identified the following approach to access to nature projects (which has continued to define the way we approach this work):

A large percentage of the District’s population lives within the UGB and the urban area projects will provide lasting benefits to area residents, improve their quality of life and protect important natural habitats.

The District’s approach to the protection of access to nature lands will:

- Partner with local government, organizations, business and individuals to permanently protect key natural lands in urban areas.
- Focus on areas that don’t have easy access to natural areas as identified by the Coalition for a Livable Future and other metrics.
- Encourage local organizations to partner with the District and others to protect scarce urban natural lands.
- Focus on land projects that have a high level of local support.

Non-farm projects funded by EMSWCD to date
974 acres, \$4.085M, 7 unique partners

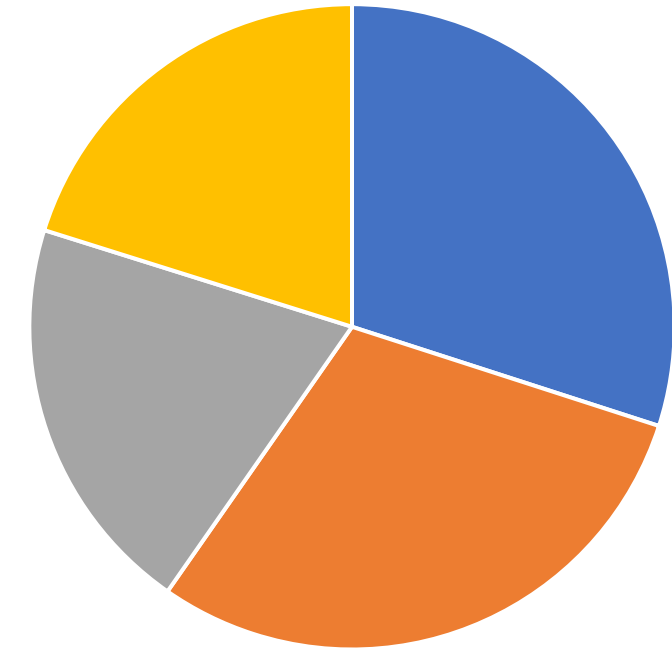


Community Feedback

2021 Community Engagement Liaison Survey

- Protecting Natural Areas and creating Access to Nature "close to home" identified as EMSWCD program most important to survey participants
- Urban Access to Nature spaces align well with how folks interact with nature (see chart)

How do you interact with nature?



■ Picnicking/Social Events ■ Outdoor Exercise
■ Food/gardening ■ Watersports

Community Feedback

2021 Metro-area Voter Survey

- Maintaining access to nature opportunities close to home identified as a top priority
- Restoration and management of Natural Areas also a top priority

| Conservation Investment | % Support |
|---|-----------|
| Protect river headwaters | 80% |
| Maintain “close to home” access to nature opportunities (parks, trails) | 79% |
| Water quality | 78% |
| Restore and manage Natural Area for improved resiliency | 78% |
| Protect fish and wildlife habitat | 77% |

EMSWCD Strategic Plan



Natural Spaces

Natural spaces are prevalent in our region in both urban and rural settings.

- We promote soil and water health in these systems, including access to people historically excluded.
- We will partner with organizations that focus on building healthy and accessible spaces throughout our District.

| | |
|-----------------|--|
| Option 1 | Ag projects only |
| Option 2 | Retain status quo – Ag projects and Natural Area / Access to Nature projects |
| Option 3 | Status quo AND provide capital projects funding via the LCF |
| Option 4 | Status quo, BUT cap total annual # of Natural Area / Access to Nature projects |
| Option 5 | Ag projects, with Natural Area / Access to Nature projects limited to urban areas |

Option 1

- Restrict Land Conservation Fund expenditures to agricultural projects

Pros:

- Focuses limited staff capacity

Cons:

- Not as responsive to expressed community needs/preferences, EMSWCD strategic plan
- Fails to invest in areas of our District that are most densely populated, underserved and contribute most of District funding
- No seat at the table in non-ag projects if not making investments in non-ag projects
- Removes significant opportunity for District to advance climate change mitigation via rural forest protection projects
- Removes ability to leverage funding (ours/that of our partners)

Option 2

- Retain status quo – reactively respond to and fund compelling opportunities (District-wide) with high levels of community support. No hard cap on funding / projects

Pros:

- Consistent with past practice
- Responsive to expressed community needs/preferences
- Invests in areas of our District that are mostly densely populated, underserved and contribute most of District funding
- Seat at the table for how lands are managed and programmed
- Retains ability to leverage funding (ours/that of our partners)
- Can align our investment choices with our strategic priorities

Cons:

- Additional staff time
- In the future, might be competitive with ag opportunity investments

Option 3

- Continue with land acquisition grants AND incorporate capital projects funding from LCF fund (restoration and passive development, ag investments)

Pros:

- Capital investments are a current funding gap and a barrier to many natural resource enhancement and access to nature projects
- Responsive to expressed community needs/preferences
- Invests in areas of our District that are mostly densely populated, underserved and contribute most of District funding
- Seat at the table as to how lands are managed and programmed
- Catalyzes/leverages funding

Cons:

- Additional staff time (potentially even more than land acquisition)
- Expanding allowed uses of fund may take away funding from other programming or draw down the LCF
- Continued investments may not be sustainable

Option 4

- Retain status quo – reactively respond to and fund compelling opportunities (District-wide) with high levels of community support.
- Cap number of Non-ag projects (e.g. 1 to 2 Natural Area / Access to Nature projects annually).

Pros:

- Provides clear measure for ag being LCF's main focus
- May free up capacity for further program development
- Responsive to expressed community needs/preferences
- Invests in areas of our District that are mostly densely populated, underserved and contribute most of District funding
- Seat at the table as to how lands are managed and programmed
- Retains ability to leverage funding (ours/that of our partners)

Cons:

- Additional staff time
- Arbitrary number may preclude consideration of compelling opportunities

Option 5

- Limit non-ag investments to urban areas only

Pros:

- Somewhat responsive to expressed community needs/preferences
- Invests in areas of our District that are mostly densely populated, underserved and contribute most of District funding
- Seat at the table for how lands are managed and programmed
- Retains ability to leverage funding (ours/that of our partners)

Cons:

- Operates under assumption that urban residents only access nature in urban areas, fails to enhance access for urban residents in rural areas (no park provider in rural area of District)
- Removes significant opportunity for District to advance climate change mitigation via rural forest protection projects
- Requires staff time

| | |
|-----------------|--|
| Option 1 | Ag projects only |
| Option 2 | Retain status quo – Ag projects and Natural Area / Access to Nature projects |
| Option 3 | Status quo AND provide capital projects funding via the LCF |
| Option 4 | Status quo, BUT cap total annual # of Natural Area / Access to Nature projects |
| Option 5 | Ag projects, with Natural Area / Access to Nature projects limited to urban areas |

Staff Recommendation

OPTION 2

Retain status quo – reactively respond to and fund compelling opportunities (District-wide) with high levels of community support. No hard cap on funding / projects

- Excellent alignment with:
 - Strategic Plan
 - Community preferences and needs
 - District capability (resources and skills)
 - Track record (e.g. is it working?)

Examples of Past Investments on Following Slides

Nadaka Nature Park

- 2009, \$210K to protect 2-acre addition to existing urban park
- Underserved, low-income and highly diverse neighborhood
- EMSWCD's Grant program helped fund park planning and development; programming
- Partners – Gresham, Trust for Public Land



Native American Youth & Family Center (NAYA)

- 2019, \$500K, 10 acres
- Set stage for secure ownership, habitat enhancements for property of cultural significance
- Underserved, low-income and highly diverse neighborhood
- Canemah Partnership



Shaul

- 2021, \$200K, 8 acres
- Urban tree canopy, gateway park opportunity
- Underserved, low-income and highly diverse neighborhood
- Partners – Metro, Gresham



Nestwood

- 2022, \$1,2M, 787 acres
- One of the largest private forest parcels
- Significant carbon storage/climate mitigation opportunities
- Important habitat
- Public access opportunities to be developed for underserved communities
- Partners – Columbia Land Trust



Grant Butte Wetlands

- 2014, \$1 million, 33 acres
- Important wetlands complex, upland habitats
- Underserved, low-income and highly diverse neighborhood
- Partners – Metro, Gresham



Colwood Natural Area

- 2014, \$1 million, 85 acres
- Contribution targeted towards acreage along Columbia Slough
- Riparian area restored with native plantings
- Partners – Trust for Public Land, City of Portland (Parks and BES)



Grant Butte Uplands

- 2017, \$175K, 15 acres
- Built on Grant Butte Wetland transaction
- Underserved, low-income and highly diverse neighborhood
- Partners - Metro





Potential Framework for Farm Access Equity Initiative

Executive Summary

At its August 1, 2022, meeting, the EMSWCD Board heard the Farm Access Equity Advisory Group's recommendations for advancing farm access equity strategies at EMSWCD's Gordon Creek Farm property (the "Farm"). This document summarizes the feedback heard at that meeting, identifies potential options and recommended next steps in the process. Interim property management recommendations are also identified.





Advisory Group Recommendations

Staff shared the summary findings of the Farm Access Equity Advisory Group (the “Advisory Group”) at the August 1, 2022, EMSWCD Board meeting. The Board received the full written report before the meeting (see Appendix A). The key (and unanimous) conclusion of the Advisory Group was that **the preferred means of access to the Farm would be for EMSWCD to transfer the Farm for no consideration¹ to an organization best positioned and capable of making the Farm accessible to members of communities negatively impacted by racial discrimination and/or dispossession.** Informing this recommendation, the group outlined seven “north star” objectives; meeting many or most of these objectives will help ensure a successful transfer of the property and set future farmers up for success.

Advisory Group Objectives for Land Transfer

1. The access opportunity should be long term.
2. The access opportunity should be affordable² and owned by the folks working the land.
3. An access opportunity without other supports will not be sustainable or long term viable.
4. Create an opportunity for an alternative to the individualistic model of farming³.
5. The outcomes of the access opportunity should be focused on supporting communities affected by discrimination and/or dispossession instead of centering financial outcomes for EMSWCD.
6. Operations at the farm should be environmentally sustainable.
7. Centering the original, indigenous stewards of the land in the process.



¹ No consideration meaning no money paid. But, significant “consideration” would likely be received in the form of community benefits realized from the project.

² Affordable meaning that the cost to access the land does not impair the financial sustainability of the operation.

³ Alternative meaning shared ownership, like a Co-op model. This would likely entail EMSWCD making space for this to occur with other organizations in the lead.

**Gordon Creek Farm Access**

East Multnomah Soil and Water Conservation District

1/13/2023

As part of the arrangement, **EMSWCD would retain a working farmland easement** over the Farm which would ensure that the objectives of the transaction—**access, affordability, soil, water and habitat protection and enhancement—are guaranteed in perpetuity**. It is interesting to note how many of these are well aligned with the Advisory Group objectives for land transfer, too. While EMSWCD would hold and manage the easement, it is suggested that EMSWCD look to partners to bring additional capacity, resources and skills to the project (e.g. for those supports beyond land access).

Recognizing that this recommendation has been developed without knowing what an ultimate awardee would deem desirable, the Advisory Group identified two additional access options EMSWCD could consider if appropriate and desired by the awardee. Those additional options are a long-term lease with and without a property transfer option. The Advisory Group also suggested that EMSWCD remain open to considering other proposals suggested by project partners.



Board Feedback and Questions

All members of the EMSWCD Board attended the meeting. As reflected in the approved meeting minutes, the following key themes of feedback were heard from the Board:

- **Excitement for the newness, boldness, potential and need** for the proposal from a majority of the Board
- Recognition from some of the Board that **while the proposal may be bold, it isn't a sharp or unexpected pivot** from the trajectory of EMSWCD's work
- A desire to **implement the recommendations in a cautious, stepwise fashion** (e.g. potentially entering into a lease with a conveyance conditioned upon meeting certain milestones)
- A majority interest in **limiting the ongoing site management responsibility of the District**
- Some Board members felt there should be a **greater emphasis on financial outcomes**, some Board members noted that **financial outcomes aren't a focus of i other efforts** (and noting that we don't focus on financial return in our Natural Area / Access to Nature projects)
- While the Farm can only accommodate so many folks, **the multiplier effect associated with folks learning about soil/water health (and passing that information on to others)** is significant
- A desire to maximize **our significant investment** in this resource, the cost of which was driven in a big way by the value of the residence
- An interest in **proactively identifying key due diligence considerations** in advance
- A majority wanted to **identify what success would look like for this project**
- Concerns related to the **residence** (management implications, cost implications)
- **Suitability of the site** for this initiative





Public Feedback and Questions

Members of the public were in attendance at the meeting, including many participants in EMSWCD's Headwaters Incubator Program. As reflected in the approved meeting minutes, the following key themes of feedback were heard:

Agricultural Producer Acreage Operated by Race

(2017 USDA Agricultural Census for Multnomah County)



All others:
868 acres

White: 24,393 acres

- **Conveyances for no consideration are not uncommon between government agencies, with a strong basis in trust**
- While working with organizations may have certain benefits, **the needs of individual farmers should be a focus**
- Finding **access to any farmland is a huge challenge for startup farms in our district and region**
- The importance of **recalling the heavy history and implications of Indigenous land loss much of which was initiated by government, and how this project could begin to correct for those prior actions**



Options for Implementation

There are 3 potential approaches for EMSWCD to advance farm access equity via farm properties at this time:

Option A – Gordon Creek Farm Property

EMSWCD utilizes the Gordon Creek Farm property to advance this initiative beginning with the 2024 growing season.

Access Framework:

- EMSWCD makes the site available for an initial term of **5 years via a lease**⁴. Provided the awarded organization meets agreed upon performance measures, **EMSWCD would convey the property to the organization at the end of that term**. The Board would need to **decide on the amount of consideration**; whether that be for no consideration (as recommended by the Advisory Group), or if for some consideration, what amount that would be.

Option B – Big Creek Farm Property

Some Board members have suggested that the Big Creek Farm property (across the street from Gordon Creek Farm) be considered as an alternative. This would **only be an option if the USDA grant was not received**⁵.

Should the Board want to keep the Big Creek Farm property under consideration, the following factors should be considered:

- The infrastructure at Gordon Creek is significantly newer, more developed, more efficient and more programming appropriate. **Development of the infrastructure at Big Creek Farm to be comparable to Gordon Creek would come at a significant cost.**
- Gordon Creek is currently vacant, while the other site is rented; **vacating Big Creek carries risks.**
- The lack of a house reduces the value of the real estate to be conveyed and management risks/burdens, with the tradeoff being the loss of the housing asset to the operation (increased commute time, increased housing cost burden to program participants).

Option C – Alternative Property

Should the Board decide not to pursue either Gordon Creek Farm or Big Creek Farm, EMSWCD does not currently have another property available to advance this work. So, advancing the Farm Access Equity initiative – which has already been many years in development – would be dependent on whether EMSWCD acquires another property and whether that property is suitable for this purpose.

⁴ Could be terminated sooner if there was a breach of the lease conditions

⁵ The USDA Grant application identifies utilization of the entirety of the Big Creek Farm as a short-term, interim landing site for beginning farmers (from HIP and elsewhere).



Staff Recommendation

Staff **recommends the Board proceed with Option A** at this time. We make that recommendation based upon the following:

- The **extent and condition of the agricultural and built infrastructure** on the site to support this initiative (as evidenced by feedback from the Advisory Group and potential interested parties)
- Site is **immediately available and highly suitable** for use
- Residence makes the site a more meaningful access opportunity

In order to address the concerns regarding management of the residence, Staff recommends the following:

- Require applicants to **identify their planned use of the residence, and how that conforms** with the applicable land use regulations
- Staff and the Board will then **evaluate the proposal for the use of the house and make a decision regarding whether to make the house structure available for use** based on the merits of the proposal
- **Requiring** the managing organization to **engage a property manager** if the house is rented
- A requirement that the managing organization **familiarize itself with the applicable land use regulations and strictly abide by same**
- Failure to comply / adequately manage could be grounds for EMSWCD terminating use of the residence / the lease

If the LLC agrees with the Staff recommendation, Staff would return with options for the financial terms of the ultimate conveyance.



Gordon Creek Farm Access

East Multnomah Soil and Water Conservation District

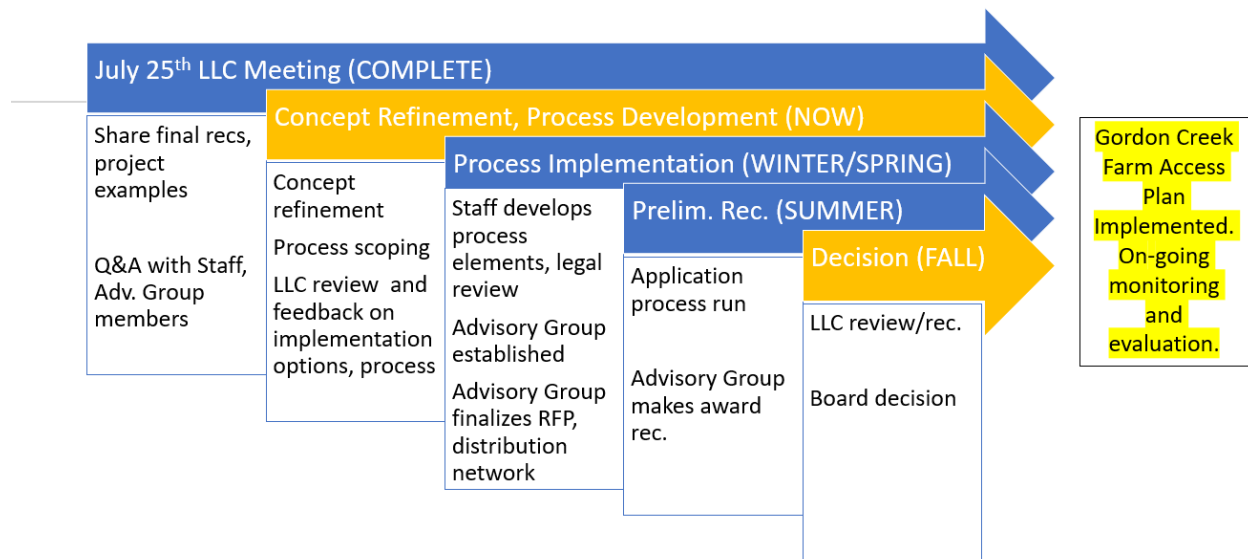
1/13/2023

Recommended Next Steps

Should the Board elect to move forward with making the Gordon Creek Farm site available to advance farm access equity initiatives, Staff has identified a potential framework for those efforts. The recommendations received from the Farm Access Equity Advisory Group are a preliminary first step that provides a potential framework for land access for staff and the Board moving forward. There are many more questions that will need to be answered. By approving the recommended framework, the Board can help ensure that time spent building out proposals will not be wasted. As additional questions are identified and/or answered, the District's framework for land access will continue to be refined.

Based upon the feedback heard from folks, staff recommends the following road map for next steps by the LLC.

Gordon Creek Farm Use Roadmap



This road map continues our earlier work of **co-creation** with the community. Create a new Advisory Group of community members with expertise/lived experience in agriculture, underserved producer access and the like to:

- Recommend to staff / Board an application process / form, as well as a proposal assessment process
- Identify potential RFP recipients, participate in outreach efforts
- Participate in an assessment process
- Make a recommendation to Staff / Board

As suggested by EMSACD Board members and the recent application to the USDA for a Land Access Grant, the RFP will encourage creativity and initiative by not being prescriptive in terms of a single vision for the site.



Interim Property Management

If EMSWCD proceeds with Option A, the implementation of a new plan for use of the Farm will likely not be realized until at least the 2024 growing season. In the interim, staff will focus on securing the asset by improving the soil, water and habitat resources, and setting the stage for new users. Interim activities include:

- Maintain vegetative cover on the farm fields
- Secure structures from vandalism and maintain in good order
- Continue to improve the natural resources on site via our StreamCare work
- Position the site as a blank slate for the next agricultural user by removing the no-longer productive and aged caneberries, and the blueberry plants (will work to make blueberry plants available to buyers / partners)

