

MINUTES — Special Meeting
CHUCKANUT COMMUNITY FOREST PARK DISTRICT
Wednesday November 28, 2022 at 05:00 PM
Online Meeting Through Zoom
Mailing Address: PO Box 4283, Bellingham, WA 98227

Official email addresses for Commissioners, where public may send comments (subject to public disclosure):

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Our Mission: The mission of the Chuckanut Community Forest Park District is to ensure the entirety of the property is protected in perpetuity in public ownership, with respect for its ecological, recreational, and educational functions and to serve as a fiscal mechanism through which the District, via a tax levy, will repay the City of Bellingham for the Greenways Endowment Fund loan.

This meeting will be recorded. A visual and audio recording of this meeting will be posted on the CCFPD website. If your camera is on during the meeting, your voice, likeness, and surroundings, will be publicly available and viewable on the CCFPD website. If you choose to speak with your camera off, or by calling on a telephone, only your voice will be recorded.

Call to order: Welcome Commissioners and Citizens. Per Chapter 42.30 RCW (Open Public Meetings Act), CCFPD board meetings are open to the public. This meeting of the Chuckanut Community Forest Park District will be conducted as a “hybrid” meeting, open to the public in-person at 1108 11th St, Suite 303, and online through Zoom.

Roll Call: Frank James (President), John Hymas (Clerk), John McLaughlin, Ed Grumbine, and Hue Beattie.

Motion: by Ed Grumbine to accept the agenda. Second by John McLaughlin. Approved 5/0.

Frank James: The special purpose of this meeting is to review the budget opportunities we have for the next year and the levy that would be associated with those opportunities and also as a second item to review progress on negotiating changes with the Conservation easement.

Report on Meeting with City, Alan Marriner and Nicole Oliver

Frank James: I'm happy to report on that, and Bob should be here, and he might want to add comments too. And Ed Grumbine was also there. John Hymas had some other conflicts, so he couldn't come and Ed graciously joined us. So we had a meeting on Friday with the Park Director, Nicole Oliver, and the City attorney, Alan Marriner and it was a productive meeting and I think we made progress, but we didn't really resolve all the issues that we needed to resolve. There was an offer that we made as to how we thought the conservation easement needed to be modified. There was broad agreement as you remember in the process of developing the master plan of many of the issues of what should be taken out and I think that both we and the City agreed on all of those. So those things that were agreed to in the steering committee for the master planning process were reviewed and were adopted by the City and us together. There were remaining issues which are even now unresolved. So there are future meetings contemplated to resolve what needs to be clarified. I would point out that there was an e-mail from Bob to the Commissioners summarizing the legal aspects and offering the current status of the draft that we have. I would broadly characterize it as saying that the key sticking points at this point are that the City's representative, Mr. Marriner, wants to keep all options maximized for the City of Bellingham. They want as many options as they can and a lack of encumbrance, and he was not interested in creating a document that would create more encumbrances on the City. For our part, what we expressed was that we were very interested in pursuing further modification of the document which would include eliminating certain items that are referred to as being able to be modified in the master plan and the master planning process. As all of you know, master plans can be modified and plans naturally are modified over time, and to have references to various things in the document saying that they would be referred, resolved, clarified and changed in the master planning process, to us and to our Council, seem like a violation of the notion of a conservation easement. We paid \$3.25 million and didn't get a deed for that. Rather, what we get is a conservation easement for that and the conservation easement, in our view, is that it should be fixed. The other items that we can negotiate if they want to negotiate about trails or they want to negotiate about dogs and then or if they want to negotiate about bicycle uses, all those things we talked about fairly extensively. That's something that we believe can and should be resolved in the conservation

easement. As I said, the main upshot is that we were unable to reach agreement. If you take a look at Bob's summary of where we're at, basically there was ongoing conversations even today on the phone. We weren't able to meet with the City in person today, but I think there is good progress made and there is more progress that is likely to come. But it is going to require money and time to finish that process, and it's critical that that process be finished and we sign a conservation easement that both the City and the Park District are happy with.

John McLaughlin: Thank you for that summary Frank. I'd like to clarify for everyone what is meant by encumbrances. The sticking point that Frank was referring to is a sentence in the proposed revision to the conservation easement that reads "If a conflict arises between preserving and restoring the natural features and ecological functions and values of the Park and another allowed use, preservation of the natural environment shall be the first priority." Attorney Marriner's comment was that "the City cannot agree to the District's proposed prioritization language that being that preservation of the natural environment be first priority as it would allow a grantee of the easement to limit or prohibit existing and future uses in the Park." Right, so essentially, we're talking about an easement that would restrict development or other uses in the forest and the City wants to retain that ability and then objects to any easement that restricts it.

Frank James: Thank you for that detail. That's a very crisp and clear detail and I appreciate it, John. Ed, you were at the meetings. Is there anything you'd like to add?

Ed Grumbine: No, I think you captured it well Frank. Progress was made and there is a wee bit left to do in this negotiation. However, as you, as everybody may understand, the last little bits may be the most difficult to negotiate. Nevertheless, I think John McLaughlin's summary pretty much puts it in very clear language. We believe that the woods should be protected through the language of the easement, not pursuant to an administrative process that yields a master plan, and maybe that's another way to define the differences between the Parks District at this point and the City.

Frank James: The other bit of information that's relevant is we also need an assignee for the easement. We will go away in September. In September we will be gone if not before and when we do, that easement has to be carried by someone else and the group we've negotiated furthest with and our closest to getting agreement with and willingness to take this on is the Land Trust. There are a couple of features of that everyone should be aware of. 1 is that they estimate that they need between 50 and \$200,000 to put into a risk pool that would then be used to defend the easement and what that number actually ends up being will depend on the specifics in in the conservation easement, and it could be as much as 200,000. And that's why there's \$200,000 in a budget now. At the end of last year we set that aside specifically so we would have the option of working with the Land Trust. They are our first and most developed prospect for taking this on. We have several other options that are interested and I appreciate and am very much gratified by the fact that there are other people willing to take this on. One of the challenges is the Land Trust has said that if it is too vague, if there is not a defensible conservation easement, they are not willing to take it on. I don't think in my interpretation that we are at a place where we have agreement with the City on a conservation easement that the Land Trust would in fact accept given what they've talked with us about. Bob is here. Thank you for joining us and we are just going over, as a precursor to our other discussion, providing information about the current status and negotiation about the conservation easement and the potential for that conservation being accepted by a willing partner. I know you didn't hear all the discussion, but if you wanted to add your thoughts about where we're at with the conservation easement and with identifying a holder for that easement once we go away in September, I invite you to do that.

Bob Carmichael: As you've mentioned I'm sure, we met with the City with Alan Marriner and Nicole Oliver last Tuesday. Based on that discussion I sent some revisions that I sent to the board. And then I also sent the Board back what the City sent to me today. I would say that the discussions we have had have been sort of bigger picture issues, one being the priority of the natural environment preservation and the need to state that more clearly that's run into concern by the City about. If there is some conflict eating up all the potential allowed uses, I tend to think there is room for a meeting of the minds on this issue, but we're not there yet. There is another issue on making sure animals are on leash. That was something initially the City didn't really want to do, but they did come around in this last version. If you saw that they tried to meet us most of the way on that issue, I don't think it's quite there because they don't have assurances on compliance. I'm making sure that there's enforcement, which I know is one of the issues the Board has had. And as a City that is doesn't have adequate law enforcement, they're very careful about wanting to make commitments. They're concerned that they don't have enough police officers. I suggested that we don't necessarily need police officers, but perhaps volunteers can be trained to go through the Park and educate people. Things like that where they are important issues to the Board, we can have all the

assurances we want in a master plan and a conservation easement, but if the agreement principles are not enforced and people are taking dogs off leash anyway, it doesn't really help. So one of the things that I did talk with Alan Mariner about this afternoon was doing something like that and he said something along the lines of, well, that requires funding. We don't really have extra funding. I said it's conceivable the Park District could help with some of that funding to get a program like that off the ground. To make sure and educate people about the impact of dogs off leash. Because there certainly are dogs off leash in the forest, so he acknowledged that we kind of let that issue lie where we ended up. I agreed that the City has made a good faith effort in negotiation with us so far, but we don't really have the gap closed on what we would like to see in the conservation easement. The City has pointed out that they've made a lot of concessions and I would say that they have made a number of them, of the things that we've wanted, not quite all of them, and a couple of them being really important like the prioritization of the natural environment in the event of a conflict with another use. So I suggested that what we probably want to do is have a meeting with the Land Trust, actually, even perhaps before we agree to assign the conservation easement to the Land Trust. I do know from talking with Rand Jack last week that he would be willing to sit down and meet with the City and the Park District, even if the Land Trust hasn't been assigned the easement yet. He's willing to do that. Alan Marriner agreed this afternoon with me on the phone. He said I certainly will meet with you, the Park District, and the Land Trust if you want to do that. And as you'll recall, that's a big change from the original City position, which was we'll only meet with the Land Trust. So I think there's been some real progress made. Both in terms of how we've related with each other and also on ironing out some of the terms of the conservation easement. So even though we're not quite there yet, I do believe that we can make some progress. One of the things that we don't know for certain is even if we wanted to assign the easement to the Land Trust, we don't know whether the Land Trust will accept it. Rand Jack made it very clear to me that before they accept the conservation easement, he would want to make sure there were changes to provide more certainty in the easement than exists presently. So, we do need to involve them, and do so fairly quickly, in my opinion, because if it turns out we don't come to agreement, we'll have to turn to someone else as an assignee. For the conservation easement, all that being said, one of the strong efforts we've been making is to try to bring this to a rapid conclusion. We pushed very hard this week to do, that included working over the weekend. I know a number of us have been but we're not quite there yet. And I think we do need to continue to allow for some additional work to be done to get there. It will take something to get to where we need to go and, sort of a worst case, maybe we need to find somebody else. That's my summary and Frank and everyone, I apologize if I repeated a lot of what you have already said.

Frank James: Good Bob. Thank you. It's useful information Bob. So let's open our meeting formally for comment on the topics we have at hand, specifically the budget and tax levy.

Public Comments:

Bill Geyer: Well, good evening Frank. Yes, haven't been here for a while and great to see that you are having a thorough discussion. I'm going to limit my comments to the budget. There are many technical issues on the conservation easement that need to be worked out, but the key piece I want to stress is on the budget. You know that I have testified in the past as to the resources that are available to the Parks District through the levy and what has been achieved and that the key absolute foundational point begins with the document that was done, the initial petition that was placed before the voters. That said, we want to create a Park District that established the moral authority of what the existence of this District is today and that moral authority said, establish a Park District, place a levy before the people to pay the loan for the land that was the 100 acre woods. We all know it's been achieved. I testified last year that there is going to be a significant balance in here tonight. It's been confirmed you have about approximately \$270,000 balance in the accounts. I don't believe that the Parks District has any moral authority today to pass a levy for 2023. You have the resources. The loans been paid off. You have a balance, no tax levy is needed. You have resources to complete your job over the next 9-10 months, as you near the ending in September 2023, as when the District will dissolve, you have the resources to finish your job. Please do it. But I see no reason at all for any levy at all, regardless of your discussion tonight, because you're going as a District beyond just paying the loan to other things out in the future that were not part of the initial creation of identity so my request to all five of the board members because I believe each one of you signed this petition. If not, I may be mistaken, but I know certainly at least four of you did, the long term members of this District did sign it. There is no need for a tax levy and I would request you vote along those lines, but thank you Frank for recognizing me.

Frank James: Thanks, Bill. Appreciate your comments.

Gerry Wilbour: Yeah, I'll throw in my comments, and they disagree with Bill's a little bit. I appreciate his passion for this area. Though I was on the steering committee that put this levy in front of the voters and in fact I wrote the petition and had it reviewed by legal counsel and all the other. For steering committee

members, one key issue that stood out was that there were a significant group of people that we talked to in the process of putting this proposal together that were reluctant to simply give the money to the City. They wanted to make sure we had something in return. And that's where the concept of the conservation easement arose. It was and we were clear in all our campaign information. We were clear in the information sheet that we passed out with the petition that we intended to buy a conservation easement to assure the conservation of this property in perpetuity. And that the primacy of conservation and preservation was clear throughout the campaign. And it was clear in all our literature, and in response to John McLaughlin's comments on the City's wanting latitude on that, yes, we knew there was going to be continued recreation, but we always framed that in terms of its context within the basic conservation of the process. That conservation preservation was primary. Somewhere on a hard drive I have all that information, but it was very clear to the petitioners that that's what we were doing. And I don't think we would have gotten enough people to sign the petition had we not been clear about that. We were getting that much pushback. So, the other thing that I'd like to point out, I want to thank the Commission for being diligent on this issue. I think you guys are doing a great job and following it through to its final conclusion is really important to the success of this whole effort. Another thing I would point out is you're bringing it in under budget. The voters authorized 28 cents per \$1000 assessment for 10 years and it's going to be run at a lower rate than the voters authorized. So, thanks for pulling that off and being diligent about that. That's pretty much all I have. Well, the other thing that I would say is at this point, hearing what I'm hearing, given the urgency of deciding whether there is to be a levy or not, given the uncertainty of the conservation easement. I would strongly favor a very modest levy for this next year, so you can cover your bases and fulfill the obligations that this District has to the petitioners and the voters who were looking forward to the permanent preservation of this property.

Frank James: Thank you Gerry.

Dana Lyons: Hello everyone and thanks for having this meeting and letting a few of us weigh in. I agree with Gerry that you know I was working on protecting the Chuckanut Forest. And you know very much the main intent was to create a conservation easement, in particular to protect the ecology and the wildlife. This being the largest remaining privately held forest. I worked on protecting Hoag's Pond area and I remember the City Parks we're going to come in and build a road sized trail around the Park and I invited the head of the Parks Commission and he and some other people came out. We walked around the trail and I asked them to imagine Bellingham in 20-30 years when we're a much, much larger City which we can all see us going in that direction. And I said, imagine, you know, when we're a city of 200,000+, how valuable this beautiful little pond is going to be and the difference in experience for the 2nd grade classes that would come to witness this pond. Walking around and being able to have the experience of a 3 or 4 foot size trail versus a 12 foot size. Road brushing up against the leaves. Seeing the wildlife and really feeling a part of the forest and they were moved and they agreed not to do that size of road. What I see with our City, and we have a great Parks Department and there's different ways of approaching each park. I personally think that this park in particular has so many sensitive wetlands and everything, and it's a good place for the wildlife, that we should really work to manage it for the health of the wildlife. That doesn't mean that hikers can't go there. I think there's probably a place we could have a bike trail that wouldn't interfere. But I really like the points earlier. How is the City supposed to enforce that? That's a really good point, but my guess is if there were nice signs, metal signs that were hard to wreck, that explained to the people that this is a rare wildlife place and explained why hikers and bikers should stick to the trail and explains why keeping dogs on a leash will help the wildlife. I think a lot of people will go. Oh OK, that's cool. This is a special spot and they'll do it and for those who don't, those signs help the other people who are out there who want that to happen. They can, hopefully politely remind folks, Hey, this is a special area for wildlife. Please put your dog on the leash, Et cetera. To make nice signs obviously takes money. Our City has a lot of priorities. One thing I was very excited about our Parks District is because our neighborhood is closest to the Park. We benefit the most from the Park and it seemed fair that those of us closest to it would pony up more than the rest of the City. And that's what we did. While I understand the arguments to say, hey, we paid off a loan let's end the tax levy. I think it's a good idea to extend the tax. Of the two, take care of some of these educational things and retain the lawyers if necessary to negotiate with the City, because the City has ideas and they've got a lot of strength and you know to protect the wildlife and protect the ecology, we're going to need some economic muscle also. And while that does extend it if you move the levy, I think that's a worthwhile thing. That's about it, thank you.

Frank James: Thank you Dana. Appreciate your comment very much.

Brad Rose: Well First off let me just say this, it's been a while and it's good to see a lot of the people in the bar here I've not talked to or seen in a long time, but, uh, sorry, my camera's not fully working so I don't have it on, but at any rate, it's good to be here. I've kind of been watching from afar, but not really

with detail on the progress of the Park and whatnot, and the District. But I just want to give a big thanks to everyone who's been involved in this from the beginning. I think what the Park District was built for has been a total success and it's finished early and I think that's something that definitely everyone involved at the beginning and during, and the end should be very proud of. Now as you know it's filling out. I kind of agree with Bill before where he was saying, OK, we have money in the hopper. What more would we need another levy for and, looking at the success of the Park District, I feel that it would be a better served purpose for not only the Community and the taxpayers of our District, but also let's look elsewhere. There are other communities that want to do such a thing like what we did here because I remember when we first started doing this and came up with the idea of the Park District. The whole thing of the people that were against it was they are going to tax you. They are going to keep taxing you and they will never let it go until they can and if the Park District were able to, I understand it's going away next year, conclude it for the tax part and let it go. Then that is a win win for everyone, the taxpayers and these other communities that would have a way to say look, see what Bellingham did. They did it, they succeeded and they didn't just keep taxing you even though they could. And that is my thought on this. It sounds like from what I've listened in on some of the past meetings and just hearing the initial conversation from tonight that the getting the conservation easement on there is going to be a tricky thing to do, but I don't think a bunch more money is going to necessarily help make that happen. I think it's just people need to come to an agreement and make a decision and say yes we will do this and it's not us, but I don't know that taxing for another year, even if it's at a smaller rate, is going to really help that very much. But at any rate I obviously will defer to your judgment on this, because you've done a great job with it and I feel that it's a total success to this point, for what the purpose of the levy was initially, at any rate, thank you everyone and good to see you again.

Frank James: Thank you Brad. It's good to see you too buddy, even if it's just in letters.

Vince Biciunas: Thank you. Hey, I just wanted to thank you Brad for your comments, but I also wanted to reassure Dana that the Masterplan takes care of the signage issue. It's part of phase one of the master plan is the design and experts are working on the design right now to have signage about why we're staying on the trail and why our dogs are on their leashes Et cetera, et cetera. So that I think you can rest easy that that is in the works right now. And the other thing is we have legal counsel, our Bob Carmichael has been with us all these 9-10 years and has been leading our negotiations with the City very beautifully. But he's not free. He's not a volunteer like the rest of us. We need a little bit of a levy to pay our legal expenses, and especially don't forget we got sued once and that cost a fortune for us to defend ourselves. And we won on the issue of needing to preserve the integrity of the ecosystem besides collecting money. So, I just want to point out that. \$0.28 per whatever the assessment was and now switching from 28 to two cents might be all we really need going forward, so I just wanted to make those three points about the signage, the master plan and our legal counsel and what the levy would be covering you know factually.

Frank James: Thank you Vince.

Andy Levito: Thanks for the opportunity to speak. I wanted mostly to echo what Bill and Brad have already said that it seems to me from reviewing some of your previous meetings and the budget documentation that you shared that I think you already have enough money in your accounts to cover what you need to do for the next year, and I would encourage you to not pass any additional levy for 2023, that's all. Thank you.

Frank James: Thanks Andy.

Barbara Zylstra: Hi well it's been good to hear everybody's comments and I just want to weigh in on the importance of this property. It's very unique to our community. It's in an urban area. It's precious, these wetlands are. And I've been involved as you all know, for the decades to try and protect this property and finally work, I wasn't involved like Gerry to draft it, but to get people to understand what it was and why we needed to protect it. I really am strongly advocating for a strong conservation easement to protect this property, and we aren't there. The City hasn't agreed to the most fundamental one which is that preservation is number one, use is a secondary priority, and until we can get that we haven't fulfilled what the voters voted for. Now there may be people who said, oh, I only voted to pay to buy it, but it was with the clear understanding that this was to be preserved and not another park. So, I just I'm disappointed having followed this and been at your meetings for a long time. I'm very disappointed that the City has not been willing to get this resolved, because if that had happened there would be no need for a levy. But we do need to have resources to pay our attorney and to pay whoever is going to hold the conservation easement. And if that's 200,000, then we have that, but we won't have it if we have to spend it on other fees and other things to get the conservation easement in place. So, it's very small. It's been a small amount this year. It's even smaller proposed for next year and I just encourage you to hang in there.

Everybody to hang in there for another year so that we can actually protect this property. Thank you.
Frank James: Thank you, Barbara.

Dudley: Well, thank you all. This is amazing. I have not been involved so much lately and I so appreciate everybody who has been carrying the ball. Dean and I started this project in 1990 and so we've been engaged for 32 years I believe, and it's just been beautiful. We didn't know what was going to happen when we began Interurban Neighbors. We just knew we were going to get to know our neighbors and we have and I am so proud of what our community has done. We are a model on a national and international level of what people can do when they really put their heart and soul to caring about this. So as far as preserving the property, it's always a balance between preserving the natural world and then of course people have their own interest in human use. So I think there will be plenty of opportunities for human use through hiking trails and carefully constructed bike trails. I so appreciate Dana's suggestion of having the signage. The whole idea of the City not being able to afford enforcement of it, there's a lot of things they can't afford enforcement of, and this is just one small thing. Saying that, I believe that the people in the forest, as they're using it with the correct signage, and with the education that the many volunteers who already are engaged can carry on, I think that's handled. I do. I hear both sides of the tax thing. I agree that, gee, it'd be great not to do another tax. I'm also hearing, and this might be a selling point for the City. If we do need to do a tax, it's because we're not creating clarity right now with the City, and that might be a reason for doing this very small tax. I'm a big property owner. I will be paying for that and I'm more than happy to do so. Of course, everyone doesn't feel the way I do, but I'm kind of weighing in on both. I like the idea of not having another tax. Look how good we are. We didn't do another tax and we're Democrats or I don't know if we all are but doesn't matter. I'm open either way on that, but I really do think that we can probably most likely do a good job through use of volunteers about people who care about this place, educating the public, and it will be a great opportunity to continue having involvement. I agree that turning it over to the City, I can see why that is a problem, because it's not necessarily carrying out our original vision. I guess I'll just go on record that I'm OK with the tax if that's feels necessary, because we need to continue to protect this land, this sacred forest. So, I just want to thank you all so much. And Dean is right over here listening. He's hearing us.

Christopher Grannis: Well, I'm glad that I have the last word, so to speak. The comments so far have been on two sides. One is people who don't want to pay the tax and the other is people who want to preserve the environment of those woods. I would put it that preserving the environment is the moral argument. Originally what we know of as Bellingham was covered with old growth forest. Loggers cut down all of the big trees. The 100 Acre Woods was cut around 125 years ago. But the forest is resilient and now we have a mature second growth forest that could become an old growth forest again, complete with its mostly intact biome, if we respect and preserve it. We created the CCFPD to protect this postage stamp part of Bellingham so that respectful people can enjoy a natural forest. Dogs are not respectful. Cyclists out for a workout are not respectful. It's essential that dogs be kept on leash and that bicycles be restricted to improved trails with a speed limit. This can only be accomplished with a strong and enforced conservation easement and a vigorous education plan. Language in the master plan is not good enough because the master plan can be changed or simply not enforced. A decade ago, the mayor was trying to sell part of the 100 Acre Woods. It's only a matter of time before politicians and or the Park Department decide they want to sell or do something else detrimental to the forest. It's a moral argument to preserve it, and I support a new levy of whatever amount is necessary to be sure a strong conservation easement is transferred to an organization that is funded and will enforce it. Thank you.

Frank James: Thank you, Christopher.

Vince Biciunas: Once the Commission goes away, then the collection of the balance of the levy will also stop. Am I correct? Steve, can you answer that? I mean the county won't be collecting that tax after October of 2023 because the Commission will have finished up its business and dissolved. Am I right? So, it's not even a full year of this levy.

Bob Carmichael: My understanding Vince and we did look into it, we couldn't find a clear answer to that question and had to conclude that if the levy is adopted, it would be for the full year. Just because the Park District dissolved would not stop the levy. I believe the funds would then go to the City.

Frank James: And whatever residual there is in our account would also go to the City of Bellingham, right? And to be perfectly clear to the general fund in the City of Bellingham. We might ask them to spend in a certain way, but it would go to the general fund. Is that right, Steve? And thank you for coming Steve and being here because these are questions that it's so good to have an answer to. Thank you.

Steve Oliver: Oh sure. I would have to go back and look at that, but I believe that is correct, that the money would go to the general fund of the City of Bellingham.

Bob Carmichael: Yeah, let me be clear about that. Any residual funds do in fact go to the City of Bellingham by statute. We have talked about asking as part of perhaps a negotiation with them that the funds be earmarked for this particular park rather than the City general fund. And do I think they could legally agree to that? I think they probably could, but we haven't had that discussion with them yet.

Gerry Wilbour: I was just going to suggest the Greenways Endowment fund as being a source for depositing those funds that might be agreeable by the City and the District.

Frank James: Thanks everybody for your comments and thoughts. I'm going to close the public comment part and now move on to the difficult work of the Commissioners and we need to decide tonight what our budget will be for the next year in a final way as well as if there's going to be a levy. And if so, which of the options that were developed might be the best one? As you recall, there were three budgets and or 4 budgets, and there were four options for levies. No Levy, a 2.25 cent levy, a continuation of what was this last year, which is a four cent levy per \$1000 valuation and there was an interest in looking to see what a 6 cent levy would look like and all those options were presented at the last meeting. Today with all the input we've gotten and all the input between last meeting and this meeting, and in view of the future responsibilities we have through September, I think we then need to turn to the issue of what budget we can adopt and what levy are we going to adopt? So, I'd like to first just say that I've given it serious consideration and I'm definitely in favor of having a levy. I think it should be the lowest levy, the 2.25 cents. I think that gives us money to do the things that we need to do legally. It can be expensive, and although it's promising that we'll have agreement with the City, it's not a certainty by any means, and I think we won't have the option of raising more money after tonight. This is it. If we are and that's something that I think the City knows, and if they have funds and we don't, it's going to be challenging for us. We don't, we can't go beyond that in terms of resources. So the question is, as I see it, do we want a resource that will allow us to finish the negotiation with the City about the conservation easement and to go on to support the City in the ways that we believe are necessary to carry out the mission that we have of protecting and preserving this parcel of land? I'm happy to open it for general discussion at this point and just see what each of you thinks and then we should conclude by bringing this to a vote.

John Hymas: I'll break the ice since I haven't said a word yet tonight. That was very well put and I pretty much agree with you and I really liked what Dana Lyons reminded me of that if you look at our park system, it's pretty hard to beat. We look at the different parks we have. They're all different. I mean you don't treat Marine Park like North Ridge or Elizabeth Park or like Fairhaven Park and on and on. Still, why can't the City acknowledge that. The 100 Acre Woods is unique and so we should have different ways of dealing with it. And so, I think that is all about the conservation easement. I mean, look at our mission statement. We haven't accomplished it yet. So, I am in favor of a levy and I agree it should be the little one, but hopefully that'll cover legal expenses if we need them. OK I had my say.

Hue Beattie: I'd go for whatever levy it takes, and I'd go for the highest one possible. I don't mind. I got nothing to worry about. I'm not up for election again. 76 years old and you ain't going to intimidate me, I'll just go for the highest one possible. Because even at six cents it's nothing compared to what we started out at \$0.28 per thousand. Then last year we dropped it down to 4.6 cents per thousand. So, people got a good deal last year and it'll be even better this year, but I think there's some major flaws in the masterplan that really the other departments within the City have to take care of. Like the fire department has no tools to fight a forest fire. The Public Works Department hasn't done a plan on where the water supply is in the area that they can use for a fire and they should. They should do some more planning there, but I haven't seen anything except the Park Department putting out anything and so I'll go for whatever we could get. I'll go for the highest one.

John McLaughlin: So, two comments and a question. First comments responding to Dana Lyons's comment and that of a few others. As the masterplan proceeded, I developed a project for one of my courses to map all the trails in the 100 acre wood, not just the ones that appear on various official maps, and to apply the buffer from the paper that Frank found regarding the impacts of recreational use of trails extending into the natural habitats on various wildlife and other organisms. And the results from those students that just submitted their final report. I haven't had a chance to review the final one, but in the draft, if you take all of the existing trails, there's zero area beyond a 75 meter buffer, right? And so all sensitive wildlife would be impacted. There is no refuge in the entire 100 Acre Wood for those. If you go with the masterplan trails, the ones on Figure 12 in the masterplan, their implementation plan, and there's a small area beyond a 75 meter buffer. And if the masterplan trails with uncertain designation were removed, you have a substantially larger area beyond trails. Then if you went with some of the ideas that Frank shared in the final master planning process with a substantially reduced trail, there is still an extensive trail layout with large loop trails and that sort of thing but fewer secondary trails and you have a much larger area of refuge for wildlife. With that content, my second comment is that I find it deeply

regrettable that the City's lawyer refused to recognize the importance of providing assurance and priority for environmental protection, to recognize the priority for the Park District. You know the priority that prevailed in court that recognize that we're more than just paying off a loan that we actually have a fundamental protection purpose. And the City did not do that, and so hence we are at a point now where we feel a need to extend the levy. That was, I think, an unforced error if the City was willing to negotiate, was willing to recognize that, and even see it as a common interest rather than provide flexibility for a future administration to develop the place more, we wouldn't be having this discussion. We could zero out the levy and be fine, but because of the City's preference to retain legal flexibility, to use the place in the future in ways that people aren't comfortable with, now we're in this spot. So those are my two comments. My question I think really goes to Bob. That is if we look at the lowest non zero levy, with a 2 1/4% per thousand, it adds several budget items beyond the 0. In other words, it acquires it, allocates resources from that levy to three things. You've got additional legal services, which I think we're going to need, given that we need additional negotiation for the conservation easement transfer consultation with a third party and all that sort of thing. There's an additional \$10,000 for education and I can imagine there are various ways where the Park District could provide resources for that the City might not be able to or want to, and then the third is enforcement? And this follows a discussion I had with Frank this afternoon. I'm uncertain as to whether the Park District has the legal authority to raise money to fund enforcement. We are hold an easement, but we don't own or manage the property? The City owns and manages the property and enforcement is part of that authority, and I wonder if we were to raise money for enforcement and then transfer to the City so that they have sort of enforcement resources that they claim not to have now, does that cross a line where we are now functioning as a manager of the property and not just holding conservation?

Bob Carmichael: It's an excellent question. We are as a Park District statutorily enabled to manage property. We don't manage this particular property by agreement with the City under the Interlocal Agreement and the conservation easement that we have in place right now. It doesn't mean we don't have the ability to manage, but because when I say ability, I mean the statutory ability. But because of the situation we are in with the Interlocal Agreement, which delegates all management to the City and the conservation easement, which does the same thing, it is probably not the best description of activity to call out enforcement. We could contribute funds to the City for purposes of education and what I might call quasi enforcement through something similar to a docent program if we chose to do something of helping start volunteers in the forest to educate people about keeping dogs on leash for example, and on trail use and not wandering about off trail. Those kinds of things would be certainly within our ability to help fund while we're still in existence. In terms of actually, if by enforcement you mean issuing citations to people for misdemeanors or gross misdemeanors and bringing them to court? Then that is not something that we have the authority to do.

Frank James: I don't think that was ever proposed. I think the idea was we would give the City the money to do that who I think does have the authority. The specific question is not would we do it, because that's not envisioned, could we provide funding to the City so that they can do it, I think that's the question.

Bob Carmichael: Yeah, I do believe we could. I think these line item descriptions can be amended if at some point it's decided that the funding is necessary for another descriptor, like education as opposed to enforcement. It is a possibility to help the City with enforcement should the Park District choose to do that.

Ed Grumbine: Oh yes, I have some comments. So let's say none of us live in Bellingham, but we have friends who live here. And they speak highly of the parks that many of us tonight have already praised. And as a visitor, we go visit our friends and come to Bellingham and go to 100 Acre Wood, go to various other park areas in Bellingham and we say, wow, this is great. Now that I've seen this in person, I'm a fan and I want to do everything I can to support Bellingham's Greenways and parks. So I lived here in the late 80s, before the Greenways program existed, before many of the issues we've discussed tonight came into play. Then I came back here in 2018 and can see the obvious benefits that I missed out on over those 20 or 30 years in between. And I'm the new person on the Commission and I have professional expertise in many of the areas we're talking about. I agree with Bob in in terms of enforcement versus funding enforcement versus helping volunteers and the intent of the Commission moving forward. If we do approve a new levy, it would not be enforcement. It would be primarily education and that can be done in a variety of ways and needs to be done. So if I want to tie what I said as a kind of an outer space visitor to Bellingham, seeing the Greenways in action and the parks in action for the first time. What happens when you have first-hand experience with Hundred Acre Wood is that you deeply appreciate the work that the Commission has done over the last 10 years. And you deeply appreciate the citizens who have been willing to be taxed to fund the purchase of the woods. And here we are tonight. When I attended the meeting with Bob and Frank and the City last week, it was my first visit to 100 Acre Wood in regard to a

negotiating session with the City with the attorney, with Parks, with our attorney, and with Frank. Coming into that meeting I was leaning against a levy. When I left that meeting I now would prefer a levy and would vote for that. Given an opportunity tonight, I think we need that money to take care of business to finalize the many details beyond the actual purchase of the land that the levy mostly funded. If we don't act and we need a little bit more money to do that, whether that action is education assisting the City in doing XY and Z or having legal funds ready to continue on through most of the next year. Whatever actions we use, I think that the smallest levy on the table, which is exhibit A and embodied in Resolution 24 tonight needs our vote. Seeing the City in action, I am not at all convinced that they understand conservation as much as the Park District and the citizens who have supported us all the way through want to see manifest going forward. Those are my comments.

Frank James: Thank you. I would just like to thank everybody, all the people, Dudley, and people I haven't seen for a long time as well as all of you that have been here every week. I think we've had a robust discussion. We heard from many different points of view, had some experts amongst us, Bob and Steve to contribute to the issue, but I think it's time to make a motion and make a decision. Do I hear a motion?

MOTION: Ed Grumbine: I'll make a motion that under the material described in Budget Exhibit A and Resolution 24 that the Commission votes on the least onerous levy amount, the smallest levy for the period going forward. Frank James: So, the 2.25 cents per thousand for 2023. All right, do I hear a second? John McLaughlin: I'm seconding that. Frank James: All right, so it's moved and seconded. Further discussion.

Hue Beattie: I think it should. Be higher. John Hymas: I agree with you.

Frank James: Having heard some discussions, we still have the motion for the 2.25 cents. I'll go ahead and call the question for that. All those in favor of the 2.25 cents raise, say aye?

Approved 3 to 2 with Frank James, John McLaughlin, and Ed Grumbine voting for and Hue Beattie and John Hymas voting against.

Bob Carmichael: You also need to approve the budget. We have a separate resolution on the budget and that needs to be done tonight as well. On that one, I might suggest you consider combining the categories of education and enforcement into one category rather than breaking them out as enforcement and education. Just a thought.

Frank James: So we have a recommendation from legal counsel about the proposed budget. Do I hear a motion about that? It's a bifurcated thing that Bob offered. We need to consider that one, since that's the levy that we've chosen, and then do we want to combine education enforcement into one category?

John McLaughlin: Could we rename that category conservation implementation? Or some such?

Bob Carmichael: We could do that. You're the board. You can do whatever you want within the boundaries of the of the RCW's.

Gerry Wilbour: Yeah, I just wanted to suggest the word stewardship in place of enforcement and in my earlier comments I neglected to say that you know, some of the angst about this thing is the lack of the City's ability to do the stewardship component of this property and have money for that. You might consider that in your negotiations with the holder of the conservation easement to see if they can play a role in helping the City with that element. It's quite common these days for nonprofits to assist public agencies in that capacity. So that that would be part of the discussion I would think of with the potential holder of the conservation easement, just to aid in that effort. In terms of in terms of enforcement a light hand is often way more effective in these areas than the heavy hand. It's only rarely that you need the heavy hand, and that's only if things get carried away. That's it.

Frank James: Thank you, Gerry. If we make a motion, we can then have further discussion, or we can just keep discussing. What's your pleasure, gentlemen?

John Hymas: Hi I have a comment. I would consider enforcement/stewardship yes. Well, how do you steward someone that's camping out in the woods? Even force them to leave. But no, I agree there are two different farms and I go for the enforcement/stewardship myself.

Frank James: My understanding is that the concept of stewardship included both education and enforcement, is that correct? Yes, and so I think those would both be part of that stewardship and was very pointed out, obviously heavy on education. That's the place you've got to work and then there's going to be a few people that aren't going to be educated. We still need a motion and then we can come back and discuss it again. We've approved the levy. We also need to approve a budget. They are two

separate documents. The budget that comes with the levy is a budget based on 2.25 cents per 1000 assessed valuation. We need to approve that budget or amend that budget if we wish, and the discussion that I've heard is to change the categories to bring enforcement and education into one group and call and rename that category stewardship so that those funds can be more flexibly dealt with going forward.

MOTION: Ed Grumbine: I would make a motion to change the language in the budget to stewardship from the current enforcement education language, and I would further make a motion or include it in this one to approve the budget as amended. Bob Carmichael: Just a point of clarification, then is your motion to combine the two line items enforcement and education into one line item that is entitled stewardship? Ed Grumbine: Yes, that would be my intent. Frank James: 2.25 cent budget or affiliated budget. John McLaughlin: And so that new line item would amount to \$50,000. Bob Carmichael: That would be correct.

Frank James: So, moved by Ed, seconded by Hue. Now we have time for further refinement or discussion or suggestions. Hearing none, I'll go ahead and call the question, all those in favor of the 2.25 cent budget with the consolidation of education and enforcement under the category of stewardship. Approved 5/0.

Robyn will update the budget (consolidate the education/enforcement categories under stewardship) and send the Tax and Budget Resolutions and Budget to Frank James tonight or by the morning. Frank will take them around for signatures. Robyn will make sure the signed documents will get to the Whatcom County Clerk and the Assessor's Office on November 30th.

Frank James: Thanks to everybody. Steve, thanks for taking your time to come and give us counsel. I really appreciate it and you. Of course, as always, Bob and the rest of the community members have come and expressed their concerns and interests. And Vince, for your long, long-suffering service to this group, even now. Thank You. Vince Biciunas: Almost done. Thanks everybody.

Next regular meeting: Wednesday, December 14, 2022, at 6 PM.



Robyn Albro <ralbro.ccfpd@gmail.com>

Preservation of the 100 acre woods

2 messages

Christopher Grannis [REDACTED] Mon, Nov 28, 2022 at 4:23 PM
To: "jhymas1331@gmail.com" <jhymas1331@gmail.com>, Bob Carmichael <bob@carmichaelclark.com>, Hue Beattie <hue.ccfpd@gmail.com>, john brown [REDACTED], "egrumbine.ccfpd@gmail.com" <egrumbine.ccfpd@gmail.com>, Frank James Ccfpd <fjames.ccfpd@gmail.com>, John McLaughlin <johnm.ccfpd@gmail.com>, "ralbro.ccfpd@gmail.com" <ralbro.ccfpd@gmail.com>
Cc: Gerry Wilbour [REDACTED] Barbara Zielstra [REDACTED]

To: Chuckanut Community Forest Park District Board of Commissioners

Thank you for all you have done to preserve in perpetuity the 100 acre wood. Your work is nearly finished. What is left is to be sure there is a strong conservation easement transferred to an organization that is funded and will enforce it.

Originally what we know of as Bellingham was covered with old growth forest. Loggers cut down all of the 300 to 500 + year old trees. The 100 acre woods was cut around 125 years ago. The Forest is resilient and now we have a mature 2nd growth forest, that could become an old growth forest again complete with it's mostly intact bioam, if we respect and preserve it. We created the CCFPD to protect this postage stamp size part of Bellingham so that respectful people can enjoy a natural forest.

Part of the mission shared by the CCFPD and the Park Department is "...respect for (the 100 acre wood) ecological, recreational, and educational functions."The job of the CCFPD is to ensure that the native biome be allowed to thrive and the forest be preserved so it can become an old growth forest in time. That means respect for ecological function. Dogs are not respectful. Cyclists out for a workout are not respectful. It is essential that dogs be kept on leash and that bicycles be restricted to improved trails with a speed limit. This can only be accomplished with a strong, and enforced, conservation easement and a vigorous education plan. Language in the master plan is not good enough because the master plan can be changed or simply not enforced. A decade ago the Mayor was trying to sell part of the 100 acre wood. It is only a matter of time before Politicians and or the Park Department decide they want to sell or do something else detrimental to the forest.

I support a new levy of whatever amount is necessary to be sure a strong conservation easement is transferred to an organization that is funded and will enforce it.

Thank you

Christopher Grannis
[REDACTED]

john brown <[REDACTED]>

Mon, Nov 28, 2022 at 5:56 PM

To: Christopher Grannis [REDACTED]
Cc: "jhymas1331@gmail.com" <jhymas1331@gmail.com>, Bob Carmichael <bob@carmichaelclark.com>, Hue Beattie <hue.ccpd@gmail.com>, "egrumbine.ccpd@gmail.com" <egrumbine.ccpd@gmail.com>, Frank James Ccpd <fjames.ccpd@gmail.com>, John McLaughlin <johnm.ccpd@gmail.com>, "ralbro.ccpd@gmail.com" <ralbro.ccpd@gmail.com>, Gerry Wilbour [REDACTED] Barbara Zielstra [REDACTED]

Smart thinking by Christopher Grannis, and especially by Gerry Wilbour, in his long letter, about the future of the forest and the need for a further levy. I support their positions.

John Brown
[Quoted text hidden]



Robyn Albro <ralbro.ccfpd@gmail.com>

Conservation Easement and Levy Comments

1 message

Gerry Wilbour [REDACTED] Sun, Nov 27, 2022 at 9:56 PM
To: john brown [REDACTED], Barbara Burk Zielstra [REDACTED], Frank James Ccfpd <fjames.ccfpd@gmail.com>, Hue Beattie <hue.ccfpd@gmail.com>, Bob Carmichael <Bob@carmichaelclark.com>, John McLaughlin <johnm.ccfpd@gmail.com>, Christopher Grannis [REDACTED], Robyn Albro <ralbro.ccfpd@gmail.com>, "egrumbine.ccfpd@gmail.com" <egrumbine.ccfpd@gmail.com>, "jhymas1331@gmail.com" <jhymas1331@gmail.com>

To: Chuckanut Community Forest Park District Board of Commissioners

Thank you for the opportunity to comment. A huge thanks to this board of Commissioners for being willing to help shepard conservation of this property through the Master Planning process. I think your expertise and engagement in that process and your openness and insistences on a very robust public input have improved the Master Plan substantially.

Thank you also for collecting a lower overall tax for a shorter amount of time than the \$.28/1000 for ten years **that the voters authorized.** We're coming in below budget!

Recent commission meetings have shown me that it appears that you are taking very seriously the final task of being very deliberate and effective in transferring a strong conservation easement to a suitable party with ample resources to do the job in perpetuity.

A decade ago I was on the core citizen steering committee that developed the proposal for this district and feel the need to clarify the record on what we proposed and budgeted for in the original proposal and our transparency in putting the proposal in front of the petitioners and voters.

After much work and discussion of the parameters of the proposed District led by Dan and Robin, I took the lead in determining the original budget of 28 cents per 1000 for the 10 year levy amount and wrote the legal petition that began formation of the district. That document was improved and refined with the review and approval from others on the steering committee and our legal council. We received very helpful input and review from the County Auditors and Treasurer as well as City Parks, but since we were not a legal district at the time, there was only so much they could do. The rest of it was up to us as advocates.

In the information sheet that we passed out with the petition, **we were clear with the petitioners that we would be buying a conservation easement with the funds raised by the levy to insure the property would preserved in perpetuity.** Subsequent campaign literature reiterated the point. **It was not a simple gift to the City to complete its purchase of the property as some have claimed.**

This was, at least in large part in response to a common question we heard from citizens of the proposed District. How could we assure the public that this effort would in fact preserve the property in perpetuity? We wouldn't have received enough signatures to get it on the ballot without that assurance.

We identified several areas of District expense beyond buying a conservation easement that would

pay off the loan to preserve the whole of the property. We broadly included language to identify those costs in the legal petition. One expense we identified is paying for the administration and defense of that conservation easement in perpetuity and a modest sum to assist with stewardship. If the City and the District were to decide to fold up the District after the Master Plan is written and adopted, any future entity which is granted title to that conservation easement will have administrative cost and potential legal expense in defending the easement. At the time of the petition's original budget, we had identified those potential costs in consultation with the Whatcom County Land Trust and others and included them in the budget.

Having spent my adult life working in stewardship for public land administration agencies of all types, I think it is 100 percent likely that there will be either a Park Director, Planner or City politicians that will at some point in the future look at this property as a place for formal park facilities, other municipal construction or worse. I don't want to be seen as some one who is casting a broad brush of mistrust on anyone with the City, I am not. However in the long term, it will be too tempting for someone in a pivotal position that doesn't value urban conservation. The conservation easement we have worked so hard for and paid so much to acquire must remain effectively intact in perpetuity.

All of the adjacent Greenways properties in the Hundred Acre Wood were purchased with grant money administered by Washington States' Recreation and Conservation Office. The terms of those grants protect the conservation values of the properties in perpetuity. The Chuckanut Community Forest parcels could be left as the least protected land in the Hundred Acre Wood without a strong conservation easement.

The Parks Director leans heavily into the fact that they have budgeted a considerable sum in their capital improvement budget for phase 1 improvements, to be followed up with a phase 2 in the near future. I very much support this. I think they are headed in the right direction on there initial effort. However, this does not address the ongoing cost of education, stewardship and an assortment of lessor needs. Like all public land managers, their budget is limited and competes with other needs

Stewardship of urban natural areas is very inexpensive compared to other municipal facilities and Parks, but it is not free. In transferring the Conservation Easement to another party, I believe this board should consider the recipient's ability and willingness to monitor the area and to cooperatively assist the City with this need. It has become commonplace for nonprofits that own preserved land and conservation easements to work with public landowners in this way. We know they can work well since we have worked with several in this capacity including Whidbey- Camano Land Trust, Mt to Sound Greenways Trust, Backcountry Horseman, Washington Trails Association, Spring Family Trust for Trails and of course our local Recreation Northwest. If you find the right partner and recipient, I consider the legal defense element to be the backstop that would only be necessary when the primary cooperative stewardship efforts fail.

I'm very strongly in favor of a very modest levy for this next year that will set up the recipient of the Conservation Easement with sufficient reserves to defend the conservation easement and provide a cooperative effort for stewardship of this property. Without a review of the specific proposals from the potential recipients of the conservation easements, it is unknown what their cost proposals may be for stewardship and legal defense. We need to play it safe on this last important task of the District. I think its what is needed to complete our promise to the citizens and voters of this District.

Thank you for your diligence in this last major District matter.

Gerry Wilbour

[Redacted text block containing multiple lines of blacked-out content]