

2011-0073 Green Space Properties Protection Policy

Chairperson Carvey introduced Mr. John Staran, City Attorney, who was invited to discuss the questions submitted by the GSAB members regarding the preservation of green space properties.

Mr. Staran opened the discussion by acknowledging the Board's primary concern has been the wise and prudent ways of expending the Green Space Millage funds to preserve in perpetuity various natural green space areas that could be affected by development in the City. During the past year, the discussion of water reservoirs brought a concern forward of how to protect the City's parks and green spaces for the future. The Green Space millage ballot language makes it very clear that properties purchased with Green Space millage funds are for permanent preservation of undeveloped open [green] spaces and off limits to development.

Mr. Staran offered the following methods for consideration that can be done when purchasing park lands and green space properties in the future:

1. Designate properties as parks. Incorporate them into the Parks & Recreation Master Plan which would disallow sale of park property without the vote of people. However, the parcels could be removed from the plan.
2. Deed restrict properties. Impose a conservation easement over it. However, to make it enforceable, you have to grant the easement to a "grantee or third party" that has the power to enforce the deed restriction. The City could also consider a different approach for the purchase of future green space properties by buying conservation easements or development rights to prevent the owner from developing the parcel. This could be a challenge since most land owners want fair market value in exchange for selling all the rights to the parcel.
3. Resolution affirming intent or adoption of policy. City Council could adopt a resolution or policy reaffirming that from this point forward green space properties are to be permanently preserved and never sold for development purposes. However, resolutions and policies are potentially subject to change as times and elected leaders change.
4. Adopt an ordinance. However, ordinances can later be amended or repealed and are subject to initiative and referendum.
5. Charter amendment. An amendment would proscribe conversion of use of park property. It may affect the ability to use park property for roads, communication towers, public utilities, drainage, oil and gas extractions, etc. It is a cumbersome process and requires the governor's approval of the language and the vote of the people.

Mr. Staran suggested that if GSAB decided to make a recommendation to City Council for some form of resolution or ordinance or deed restriction to protect parks and green space parcels, it would be prudent to apply it as broadly as

possible, recognizing that some of the City's parks are fully intended to be active recreation parks.

The following points were noted:

- * The discussion referenced the questions submitted by GSAB members that included conservation easements, deed restrictions, resolutions of intent, zoning regulations and restrictive covenants and land trusts.
- * Different portions of green space properties acquired with Green Space millage funds cannot be treated differently and are to be maintained in their undeveloped, natural state.
- * Placing wood chips on pathways through green space properties would be a violation of the American Disabilities Act because the material is an obstacle to some. Green Space millage funds cannot be used to change or improve the open space parcels.
- * ~~Discussion will continue on~~ **Mr. Staran will address the issue of whether millage funds can be used to develop and carry out a Stewardship Management Plan for acquired green spaces.**
- * ~~It may be possible~~ **It should be considered whether it may be possible to sell "wetland banking rights" from green space parcels to interested parties and use those funds as a source for a stewardship management plan.**

Board members expressed their appreciation for the discussion with Mr. Staran. He exited at approximately 8:00 p.m.

The Board consensus was to draft a recommendation at the April meeting for consideration by City Council regarding the protection of parks and green space parcels.

~~2007-0750 Update regarding any nominated properties~~

~~"319" Conservation Easement Grant~~

~~Mr. Mike Hartner, Director of Parks & Forestry, noted that the appraisal has been received for the "319 grant" and the Administration has begun negotiations. There are three different appraisals: one for the entire property, one for development rights for the 26 acre portion of the property, and one for the underlying value of that portion.~~

~~Mr. Kurt Dawson, Assessor/Treasurer, noted that when the document is made public it will be provided and explained to GSAB which will tie into Mr. Staran's discussion.~~

2008-0130 GSAB Administrative & Strategic Sub-Committee

Chairperson Carvey noted no report at this time.