

CLARK COUNTY STAFF REPORT

DEPARTMENT: Public Works, Parks and Lands Division

DATE: March 24, 2020

REQUESTED ACTION: Authorize the county manager to execute amendments to extend the duration of two interlocal agreements with the Columbia Land Trust in order to complete two conservation futures bond projects.

Consent Hearing County Manager

BACKGROUND

In November 2017, the Clark County Council approved Resolution No. 2017-11-06 authorizing the use of Conservation Futures revenue to assist the Columbia Land Trust in acquiring conservation easements over the East Fork Lewis River – Optimists and Yacolt Burn properties. These projects were approved as part of the \$7.3 million Conservation Futures bond. Interlocal agreements were executed on February 27, 2018 (SR# 49-18) to provide Conservation Futures revenue to the Land Trust for these projects.

The Yacolt Burn Phase 1 project was authorized to contribute \$1,083,125 to the Land Trust and the East Fork Lewis River – Optimists project was approved to contribute \$339,500 to the Land Trust.

The Columbia Land Trust has requested an extension on these projects to complete acquisition of conservation easements. Provision IX of the agreements establishes the acquisition period as extending through February 28, 2020 and enables the council to extend the duration of the agreements upon written request by the Land Trust.

Public Works requests authorization for the county manager to approve amendments to Provision IX of the agreements to extend the duration of the agreements to February 28, 2022.

COUNCIL POLICY IMPLICATIONS

None at this time. These amendments extend the duration of the agreements but do not change the original intent of the agreements.

ADMINISTRATIVE POLICY IMPLICATIONS

Public Works will submit a request for the 2021 budget adoption to account for these two projects.

COMMUNITY OUTREACH

Significant outreach led up to the adoption of Resolution 2017-11-06.

BUDGET IMPLICATIONS

YES	NO	
	X	Action falls within existing budget capacity.
	X	Action falls within existing budget capacity but requires a change of purpose within existing appropriation
X		Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

BUDGET DETAILS

Local Fund Dollar Amount	\$1,422,625
Grant Fund Dollar Amount	N/A
Account	3085 Conservation Futures
Company Name	Columbia Land Trust

DISTRIBUTION:

Council staff will post all staff reports to the county website, www.clark.wa.gov/thegrid/

ATTACHMENTS: (1) Amendment 1 – Columbia Land Trust Yacolt Burn Forest Phase 1 Agreement for Conservation Futures; and (2) Amendment 1 – Agreement between Clark County and Columbia Land Trust East Fork Lewis River Optimists

Galina Burley

Galina Burley, MPA
Parks and Lands Division Manager

Ahmad Qayoumi
Ahmad Qayoumi, PE
Public Works Director/County Engineer

Cherie Sabug

Cherie Sabug
Interim Finance Division Manager

Primary Staff Contact: Patrick Lee, Ext. 1652

APPROVED: *Patrick Lee*
CLARK COUNTY, WASHINGTON
CLARK COUNTY COUNCIL

DATE: March 24, 2020

SR# 053-20



BUDGET IMPACT ATTACHMENT

Part I: Narrative Explanation

The Yacolt Burn Phase I and East Fork Lewis River – Optimists projects were previously approved by council as part of the \$7.3 million Conservation Futures bond. Yacolt was approved for \$1,083,125 and Optimists was approved for \$339,500. Bond proceeds have already been collected.

Public Works has budget capacity in 2020 to reimburse the Columbia Land Trust for these projects. However, it is anticipated that the Land Trust will not complete these acquisition projects until 2021 and will seek reimbursement from the Conservation Futures fund. Budget authority has not yet been adopted for 2021, and Public Works will submit a request for the 2021 budget adoption to account for these two projects.

Part II: Estimated Revenues

Fund #/Title	2020		2021		2022	
	Annual Budget		Annual Budget		Annual Budget	
	GF	Total	GF	Total	GF	Total
3085 Conservation Futures				\$1,422,625		
Total				\$1,422,625		

II. A – Describe the type of revenue (grant, fees, etc.)

Revenue for these projects comes from the \$7.3 million Conservation Futures bond issued in 2018, and bond proceeds have already been collected.

Part III: Estimated Expenditures

III. A – Expenditures summed up

Fund #/Title	2020		2021		2022	
	Annual Budget		Annual Budget		Annual Budget	
	GF	Total	GF	Total	GF	Total
3085 Conservation Futures				\$1,422,625		
Total				\$1,422,625		

III. B – Expenditure by object category

Fund #/Title	2020		2021		2022	
	Annual Budget		Annual Budget		Annual Budget	
	GF	Total	GF	Total	GF	Total
Salary/Benefits						
Contractual				\$1,422,625		
Supplies						
Travel						
Other controllables						
Capital Outlays						
Inter-fund Transfers						
Debt Service						
Total				\$1,422,625		

Cost Center search string		Select Cost Center for list of related Programs				Revenue Category search string											
Perks and Lands		Perks and Lands - Legacy Lands															
Package Number	Fund	Cost Center Name <small>List will be limited based on search string</small>	Cost Center ID	Program Name <small>List will be limited based on selected Cost Center above</small>	Program ID	Ledger Account Name	Ledger Acct Number	Revenue Category Name <small>List will be limited based on search string</small>	Revenue Category ID	2020 EXP Inc / REV dec (DR)	2020 EXP dec / REV Inc (CR)	2021 EXP Inc / REV dec (DR)	2021 EXP dec / REV Inc (CR)	Type	Operating vs capital	Position	Notes
PWK-#21AD	3085	Perks and Lands - Legacy Lands	CC251	Legacy Lands Acquisition Planning	PG0576	Intergovernmental Closing	5410000						1,422,826	One-time	Operating		

FOR STAFF REPORTS ONLY:

BUDGET OFFICE APPROVAL



 Signature: _____

3-18-20
 Date

Budget Director

**COLUMBIA LAND TRUST
YACOLT BURN FOREST - PHASE 1
AGREEMENT FOR
CONSERVATION FUTURES
AMENDMENT 1**

On this th24 day of March, 2020, Clark County ("County"), a political subdivision of the State of Washington and the Columbia Land Trust amend the Yacolt Burn Forest – Phase 1 Agreement for Conservation Futures ("Agreement"). The purpose of the amendment is to extend the Acquisition Period of the Agreement.

RECITALS

WHEREAS, the parties entered into the above stated Agreement in February 2018; and,

WHEREAS, the Agreement had a stated Acquisition Period from February 2018 through February 2020; and,

WHEREAS, the Agreement provided the County with discretion to extend the Acquisition Period in the Agreement upon written notice from the Columbia Land Trust that explained the need for an extension; and,

WHEREAS, the Columbia Land Trust provided notice to the County of ongoing negotiations for the purchase of property interests in conservation properties on January 1, 2020, attached hereto as Exhibit A and incorporated herein by reference; and,

WHEREAS, the Agreement provides for an extension of the Acquisition Period under the circumstances provided above; and,

WHEREAS, the County Council finds that the public interests will be served by the amendment of the Agreement's Acquisition Period to allow continuing negotiations for property interests in conservation lands.

NOW, THEREFORE, the parties agree to amend the Agreement as follows:

The first paragraph of section IX "ACQUISITION PERIOD" is hereby amended (*italics*) to read:

Land Trust shall have *four* years from the date this Agreement is approved by the Board of County Councilors to complete the project. The term of this project shall run from 2-27-2018 to 2-28-2022.

All other provisions of the Agreement remain inviolate and in effect.

Approved as to Form Only:
ANTHONY GOLIK
Prosecuting Attorney

By: 
Bill Richardson
Deputy Prosecuting Attorney

COLUMBIA LAND TRUST

Glenn Lamb, Executive Director

CLARK COUNTY COUNCIL
State of Washington


Eileen Quiring, Chair

Temple Lentz, District 1

Julie Olson, District 2

John Blom, District 3

Gary Medvigy, District 4



HEADQUARTERS
850 OFFICERS' ROW
VANCOUVER, WA 98661



CONTACT
TEL: 360.696.0131
FAX: 360.696.1847

January 1, 2020

Patrick Lee
Legacy Lands Program Coordinator
Clark County Public Works/Parks and Land Division
1300 Franklin St
Vancouver, WA 98660

RE: Request for Grant Extension – Yacolt Forest Phase 1

Dear Mr. Lee,

I'm writing to request an extension of the Yacolt Forest Phase 1 Conservation Futures grant. Columbia Land Trust has made progress on this acquisition but will not be able to close by February 28, 2020. We request an extension for an additional 2-year period.

Due to its significant size, Yacolt Forest Phase 1 requires additional funding beyond the Conservation Futures funds provided by Clark County. Columbia Land Trust has submitted two additional USDA Forest Service Forest Legacy Program applications to supplement and leverage Clark County's Conservation Futures funds. We submitted an application in FY2020 grant round for \$4 million and another application in FY2021 grant round for an additional \$4 million. We have received unofficial notice that our FY2020 request will be funded at \$2 million. We will receive official, formal notice of this award when Federal government approves an FY2020 budget. We have also learned that our FY2021 proposal ranked number 1 in the state of Washington and ranked very high at the Northwest regional evaluation. It has advanced to the national evaluation round, and we are awaiting results. If funded, Columbia Land Trust will be able to leverage Clark County's Conservation Futures twice as much as originally proposed.

This acquisition is taking longer than originally anticipated due to delays in federal funding, as described above. Throughout this time, Columbia Land Trust has remained in discussion with the landowner, and both parties are very interested in successful completion of a conservation easement on Yacolt Forest.

Please let me know if you have any questions or would like to review any documents related to the Yacolt Forest Phase 1 conservation easement.

Sincerely,
Alice Williamson
Conservation Lead

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EXHIBIT A

APPENDIX A
AGREEMENT BETWEEN CLARK COUNTY AND COLUMBIA LAND
TRUST

East for Lewis River - Optimists

Amendment 1

On this ____ day of _____, 2020, Clark County (“County”), a political subdivision of the State of Washington and the Columbia Land Trust amend Appendix A to the Application for Conservation Futures Funding 2017 (“Agreement”). The purpose of the amendment is to extend the Acquisition Period of the Agreement.

RECITALS

WHEREAS, the parties entered into the above stated Agreement in February 2018 as part of a 2017 application for conservation futures funding; and,

WHEREAS, the Agreement had a stated Acquisition Period from February 2018 through February 2020; and,

WHEREAS, the Agreement provided the County with discretion to extend the Acquisition Period in the Agreement upon written notice from the Columbia Land Trust that explained the need for an extension; and,

WHEREAS, the Columbia Land Trust provided notice to the County of ongoing negotiations for the purchase of property interests in conservation properties on January 1, 2020, attached hereto as Exhibit A and incorporated herein by reference; and,

WHEREAS, the Agreement provides for an extension of the Acquisition Period under the circumstances provided above; and,

WHEREAS, the County Council finds that the public interests will be served by the amendment of the Agreement’s Acquisition Period to allow continuing negotiations for property interests in conservation lands.

NOW, THEREFORE, the parties agree to amend the Agreement as follows:

The first paragraph of section IX "ACQUISITION PERIOD" is hereby amended (*italics*) to read:

Land Trust shall have *four* years from the date this Agreement is approved by the Board of County Councilors to complete the project. The term of this project shall run from 2-27-2018 to 2-28-2022.

All other provisions of the Agreement remain in inviolate and in effect.

Approved as to Form Only:
ANTHONY GOLIK
Prosecuting Attorney

By: 

Bill Richardson
Deputy Prosecuting Attorney

COLUMBIA LAND TRUST

Glenn Lamb, Executive Director

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VANCOUVER, WA 98661



CONTACT
TEL: 360.696.0131
FAX: 360.696.1847

January 1, 2020

Patrick Lee
Legacy Lands Program Coordinator
Clark County Public Works/Parks and Land Division
1300 Franklin St
Vancouver, WA 98660

RE: Request for Grant Extension – East Fork Lewis River – Optimists

Dear Mr. Lee,

I'm writing to request an extension of the East Fork Lewis River – Optimists Conservation Futures grant. Columbia Land Trust has made progress on this acquisition but will not be able to close by February 28, 2020. We request an extension for an additional 2-year period.

To date, we have entered into a Letter of Intent with the Optimist Club of Vancouver to acquire a conservation easement on 43 acres through a bargain sale. We have agreed on a Terms Sheet outlining the terms of the conservation easement and are now negotiating the specific language of the conservation easement. When the conservation easement language is finalized, we will begin the appraisal process.

This acquisition is taking longer than originally anticipated due in part to both parties' careful negotiation of easement terms related to existing and future structures, as well as complex title review issues. The project delay is not a reflection of either party's hesitancy to complete this conservation easement. Rather, it is a result of our desire to create a meaningful and enforceable conservation easement that will protect the conservation values of the East Fork Lewis River in perpetuity.

Please let me know if you have any questions or would like to review any documents related to the East Fork Lewis River – Optimists conservation easement.

Sincerely,
Alice Williamson
Conservation Lead

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EXHIBIT A

Conservation Futures Columbia Land Trust Agreement Extensions

Public Works, Parks and Lands Division

March 24, 2020



Background

- In November 2017, the Clark County Council approved a resolution authorizing the use of Conservation Futures revenue to assist the Columbia Land Trust in acquiring conservation easements over the East Fork Lewis River – Optimists and Yacolt Burn properties
- These projects were approved as part of the \$7.3 million Conservation Futures bond
- Interlocal agreements were executed in February 2018 to provide Conservation Futures revenue to the Land Trust for these projects



Request

- Provision IX of the agreements enables the council to extend the duration of the agreements upon written request by the Land Trust
- On January 1, 2020, The Columbia Land Trust provided two letters to the county requesting extensions on these projects in order to complete acquisition of conservation easements
- Public Works requests council authorization for the county manager to execute amendments to extend the duration of the agreements to February 28, 2022

