

**COSAC IV Meeting Minutes
City Council Chambers
June 18, 2013, 8:30 a.m.**

COSAC members in attendance: Cheryl Fox, Wendy Fisher (electronically at first, then in person), Jan Wilking, Suzanne Sheridan, Andy Beerman, Stewart Gross, Rhonda Sideris, Kathy Kahn, Tim Henney, Cara Goodman, Meg Ryan,

Public (alternates) Erin Bragg, Jeff Ward, Carolyn Frankenburg, Bronson Calder

Excused: Charlie Sturgis, Jim Doilney, Judy Hanley

Staff: Heinrich Deters, Mark Harrington, ReNae Rezac

CALL TO ORDER

Chair Ryan called the meeting to order.

PUBLIC COMMUNICATIONS

Chair Ryan called for public input for any items not on the agenda. There was none.

ADOPTION OF JUNE 4, 2013 MINUTES

Motion: Rhonda Sideris moved approval of the minutes as written; Stewart Gross seconded the motion.

Vote: The motion carried.

STAFF AND COMMITTEE DISCLOSURES/COMMENTS

Heinrich asked for discussion about the July meeting schedule. After discussion, the finalized dates for meetings in July are: July 2, 16, and 30.

Heinrich announced the Open Space Criteria is scheduled for City Council review June 27. In July, City Council will act on COSAC input regarding Risner Ridge and conservation easements vs. deed restrictions.

REGULAR AGENDA

Criteria Discussion Review and Adoption

The committee fine-tuned the criteria to be presented to City Council on June 27.

Motion: Suzanne Sheridan moved approval of the criteria as amended; Cheryl Fox seconded the motion.

Vote: The motion carried.

Conservation Easement Discussion on Risner Ridge

Heinrich gave a review of City Council's direction relating to Risner Ridge open space parcels. He asked the committee to consider the criteria they just adopted in their discussion.

COSAC IV
Minutes - Page 2
June 4, 2013

Cheryl Fox gave a Power Point presentation illustrating the history behind the Risner Ridge open space property. There are deed restrictions on 2 of the 5 parcels in question. She used the criteria matrix as it relates to the Risner Ridge property throughout her presentation. Jan Wilking asked if there were plans for an "official" trail connection in the area. Heinrich responded he thinks the trail connection is indicated on the plat.

Tim Henney felt there were two issues that were being melded into one. The first one is looking at properties to determine if they have conservation values; the second one is using the best tool to acquire the property; i.e., conservation easement vs. deed restriction, if it is determined there are conservation values worth preserving. He continued that the Risner Ridge property meets a number of the criteria for preservation and he supports preserving the open space area. Rhonda Sideris added it falls fully under aesthetics. Kathy Kahn supports preservation. Ms. Sideris asked if the homeowners were still in favor of maintaining stewardship of the property, or if they would prefer the City do it given the funding source change. Members of the public in attendance at the meeting who live on Risner Ridge indicated they would still be willing to pay for stewardship of the property.

Since the consensus was to preserve the land, the discussion moved to what tool to use. City Attorney Harrington cautioned the committee not to limit uses that may prevent trail connections and to be aware of the permanency of the tool utilized. If a better plan comes along, flexibility is beneficial. He stated as long as a decision is made with full analysis and open eyes, City staff will fully support the decision. Mr. Harrington asked the committee to consider who would be responsible to monitor if the restrictive covenants are being met.

Heinrich asked the group not to use a conservation easement that is so broad, it is rendered useless. It is important to identify the values and craft the easement so it is clear. The homeowners favor a conservation easement over a deed restriction. Mr. Henney expressed his desire to have a conservation easement placed on the property. Mr. Wilking said in 20-30 years, there *could* be a critical need for the community that outweighs keeping the property preserved. Councilmember Beerman asked if the committee would consider an "opt out" clause . . . that is, changing an easement if it is approved by a super majority vote of the community. Ms. Fox added that the City would always have the tool of condemnation. Attorney Harrington said the Planning Commission would have to approve the plat amendment/MPD and that would include a public hearing (public process), so the City Council could not change it without the public weighing in.

Wendy Fisher reported she had followed up with Nancy McLaughlin regarding conservation easements. Conservation easements can be amended but they have to ensure protection of the conservation value. The easement document should include

COSAC IV
Minutes - Page 3
June 4, 2013

an agreed-upon process that has parameters based on the main function of the easement. Another option would be to create a non-perpetual conservation contract.

After discussion, it was decided to continue the discussion at the July 2nd meeting. The Committee will look in depth at specific mechanisms for conservation easements with the goal of formulating a recommendation to City Council.

On July 16th, COSAC will discuss possible conservation easements on the Gamble Oaks parcels. The July 30th meeting agenda is to be determined.

The meeting adjourned at 10:15 a.m.