Members Present: County Council Member Dave Somers (Chairperson), County Council Member Terry Ryan, County Executive Representative Lisa Dulude, Large City Representative Councilmember Randy Lord, Small City Representative Mayor Carla Nichols, Community Representative Ann Boyce and Community Representative Dan Bartelheimer

Members Excused/Absent: None

Staff: Dianne Bailey, Sharon Swan and David McConnell

Guests: Tom Teigen (Director, Snohomish County Department of Parks and Recreation), Stephen Clifton (Executive Director, Snohomish County Executive Office), Michelle Connor (Forterra), Mayor Leonard Kelley (City of Stanwood) and Ryan Larson (City of Stanwood)

1. CALL TO ORDER

Chairperson Somers called the meeting to order at 3:35 pm.

2. INTRODUCTION OF BOARD MEMBERS

Board members, staff and guests introduced themselves.
3. PROJECT UPDATES

Ms. Dianne Bailey provided the following updates on the pre-bond and bond-based projects and provided a copy of the bond-based Administrative Status Report (see Attachment 6):

The City of Stanwood has proposed changes to its Interlocal Cooperation Agreement (ILA) for the Stillaguamish River project. There are three proposed revisions. The first is to amend the conservation easement language to clarify the allowed uses on the site to include commercial/public boat launch use, to allow the collection and proration of revenue from the boat launch use and to clarify that retention of a historic smokestack on the site is allowed.

Ms. Bailey summarized the proposal submitted by the City of Stanwood (see Attachment 1). In her summary, Ms. Bailey explained that the Conservation Futures program will fund $156,000 of the $500,000 acquisition cost for the property, or 31.2%. The City is proposing to establish the rate for a pro rata share of any income from the operation of the boat launch. This share of any income, less the maintenance and operation costs, will be paid annually to the County per the ILA and be defined as 31.2%. The City also would like preserve the smoke stack on the site, which is a historic structure, and is requesting that this be clarified in the conservation easement. Ms. Bailey then introduced Mayor Leonard Kelley and Mr. Ryan Larson from the City of Stanwood to discuss the proposed changes and answer questions from the Board.

Discussion followed. Board member Terry Ryan asked for clarification on the reason that the changes were being proposed to the conservation easement. Ms. Bailey explained that the proposed changes were intended to clarify points in the language of the documents. Board member Ann Boyce asked if the commercial use on the site was the boat launch. Mayor Kelley explained that while the boat launch is open to the public, it also has a preexisting commercial use for a shellfish operation. Ms. Bailey clarified that this is an allowed use because only a portion of the project was financed with Conservation Futures funds and the rest of the funding came from the City. Chairperson Somers and Ms. Bailey also discussed the process by which the proposed changes can be implemented. Chairperson Somers asked Staff to clarify with the Prosecuting Attorney’s Office if the Executive has the authority needed to approve the changes and if not then bring the package to the County Council.

The Board recommended that Staff make the changes proposed by the City of Stanwood by consensus.

The Hooven Bog project has been completed and the Parks and Recreation Department applied for funding to support acquisition of the property through the Recreation Conservation Office (RCO), which would reimburse the Conservation Futures program for a portion of the cost of the acquisition.

Ms. Sharon Swan presented an aerial map of the Hooven Bog site (see Attachment 2) and explained that the RCO grant only covers the portion of the site that was eligible for grant funding under the Urban Wildlife Habitat Projects portion of the Washington Wildlife and Recreation Program (WWRP). Ms. Swan reported that the preliminary ranking for this project by the RCO suggests that it will be funded. The
final award however will be based on the State process and the final results will not be known until early next year. A portion of the requested funding is for closing and related costs such as appraisals. Final award amount from RCO will be based on an appraisal process. The ballpark amount anticipated to be available to return to fund balance is $450,000 dollars. Finally, Ms. Swan shared a flier (see Attachment 3) for an upcoming open house event to be held at Hooven Bog on Saturday, November 15, 2014 at 10:00 a.m.

Discussion followed.

The Esperance Park Addition project is ongoing. Ms. Swan reported that the Parks and Recreation Department determined that the funding already provided by the Conservation Futures program for the acquisition would not be sufficient to complete the acquisition so the Department pursued additional grant funding through RCO in the Local Parks category of the WWRP. The project is anticipated to be successfully funded and completed sometime in the coming year.

Discussion followed.

The Lower Wallace River project is ongoing and Ms. Bailey reported that the County will be granting an extension to the ILA with Forterra which will be considered by the Snohomish County Council soon. Ms. Bailey then introduced Ms. Michelle Connor from Forterra to provide a detailed update to the Board.

Ms. Connor provided a set of handouts (see Attachment 4) with her presentation and reported that the Lower Wallace project was progressing but that there was a $30,000 dollar shortfall. She noted that the property is prime fish and wildlife habitat, has a fish hatchery on site, and is important to the Tulalip Tribes. Ms. Connor further noted that the Conservation Futures Program originally provided $250,000 dollars in funds as match for a Salmon Recovery Funding Board (SRFB) grant. The appraisal process valued the property at $490,000 dollars, plus other acquisition costs (totaling $29,667), creating the $30,000 dollar shortfall and prompting this request. Forterra went back to the property owner and asked for additional concessions and the land owner agreed. Forterra will leverage the donation of a conservation easement on adjacent properties and donate the work to draft and encumber a conservation easement. Ms. Connor stated that the total project will protect 150 acres of land along over one (1) mile of river frontage and provide critical habitat for Steelhead and Chinook salmon. However, the land acquisition will not go forward without additional funding.

Discussion followed. Board member Randy Lord asked Ms. Connor when the drop-dead date for the project to be completed is. Ms. Connor answered that the deadline is based on the expiration of the SRFB funding on March 31, 2015. Board member Carla Nichols asked Ms. Connor if the Tulalip Tribe would be providing any funding to cover the shortfall and if they had been approached for funding. Ms. Connor replied that the Tulalip Tribes are committed to take care of the acquisition long term and that if Forterra had to hold and manage the easement it would need to establish a $100,000 endowment for that purpose. Forterra did approach the Tulalip Tribal Council but was informed that the Tribes would not provide the additional funding requested. Chairperson Somers asked if the Tulalip Tribes funds and operates the hatchery on site. Ms. Connor replied that the Tribes assist with funding and
operating the hatchery.

The Board agreed by consensus to consider this project funding request later in the meeting after it has heard the remainder of the project updates and discussed its process and approach for funding.

Ms. Bailey reported that the Storm Lake property is still available for purchase and that the sale price for the property has dropped. In the 2013 bond based Conservation Futures grant round, the Board recommended funding the Storm Lake acquisition, but the County Council later defunded the Storm Lake project in Amended Motion Number 13-353. The property is still listed and the sale price has dropped from $1.6 million dollars to $1.2 million dollars.

Discussion followed on the history, timing and motivation for the change in funding between the Board’s recommendation and the County Council’s funding decision. Ms. Bailey introduced Mr. Tom Teigen, Parks Director of the Snohomish County Parks and Recreation Department. Mr. Teigen provided additional background on the funding decision and requested that the Board consider the purchase of the Storm Lake property.

The Board decided by consensus to invite the County to bring the Storm Lake project back to the table at the January 2015 Conservation Futures Advisory Board meeting to be considered for funding.

The City of Sultan’s Sultan River Nature Trail project is progressing and Ms. Bailey asked the Board to consider an email (see Attachment 5) from Ms. Laura Koenig regarding an increase in acreage. Ms. Bailey reported that the City has $324,600 dollars in available funds for the property acquisition. The appraised value of the property to be acquired came in lower than anticipated and the City would like approval to acquire additional land with the same funding. In addition, the City found that the legal description of the property to be acquired may need to be changed based on the results of the City’s title searches.

Discussion followed. Board member Randy Lord asked for clarification on what the City was requesting of the Board. Ms. Bailey replied that the City is seeking permission to increase the amount of acreage it acquires for the same amount of funding based on a lower appraised property value. Board member Carla Nichols asked how much additional acreage the City is planning to buy. Ms. Bailey answered that the acreage will not be known until the City enters into negotiations with the landowners.

The Board approved the proposed changes by consensus.
4. ANTICIPATED RETURN TO FUND BALANCE

Ms. Bailey updated the Board on the status of the Conservation Futures fund cash balance. There were no handouts for her report. In her report Ms. Bailey reported the following:

1. The Full Year Available Funding for 2014 is obtained by adding the Current Fund Balance of $18,865,197 to the Projected Additional Revenue through Year End Balance of $350,000 for a total of $19,215,197.
2. The Year End Fund Balance for 2014 is obtained by adding the Project Commitments Balance of $16,178,068 to the Other Expenses Balance of $835,326 and subtracting from the 2014 Full Year Available Funding, leaving a total of $2,201,803.
3. There is a potential Return to Fund Balance of $1,213,292.
4. The Total Funding Available is obtained by adding the Year End Fund Balance of $2,201,803 to the Potential Return to Fund Balance of $1,213,292 to obtain a total of $3,415,095. Of this amount, the program needs to retain approximately $400,000 for anticipated expenses in 2015.

Discussion followed. Board member Ann Boyce asked which funds need to be spent by specific deadlines. Ms. Bailey replied that $1.4 million in bond based funds (of the $3,415,095.00 amount anticipated to be available for expenditure at the end of the year) need to be spent by April 2016. Chairperson Somers reminded the Board that the purpose of the Special Meeting is to determine the process that the Board will take in making funding decisions for projects in the next year.

5. PROCESS FOR EXPENDING RESIDUAL BOND FUNDS

Ms. Bailey recapped the past process used by the Board in the 2013 bond based grant round for selecting projects to recommend to the County Council for funding (see Attachments 7 and 8). Ms. Bailey reminded the Board that there is only $3.4 million dollars anticipated to be available to award for projects. She also reviewed the steps and the timing needed to complete a grant application process and emphasized the need for haste in determining how to expend the anticipated funding in order to meet the April 2016 deadline. Ms. Bailey requested that the Board consider three options for how to proceed:

Option 1 - select from the projects that the Board has already recommended for funding in the last grant round.

Option 2 - select from the projects that the Board has already recommended for funding in the last grant round and also consider the emerging opportunities that are known as of the January 2015 regular meeting.

Option 3 - open a new grant round with the understanding that there must be willing
sellers and that proposed bond packed projects must move very quickly to be completed in 12 months.

Discussion followed. Chairperson Somers asked that Staff report on the emerging opportunities and then come back to the process discussion. The Board agreed by consensus.

6. EMERGING OPPORTUNITIES

Ms. Bailey updated the Board on the following emerging opportunities:

The Faber Riverbend Farm is a Forterra sponsored project that is a potential $100,000 dollar investment in conserving farmland through a conservation easement. Ms. Bailey gave a brief summary of the project and then asked Ms. Connor to discuss the project (see Attachment 9).

Ms. Connor explained the background and history of the property and the project. The site is a 150 acre former dairy farm and is prime farmland. It was to be converted to a residential housing development but the owner and project proponent at that time went bankrupt and the bank that held the loan also went bankrupt. The site has 1 speculation home, infrastructure for a future subdivision, and an undocumented underground tank and is currently a brownfield. The bank that currently holds the loan would like to sell the property at auction in December at fire-sale prices. In discussion with real estate professionals, Forterra has determined that individual lots at this site, if it were a housing development, could easily be sold for $75,000 dollars apiece. There is an opportunity for the County to return the site to use as active farmland. Forterra proposes to leverage a $585,000 dollar investment, clear the title, remove the plat records that prohibit farming, and create a square inholding that encompasses all of the infrastructure onsite. Forterra is requesting $100,000 and to buy a conservation easement that encumbers the remaining 130 acres. The goal is for Forterra to make an offer to the bank by Thanksgiving, prior to the December property auction. Forterra will ask for a 60 day feasibility period to address the environmental issues and final agreements with the inholding landowner, and then close on the deal in March.

Discussion followed. Ms. Bailey asked Ms. Connor who would hold the conservation easement? Ms. Connor stated that Forterra would ask Snohomish County to hold the easement.

The Board decided by consensus to hold on whether or not to consider a recommendation for funding of this project until all of the emerging opportunities have been reported on and the Board has discussed its procedure for considering funding.

Ms. Bailey provided a brief summary of the Oso Landslide properties and introduced
Snohomish County Parks Director Tom Teigen to discuss the opportunity. Mr. Teigen described the effect of the Oso landslide on the surrounding community, SR 530 and the Whitehorse Trail. As part of recovery efforts, the Federal Emergency Management Agency (FEMA) and Snohomish County have explored the possibility of buying out the landowners in the slide area. There has also been discussion of the possibility of building a memorial somewhere on the site if the families of the victims are supportive of the idea. Lands purchased with FEMA funds can have no permanent structures on them and a memorial would fall in that category. The Parks Department is asking for Conservation Futures funds to purchase several of the available lots (see Attachment 10) for this purpose. Mr. Teigen stated that there are 7 parcels with a total of 31 acres, which are being considered. The 2013 assessed value of the properties, in total, is $331,000 dollars. Not all of the parcels would need to be acquired and the best combination of parcels would be parcel A and parcel G. Parcel A would provide the best view of the site because it is on high ground and parcel G at C-Post Road would provide the best opportunity for safe public access off of SR530.

Discussion followed and the Board decided by consensus to hold on this opportunity until the January regular meeting.

Ms. Bailey informed the Board that the Town of Woodway has an opportunity to purchase one additional parcel for its Deer Creek Park Addition project. Mayor Nichols summarized the project and explained that the Town requested $3,500,000 dollars as part of the 2013 bond based grant round to acquire 4 parcels of land and the County Council awarded $1,656,826 dollars for the project in Amended Motion Number 13-353. As a result of the reduced funding award, the Town was only able to purchase two of the 4 available parcels, marked in orange on the map. Now however, the owner of the parcel marked in green is a willing seller and Town believes this parcel is in a good location for connectivity to road access, the water utility and for trails. The Town is requesting that the Board recommend $800,000 for the acquisition of the remaining available parcel (see Attachment 11).

Discussion followed. Board member Terry Ryan asked Mayor Nichols if she can describe the Town’s reasoning behind which parcels it chose to acquire. Mayor Nichols answered that the Town chose the parcels that it did acquire for their scenic value because they are in the most natural state and have a stand of mature timber on them. Also, the Town’s connection to the Olympic View Water District abuts these two parcels. Board member Ryan asked Mayor Nichols how many acres the proposed acquisition is. Mayor Nichols responded that the parcel is 2.33 acres. Board member Ryan asked Mayor Nichols if the Town has identified any matching funds for this project. Mayor Nichols answered that the Town has identified several sources including $45,000 in the Town’s 2015 budget as well as a Verdant grant for trail development.

The Board decided by consensus to wait to consider this project until the January meeting.
Ms. Bailey introduced the last of the emerging opportunities, the Meadowdale Beach Park access and asked Ms. Swan to discuss the issue and proposed solutions. Ms. Swan explained that when Meadowdale Beach Park was first developed, its access and parking area were placed in an unopened right of way. The adjacent landowner is planning a residential development that will require use of the right of way and is anticipated to affect access to the park as well as a portion of the existing parking lot when completed. The property owner is a willing seller and the property, which is 2.23 acres, is anticipated to be listed for sale at $1.2 million dollars.

Discussion followed. Board member Randy Lord asked for clarification on the location of the park access, the parking lot, and if there were other access points to the park. Ms. Swan showed an aerial from the County Assessor’s webpage and showed the Board the locations of the park, the right of way, and the proposed residential development. Board member Ann Boyce asked Staff if there was a prescriptive right or adverse possession that could be used. Parks Director Tom Teigen replied no and reminded the Board that condemnation was also not an option. Board member Randy Lord asked Staff to define what the least amount of property that would need to be acquired in order to secure guaranteed access to the park. Ms. Swan showed a possible scenario using the Assessor’s aerials and indicated that she would report back to the Board with a more detailed proposal.

Chairperson Somers asked the Board to consider the two Forterra projects that have close deadlines and asked for a motion to be proposed. Board member Randy Lord moved that the Board recommend to the County Council that it fund the Lower Wallace and Faber Riverbend Farm projects in the amounts requested. Board member Terry Ryan seconded the motion. In discussion of the motion, Board member Carla Nichols asked the Board whether they should consider the Storm Lake property as well. After discussion of the motion the Board agreed to focus on the existing projects as well as the emerging opportunities at its January 2015 meeting. The vote is 7/0 in favor and the motion carries.

After discussion the Board decided, by consensus, that it is supportive of the County acquiring enough land to preserve access to Meadowdale Beach Park and also to preserve open space in the area and asked Staff to bring back a proposal to the Board for consideration at their January 2015 regular meeting.
7. PROCESS FOR EXPENDING RESIDUAL BOND FUNDS

After hearing Staff and guests speak regarding the emerging opportunities (described in item #6 of these minutes), the Board returned to the discussion of its process for expending funding in 2015.

Chairperson Somers asked that the Board discuss the funding process and how to fairly consider proposed projects, emerging opportunities and whether or not there is a need to have a formal 2015 grant round for the $3.4 million dollars. He emphasized that the Board should consider how to be as open and fair as possible in its approach to funding decisions. Chairperson Somers noted that there are two requests for Forterra projects, Lower Wallace Falls and the Faber Riverbend Farms, which have rapidly approaching expiration deadlines. The Board has the authority to make procedural decisions as well as recommendations and the board can also decide to put off decisions on recommending funding for projects and discuss its process first if it chooses.

Chairperson Somers opened the floor for discussion on how to proceed.

Discussion followed on the projects considered for funding and the process of funding. Board member Randy Lord would like to reconsider the mix of projects and process. Board member Ann Boyce stated that the Board historically has not always followed a formal process when there has been a high risk of losing a potential high value acquisition. Board member Lisa Dulude suggested using the selection criteria utilized during the last grant round be used as a tool to evaluate the current projects being promoted. Board member Randy Lord agreed that a fast process may be needed for some of the properties where there is a very high risk of loss and close deadlines, but would like to more carefully consider any project without an urgent deadline. Board member Terry Ryan asked about the projects on the ranking list that were not funded - why were they not funded? Was it lack of funds or the quality of the projects? Should we reconsider unfunded ranked projects first due to the short timeline? Board member Ann Boyce stated that some projects should have been removed from the consideration list and that the Board should establish a baseline to eliminate projects that do not meet a minimally acceptable standard to be determined by the Board. She also recommended opening the process up entirely to accept new projects. Board member Randy Lord agreed and asked if anyone can bring a new emerging opportunity to the Board at any time. There was strong disagreement and consensus was not reached on this point. Board member Terry Ryan asked if the sponsors of projects with large award amounts that are not moving forward can be given a deadline to show adequate progress or be required to return their funds. Staff responded that the ILAs or Purchase and Sale Agreements for each project determine the deadline for funding.

There was further discussion by the Board regarding whether or not to have Staff to bring back the ranked project list from the 2013 bond based grant round. Board member Lisa Dulude asked Staff to provide the ranked list of projects considered
during the 2013 bond based process. Chairperson Somers asked Staff to locate the project rankings from the 2013 August grant review meetings and bring them to the January 2015 regular Board Meeting.

By consensus the Board agreed that there could be a short term and a longer term funding process for projects and that the returning bond based funds must be expended in a timely manner in order to meet the April 2016 deadline. The Board asked Staff to bring additional information on the emerging opportunities that had been presented to the Board so that these opportunities could be evaluated at the January Regular Meeting in addition to the list of unfunded projects considered during the 2013 grant round. The Board further agreed to consider funding projects at its January 2015 regular meeting.

8. UPCOMING MEETING – SET DATE

The next meeting of the Board is to be in January. Chairperson Somers requested that Staff determine several possible dates and survey the Board to determine a possible meeting time. Board member Lisa Dulude suggested that Staff set up a meeting Doodle to determine suitable dates for the meeting and Staff agreed.

9. COMMENTS FROM THE BOARD

There were no comments from the Board.

10. ADJOURNMENT

The meeting was adjourned at 5:30 p.m.
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October 30, 2014

Dave Somers, Snohomish County Council Chair
Snohomish County Conservation Futures Program Advisory Board
3000 Rockefeller, M/S 609
Everett, WA 98201

RE: Conservation Futures Grant – Tax Parcel 320324-004-146-00
City of Stanwood Acquisition from Hamilton

Dear Chairman Somers:

Snohomish County and the City of Stanwood have entered into an Interlocal Cooperation Agreement concerning the City’s acquisition of Snohomish County Tax Parcel 320324-004-146-00, partially funded by a conservation futures funds grant. The subject property is essentially vacant land abutting the Stillaguamish River. The Interlocal Cooperation Agreement was executed by the City on May 16, 2013 and by Snohomish County on July 17, 2013. The agreement includes the obligation for the City to execute the standard form conservation easement, which is an attachment to the Interlocal Cooperation Agreement.

The City has reached an agreement with the owners of the subject property for the acquisition. The conservation futures grant will contribute $156,000 of the purchase price, the City will contribute $50,000 in cash, and a trade of property valued at $58,000, and the sellers have agreed to make a donation to the City of $236,000 to arrive at the $500,000 purchase price. The subject property is estimated by the County Assessor to be 2.01 acres.

The City seeks revision to the grant of conservation easement or approval under Section IV-A for the activities described in this letter.

A portion of this property has been used as a boat launch and is leased by the current owner to Trans Ocean Seafoods, Inc. for that purpose. The property already has some of the amenities required for a public boat launch and provides an excellent location for public access to the Stillaguamish River, while preserving a significant portion of the property as passive use waterfront. A public boat launch use would include a driveway access to the launch location and parking, which might at some point be paved with asphalt or concrete. The boat launch activity would involve routine access by motorized vehicles in the limited location of the driveway, boat launch and parking area. These uses would be permanent. The City requests that Snohomish County and the Conservation Futures
INTERLOCAL COOPERATION AGREEMENT
BETWEEN
SNOHOMISH COUNTY AND THE CITY OF STANWOOD, WASHINGTON
CONCERNING
ACQUISITION OF PROPERTY WITH CONSERVATION FUTURES FUNDS

RECITALS

A. Whereas, Snohomish County manages a Conservation Futures funding program pursuant to RCW 84.34.200 et seq. and Chapter 4.14 Snohomish County Code; and

B. Whereas, cities and towns located in Snohomish County, nonprofit historic preservation corporations, and nonprofit nature conservancy corporations or associations as such are described in RCW 84.34.210 are eligible to apply to Snohomish County for resources to fund acquisition of interests or rights in real property located within Snohomish County that meet the conservation criteria described in RCW 84.34.210 et seq.; and

C. Whereas, the City of Stanwood applied for resources from the Snohomish County Conservation Futures Property Tax Fund to purchase property in the City of Stanwood (hereinafter referred to as the "Property"); and

D. Whereas, a majority of the Snohomish County Conservation Futures Program Advisory Board, at their January 15, 2013 meeting, recommended, by motion, that the Snohomish County Council award the City of Stanwood One Hundred Fifty-Six Thousand and 00/100 Dollars ($156,000) from the Snohomish County Conservation Futures Property Tax Fund for the purchase and conservation of the Property, providing open space and offering the public access to the Property; and

E. Whereas, on February 20th, 2013, the Snohomish County Council, by Motion No. 13-047, approved the purchase of the Property by the City of Stanwood and awarded $156,000 from the Snohomish County Conservation Futures Property Tax Fund for that purpose; and

NOW, THEREFORE, this Interlocal Cooperation Agreement (the "AGREEMENT") is made by and between SNOHOMISH COUNTY, a political subdivision of the State of Washington (hereinafter referred to as the "COUNTY") and the City of Stanwood, a municipal corporation of the State of Washington (hereinafter referred to as the "CITY") under authority of the Interlocal Cooperation Act, Chapter 39.34 RCW. For and in consideration of the mutual promises set out below, the parties agree as follows:
3.5. **Risk of Loss.** All of the CITY's personal property of any kind or description whatsoever, or that of its employees, agents, contractors, and/or invitees placed on the Property shall be at the CITY's sole risk, and the COUNTY will not be liable for any damage done to, or loss of, such personal property.

3.6. **Funding.** Any obligations of the COUNTY beyond the current fiscal year are subject to appropriation of funds for the specific purpose of funding this AGREEMENT in accordance with its Charter and applicable law.

3.7 **Public Records Act.** This AGREEMENT and all public records associated with this AGREEMENT shall be available from the COUNTY for inspection and copying by the public where required by the Public Records Act, Chapter 42.56 RCW (the “Act”). To the extent that public records then in the custody of the CITY are needed for the COUNTY to respond to a request under the Act, as determined by the COUNTY, the CITY agrees to make them promptly available to the COUNTY. If the CITY considers any portion of any record provided to the COUNTY under this Agreement, whether in electronic or hard copy form, to be protected from disclosure under law, the CITY shall clearly identify any specific information that it claims to be confidential or proprietary. If the COUNTY receives a request under the Act to inspect or copy the information so identified by the CITY and the COUNTY determines that release of the information is required by the Act or otherwise appropriate, the COUNTY's sole obligations shall be to notify the CITY (a) of the request and (b) of the date that such information will be released to the requester unless the CITY obtains a court order to enjoin that disclosure pursuant to RCW 42.56.540. If the CITY fails to timely obtain a court order enjoining disclosure, the COUNTY will release the requested information on the date specified.

The COUNTY has, and by this section assumes, no obligation on behalf of THE CITY to claim any exemption from disclosure under the Act. The COUNTY shall not be liable to THE CITY for releasing records not clearly identified by the CITY as confidential or proprietary. The COUNTY shall not be liable to the CITY for any records that the COUNTY releases in compliance with this section or in compliance with an order of a court of competent jurisdiction.

IV. **HOLD HARMLESS AND INDEMNIFICATION.** The CITY shall assume the risk of, be liable for, and pay all damage, loss, costs and expense of any party arising out of the activities under this AGREEMENT and all use of any improvements it may place on the Property. The CITY shall hold harmless, indemnify and defend the COUNTY, its officers, elected and appointed officials, employees and agents from and against all claims, losses, lawsuits, actions, counsel fees, litigation costs, expenses, damages, judgments, or decrees by reason of damage to any property or business and/or any death, injury or disability to or of any person or party, including but not limited to any employee, arising out of or suffered, directly or indirectly, by reason of or in connection with the acquisition or use of the Properties and this AGREEMENT; PROVIDED, that the
E. WHEREAS, this Conservation Easement is authorized by RCW 84.04.130, the provision of state law governing conservation easements; and

F. WHEREAS, the Grantor and the Grantee intend and have the common purpose of retaining the Protected Property for open space and passive recreation by placing restrictions on the use of the Protected Property, which shall continue as a servitude running with the land, and authorizing Grantee to monitor and enforce such restrictions, as described herein; and

G. WHEREAS, to document the present condition of the Protected Property so that Grantee or its assigns are able to monitor future uses and assure compliance with the terms of this Conservation Easement, Grantee has, at its expense, prepared baseline data consisting of photographs and other documentation summarized in Exhibit B and incorporated herein by reference as though set forth in full (the "Baseline Documentation") that the parties agree provide an accurate representation of the Protected Property as of the date of this Conservation Easement; and

H. WHEREAS, Snohomish County, as the Grantee of this Conservation Easement, is a qualified holder of conservation easements under RCW 64.04.130; and

I. WHEREAS, this Conservation Easement is being purchased with funds provided, in part, by the County's Conservation Futures Program pursuant to RCW 84.34.200, RCW 84.34.210, RCW 84.34.220 and chapter 4.14 SCC, which authorizes Snohomish County to purchase conservation easements for the purpose of protecting open space and timber land through restrictions on incompatible uses of the land;

NOW, THEREFORE, for and in consideration of the above recitals and the mutual covenants, terms, conditions, and restrictions contained herein and in payment of one dollar ($1.00) and other valuable consideration by Grantee, the receipt of which is hereby acknowledged by Grantor, and pursuant to the laws of the State of Washington, including chapters 64.04 and 84.34 of the Revised Code of Washington, the parties agree as follows:

I. Grant. Grantor hereby grants to the Grantee a perpetual Conservation Easement over, under, across and through the Protected Property, as described in Exhibit A attached hereto, to protect, preserve, maintain, improve, restore, limit future use of or otherwise conserve the Protected Property as open space pursuant to chapter 84.34 RCW.

II. Purpose. The purpose of this Conservation Easement is to assure that the Protected Property will be retained forever in its natural and open space condition and to prevent any use of the Protected Property that will significantly
condemnation, whether by public, corporate or other authority, except by the parties hereto.

VIII. Proceeds. In the event of termination or extinguishment of this Conservation Easement, Grantee shall be compensated by Grantor for the fair market value of its interest in the Protected Property as determined by either a real estate appraiser licensed by the State of Washington or a court of competent jurisdiction.

IX. Transfer or Assignment of the Conservation Easement. This Conservation Easement is transferable, but Grantee may assign its rights under this Conservation Easement only to an agency or organization that is authorized to acquire and hold conservation easements under RCW 64.04.130 or RCW 84.34.250, or otherwise qualified at the time of transfer under §170(h) of the Internal Revenue Code of 1986. As a condition of such transfer, Grantee shall require that the transferee exercise its rights under the assignment consistent with the purpose of this Conservation Easement.

X. Costs and Liabilities. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to ownership, operation upkeep, and maintenance of the Protected Property.

A. Taxes. Grantor shall continue to be solely responsible for payment of all taxes and assessments levied against the Protected Property.

B. Attorneys fees and costs for enforcement. If the Grantee commences and successfully prosecutes an enforcement action pursuant to Section XI below, the Grantor shall pay all reasonable costs and expenses associated with the enforcement action, including but not limited to, reasonable attorneys fees.

XI. Enforcement & Monitoring. Grantee shall have the authority to enforce the terms of this Conservation Easement. To exercise this authority and thereby further the purpose of this Conservation Easement, the Grantee shall have the following rights under this Conservation Easement, which are subject to the stated limitations:

A. Entry onto Protected Property with Reasonable Notice. If the Grantee has reason to believe that a violation of the terms of this Conservation Easement has occurred or is occurring, the Grantee shall have the right to enter the Protected Property, provided that reasonable advance notice is given to the Grantor, for the purpose of inspecting it for violations of any requirement set forth in this Conservation Easement. Additionally, the Grantee shall have the right to enter the Protected Property at least once a year, at a mutually agreed time, for purposes of inspection and compliance.
C. Interpretation. This Conservation Easement shall be interpreted to resolve any ambiguities and questions of the validity of specific provisions to give maximum effect to its preservation purpose, as stated in Section I, above. If the Grantor has any doubt concerning the Conservation Easement, covenants, conditions, limitations or restrictions herein contained with respect to any particular use of the said Protected Property, it may submit a written request to the Grantee for consideration and approval of such use.

D. Definitions. Any masculine term used in this Conservation Easement shall include the female gender. The terms "Grantor" and "Grantee," wherever used in this Conservation Easement, and any pronouns used in their place, shall be held to mean and include respectively the above named Grantor, its successors, and assigns, and the above-named Grantee, its successors and assigns.

E. Entire agreement. This Conservation Easement sets forth the entire agreement of the parties with respect to the issues addressed herein and supersedes all prior discussions, negotiations, understandings, or agreements relating to these issues, all of which are merged herein.

F. No forfeiture. Nothing in this Conservation Easement shall result in a forfeiture or revision of Grantor's title in any respect.

G. Successors. As stated in the above recitals, all covenants, terms, conditions, and restrictions of this Conservation Easement shall run with the land and be binding upon, and inure to the benefit of, the parties hereto and their respective successors and assigns.

H. Severability. If any portion of this Conservation Easement is declared unlawful or invalid, the remainder of the Conservation Easement shall remain in full force and effect.

I. Authority of signatories. The individuals executing this Conservation Easement warrant and represent that they are duly authorized to execute and deliver this Conservation Easement.

J. No merger. If Grantee at some future time acquires the underlying fee title in the Protected Property, the interest conveyed by this Deed will not merge with fee title but will continue to exist and be managed as a separate estate.

XVI. Environmental Compliance.
EXHIBIT A

LEGAL DESCRIPTION OF
PROPERTY SUBJECT TO CONSERVATION EASEMENT

SEC 24 TWP 32 RGE 03 LOT 4 OF CITY OF STANWOOD SP REC AF
9808215001 & CORR AF 9811030219 BEING PTN OF SW1/4 SE1/4 24-32-03 &
NW1/4 NE1/4 25-32-03

SITUATE COUNTY OF SNOHOMISH, STATE OF WASHINGTON
Hooven Bog Site Map

29.01 acres

Bog

Fen

County land purchase
Snohomish County has recently purchased the Hooven Bog property and invites neighbors to an open house to learn more about what’s underway. Please join us to view exhibits, visit with staff, ask questions and provide feedback.

10 a.m. to noon
Saturday, November 15, 2014
Hooven Bog (see map other side)
24131 - 75th Ave. SE, Woodinville

For more information, please contact Lisa Dulude, 425-388-3965, lisa.dulude@snoco.org.

Hooven Bog is a wetland located one-half mile west of Crystal Lake that is one of the very few preserved, near pristine peat bogs remaining in Snohomish County. It provides habitat diversity and is home to a variety of plants and wildlife.

photos courtesy of Randy Whalen

Interpreter and translation services for non-English speakers and accommodations for persons with disabilities are available upon request. Please make arrangements in advance by calling Peggy Campbell, 425-388-6497. For questions regarding Public Works’ Title VI Program, contact our Title VI Coordinator via email at spw-titlevi@snoco.org, or phone 425-388-6660. Hearing/speech impaired call 711.

Open house Sat., Nov. 15
Learn about future plans for Hooven Bog

Note: on 75th Avenue SE, white fence and sign at end of driveway will mark where to turn east.
Lower Wallace River
Lower Wallace River Conservation Area
Snohomish County, Washington

November 6, 2014
Forterra Projects
Lower Wallace River

Opportunity
- Leverage 50% match of 30-acre CE donation
- Protect ~150 acres along over 1 mile of river
- Critical habitat for Chinook and steelhead
- Leverage long-term stewardship by Tulalip Tribes

Request: $30,000

Urgency
- SRFB Grant Expires March 31, 2015
- Willing seller with 94% of funds in hand
- If not completed now – opportunity will disappear
# Project Budget

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---

November 6, 2014
Dianne

The City has $324,600 in available funds for the acquisition of the property for the trail. We provided a legal description for the grant and find that the legal may change based on title searches. We also found the appraised value was less than anticipated, however, the properties cannot be build on and the goal is to preserve them for the future. Can the city acquire additional property within the scope of the project area as long as we do not exceed the grant amount?

Laura J. Koenig
Clerk/Deputy Finance Director
City of Sultan
360-793-1168

All e-mails and attachments sent to and from the City of Sultan are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).
## Conservation Futures Administrative Status

**November 6, 2014**

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Total Board Recommendation $24,920,446
Total Council Recommendation $24,810,496
SNOHOMISH COUNTY CONSERVATION FUTURES PROGRAM

APPLICATION FOR CONSERVATION FUTURES FUNDS

APPLICATION PACKAGE

PROGRAM YEAR 2013
General Obligation Bond
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INTRODUCTION

The Snohomish County Conservation Futures Program (the “SCCFP”) was started in 1988 as a mechanism for distributing Conservation Futures Property Tax Funds for the preservation of open space land, farm and agricultural land, and timber land as authorized by RCW 84.34.230. The purpose of the Conservation Futures Program Fund is to acquire interests or rights in real property for the preservation of open space land, farm and agricultural land, and timber land per SCC 4.14.010. Approximately $25,000,000 will be available for distribution in 2013-2014 for those purposes. These resources are available through a County-issued Limited Tax General Obligation Bond (Bond) which will be repaid by the County’s authority to levy up to six and one-quarter cents per thousand dollars on all taxable property within the County for the purpose of acquiring open space (RCW 84.34.230). The County has three years to expend the Bond issued funding. For this reason successful applicants must acquire property within twelve months of the date of execution of the required Interlocal or grant agreement (see Awardee Requirement discussion below). Should successful applicants fail to acquire within this timeframe, the funding will be returned to fund balance. Returned funding may be reallocated.

ALLOCATION POLICIES

- Snohomish County allocates Conservation Futures Program funds on a competitive basis through an application and evaluative project selection process.
- Conservation Futures Program resources are allocated on a county-wide basis to assure that the most highly rated projects receive funding.
- Matching funds are encouraged.
- Projects may be funded at a level below the amount requested by the project sponsor, as recommended by the Snohomish County Program Advisory Board (the “CFPAB”) and forwarded through the County Executive to the Snohomish County Council for review and final consideration for funding approval.

APPLICATION SUBMISSION AND DUE DATE

Grant applications and accompanying attachments (ten color copies) should be submitted no later than 5 pm July 19, 2013. Submissions received after this time will not be accepted. Detailed instructions for completing the application and submitting it are found within this packet. Final grant applications can be submitted by mail, email or hand delivery, using this application packet. If submitting by mail, the packet submittal must be postmarked by the submission deadline. A “.docx” of this document will be available at:
http://www1.co.snohomish.wa.us/Departments/Executive/Information/ConservationFutures.htm
STAFF CONTACTS

Questions, comments and application submittals should be directed to Dianne Bailey, Sharon Swan or David McConnell at the contact information below:

<table>
<thead>
<tr>
<th>Dianne Bailey, Snohomish County Staff Contact</th>
<th>Sharon Swan, Snohomish County Staff Contact</th>
</tr>
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<tbody>
<tr>
<td>Phone (425) 388-6622</td>
<td>Phone (425) 388-6616</td>
</tr>
<tr>
<td>E-mail <a href="mailto:dianne.bailey@snoco.org">dianne.bailey@snoco.org</a></td>
<td>E-mail <a href="mailto:sharon.swan@snoco.org">sharon.swan@snoco.org</a></td>
</tr>
<tr>
<td>Snohomish County Conservation Futures Program</td>
<td>Snohomish County Conservation Futures Program</td>
</tr>
<tr>
<td>6705 Puget Park Drive</td>
<td>6705 Puget Park Drive</td>
</tr>
<tr>
<td>Snohomish, WA 98296-4214</td>
<td>Snohomish, WA 98296-4214</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>David McConnell, Snohomish County Staff Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone (425) 388-6627</td>
</tr>
<tr>
<td>E-mail <a href="mailto:david.mcconnell@snoco.org">david.mcconnell@snoco.org</a></td>
</tr>
<tr>
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<tr>
<td>Snohomish, WA 98296-4214</td>
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</table>

OVERVIEW OF SCCFP GRANT PROGRAM REQUIREMENTS

ELIGIBLE APPLICANTS

Eligible applicants include cities, county agencies, and conservation organizations as defined below by RCW 84.34.210:

Any county, city, town, metropolitan park district, metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association, as such are defined in RCW 84.34.250, may acquire by purchase, gift, grant, bequest, devise, lease, or otherwise, except by eminent domain, the fee simple or any lesser interest, development right, easement, covenant, or other contractual right necessary to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve, selected open space land, farm and agricultural land, and timber land as such are defined in chapter 84.34 RCW for public use or enjoyment. Among interests that may be so acquired are mineral rights. Any county, city, town, metropolitan park district, metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association, as such are defined in RCW 84.34.250, may acquire such property for the purpose of conveying or leasing the property back to its original owner or other person...
under such covenants or other contractual arrangements as will limit the future use of the property in accordance with the purposes of chapter 243, Laws of 1971 ex. sess.

In addition, due to the policies related to bond issuance, grants made to nongovernmental entities, such as nonprofit historic preservation or nature conservancy organizations are permissible, but may need to be structured to meet the standards set forth in IRS Private Letter Ruling 200502012.

**ELIGIBLE PROJECTS**

For proposals to be eligible for consideration and funding, they should conform to the policies listed below:

1. Snohomish County Conservation Futures Program resources can only be used for the acquisition of real property, easements, development rights, covenants, or other contractual rights necessary to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve, selected open space land, farm and agricultural land, and timber land as defined in Chapter RCW 84.34 for public use and enjoyment. Other sources of revenue may be used to improve properties acquired with Conservation Futures Program funds, provided they are passive improvements within the legislative intent of the statute.

2. Any improvements to the Protected Property shall be limited to those which are passive in nature and meet the requirements and intent of RCW 84.34.200. Passive improvements include, but are not limited to, trails, interpretive centers, viewpoints, picnicking facilities, access, restrooms, playgrounds and restoration projects. Active recreational improvements are prohibited. Such improvements include, but are not limited to ball fields, use by motorized vehicles, swimming pools and recreation centers.

**NOTE:** Please be advised that the use of *eminent domain* in the acquisition of property with Conservation Futures Program funds is expressly *forbidden* by statute. Projects must be purchased from a willing seller.

**PROJECT ELIGIBILITY GUIDELINES**

All projects will be reviewed to assure that they fall under statutory eligibility guidelines meeting the following criteria:

1. Does the property fall within the definitions of open space, farm and agricultural land, or timber land as such are defined in RCW 84.34.020?

2. After satisfactorily meeting the open space eligibility criteria, does the property have “significant recreational, social, scenic, or aesthetic values,” as defined in RCW 84.34.200?

3. Is the property immediately threatened by development or is it threatened with respect to its truly unique or inherent physical characteristics?

4. Does the sponsoring agency have a guaranteed plan or program to manage and maintain the property so as to preserve those characteristics that make the property eligible for Conservation Futures Program resources?
AWARDEE REQUIREMENTS

1. An Interlocal Cooperation Agreement, or other similar contractual document, will be required of all SCCFP grant awardees and will contain provisions for annual reporting, a site Maintenance Plan, and the requirement for placement of a conservation easement on property acquired with Conservation Futures funding.

2. SCCFP grant awardees must submit to the County a one page long-term Maintenance Plan for the acquired property and a description of any planned improvements within three (3) months of the completed property acquisition. The Maintenance Plan should include details of how the project sponsor will maintain the parcel(s) purchased using their Conservation Futures grant award. The Maintenance Plan will be finalized in the contract, or agreement, for successfully funded projects.

APPLICATION MATERIALS

Project application materials are located within the attachment section of this document. Attachment 1 consists of all materials to be submitted with the completed application and includes a submittal checklist, project application and cost worksheet. All portions of the application must be completely filled out and applicants should address all of the questions thoroughly. Attachment 2 provides application scoring criteria and is for information purposes only. Please review materials thoroughly and provide all listed information with application package.

DECISION MAKING PROCESS

REVIEW PROCESS

Application packages will be available on May 20, 2013. Completed final application packets will be due on July 19, 2013. Staff will review application packages for completeness. Applications will be reviewed and evaluated by the CFPAB in mid August 2013. Application review meetings will be scheduled for date to be determined in August. Applicants will be asked to give a short presentation of approximately 5 minutes at the meeting and address questions from the CFPAB. Projects will be reviewed by the CFPAB for eligibility and will also be ranked for possible funding. Funding recommendations will then be sent through the Snohomish County Executive to the Snohomish County Council for review and final consideration of funding approval.

EVALUATION CRITERIA

Evaluation of projects will be based on the criteria found in Attachment 2 of the application packet. The evaluation criteria detail how the applications will be evaluated for each question. Be sure to thoroughly address each question and provide supporting evidence and documentation.
ANTICIPATED TIMELINE

Below is the anticipated timeline for the CFPAB grant process.

1. Grant application packets will be available on May 20, 2013.
2. Completed applications shall be due (or postmarked if delivered by mail) no later than July 19, 2013.
3. CFPAB will hear 5 minute grant application presentations in August 2013 (date TBD).
4. CFPAB makes final recommendations through the County Executive to Snohomish County Council for review and final consideration (September TBD).
5. Interlocal Cooperation Agreements and/or other contracts will accompany the grant award letter for execution by both parties and are anticipated to be sent in October 2013.

ATTACHMENTS

Attachment 1: Grant Application Package
   • Submittal Checklist
   • Application
   • Cost Worksheet

Attachment 2: Evaluation Criteria
ATTACHMENT 1: GRANT APPLICATION
SNOHOMISH COUNTY
CONSERVATION FUTURES PROGRAM

APPLICATION FOR CONSERVATION FUTURES FUNDS

PROJECT NAME: _______________
PROJECT SPONSOR: _______________
APPLICATION NO (TO BE ASSIGNED BY STAFF): CF13-_________

SUBMITTAL CHECKLIST

CHECKLIST OF REQUIRED DOCUMENTS
The following documents should be submitted with the completed application. Please organize required documents in the order below and provide ten color copies of the complete grant application as well as one “.pdf” copy (on disk or via email) of the completed grant package. Additional documents beyond what are listed here may be included at the discretion of the applicant.

<table>
<thead>
<tr>
<th>No.</th>
<th>Type of Document Attached</th>
<th>Check if Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Submittal checklist</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>General project information</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Project review criteria responses</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Cost worksheet</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>“Willing Seller” letter</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Site vicinity map</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Site aerial photograph</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Any other supporting documents (please list below)</td>
<td></td>
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<td>9</td>
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<td>10</td>
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<td>11</td>
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</tbody>
</table>
GENERAL PROJECT INFORMATION

SECTION I – APPLICANT INFORMATION

1. PROJECT TITLE: _________________________________________________________________

2. AMOUNT REQUESTED (from Cost Worksheet) $_____________

3. PROJECT SPONSOR: ____________________________________________________________
   Address: _________________________________________________________________
   _________________________________________________________________

   Sponsor is:    Unit of Local Government: ____________
   Private/Non-Profit Agency*: ____________
   *Eligible per RCW 84.34.250 and additional criteria associated with bond

4. CONTACT PERSON:
   Name: ________________________________  Title: ________________________________
   Address: _________________________________________________________________
   Phone: ________________________________  Hours Available: ______________________
   Email Address: __________________________

SECTION II – PROJECT BACKGROUND

1. PROJECT LOCATION:
   Address: _________________________________________________________________

   Section: ___________ Township: _____________ Range: ________________
   Assessor Tax Account Number(s): ________________________________
   Property Legal Description: ______________________________________________
   _________________________________________________________________

2. EXISTING CONDITIONS:
   Number of Parcels: _________________  Total Acres: ___________________________
   Addition to Existing Site: YES ___ NO ___If yes, which site: ______________________
   Current Zoning: ___________________________________________________________
   List Existing Structures/Facilities: ___________________________________________
   Current Use: _____________________________________________________________
   Waterfront? (name of body of water): _______________________________________
   Shoreline? (lineal ft.): ___________________________________________________
   Owner of Tidelands/Shoreline (State or private): ______________________________

Attachment 1

Project Application
3. **CURRENT OWNERSHIP:**
Current Owner(s): ______________________________________________________________

Is the property owner a willing seller? YES*   NO ___

*Please include an owner signed “Willing Seller” letter or real estate listing and attach with application.

4. **TYPE OF INTEREST:**
Please describe the type of interest contemplated for the acquisition process.
Warranty Deed: ___  *Easement: ___  **Other: ___

*Please note that acquired easements must comply with the intent of the Conservation Futures Program and the text must be preapproved by Snohomish County staff listed within the Staff Contact Section.

**If ‘Other,’ please explain:

5. **SITE DESCRIPTION:**
Please summarize the physical characteristics of the site which is proposed for acquisition with Conservation Futures Program funds including: vegetation, threatened or endangered species, topography, surrounding land use, relationship to other parks, trails, or open space and related history, as appropriate. At a minimum, please attach an aerial photograph and vicinity map for the property in the supporting documents section of the application and, if the acquisition adds to an existing site, please show relationship to existing site on the vicinity map.

6. **PROJECT COST (Cost Worksheet)*:**

Estimated total cost must be derived from one or more of the following sources and include supporting documentation:

1. Independent appraisal.
2. Opinion of value from a qualified representative of the real estate industry.
3. Valuation from recent Snohomish County property tax assessment.

Describe the basis for estimate for land and improvements (1 through 3 listed above):
____________________________________________________________________________
____________________________________________________________________________

*Estimated total cost shall include all of the costs of acquisition and incidental costs selected by applicant for anticipated reimbursement by Conservation Futures funding.

**Estimated Total Cost from Project Cost Worksheet $_________________**
Matching funds are not a requirement; however, additional consideration may be awarded during the evaluation process for projects with matching funds.

Will your agency or other agencies contribute money or other resources to the acquisition and/or passive development of the proposed site?  YES ___ NO ___

<table>
<thead>
<tr>
<th>Source of Match</th>
<th>Type of Match (e.g. cash, donation, etc.)</th>
<th>Value of Match</th>
</tr>
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<tr>
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9. PROJECT STEWARDSHIP AND RESPONSIBILITY:

Long-term maintenance of the site is a requirement for funding consideration.

Please describe to what degree the sponsoring agency and/or long term property manager is prepared to provide long-term stewardship (maintenance, management, etc.) for the proposed project site. Detail existing programs or plans that may apply to the site. In addition, please describe if there is the potential for future private business use on the site. Finally, please note that award of Conservation Futures funds requires development and submission of a Maintenance Plan with the funding agreement or contract.
SECTION III – PROJECT REVIEW CRITERIA

PROJECT REVIEW CRITERIA: Snohomish County Code Section 4.14.100 (2) and 4.14.100 (3) establishes baseline criteria with which projects are to be evaluated. Please respond to the questions below and explain which of the following criteria the proposed project addresses and how the criteria are addressed.

NOTE: Each project criterion in the application is referenced to a corresponding evaluation criterion in Attachment 2.

1. How does the acquired property preserve wetland resources and/or wildlife habitat?

2. How does the project address the preservation of a State of Washington priority habitat and/or species, Federal threatened or endangered species, or qualify as an early action project with respect to potential listing as a threatened or endangered species?

3. How does the project conserve opportunities which are otherwise threatened by development?

4. How does the project establish trail corridors and/or natural linkages?

5. How does the project comprise a portion of a continuum of projects which collectively implement a complete project or objective?

6. How does the project enhance or complement an ongoing conservation or preservation program?

7. Will the project provide regional or community-wide significance?
8. How does the project comply with one or more open space program policies and criteria?

9. How does the project provide multi-jurisdictional benefit?

10. How will the project provide for public use and enjoyment?

11. Does this project represent a unique or special opportunity?

Other Criteria:
For each question, please respond yes or no and provide supporting information.

A. The CFPAB will evaluate how proposed projects compare with existing Conservation Futures funded sites and promote the goal of distributing Conservation Futures funding throughout the County.

B. Does the project comprise an entire project?
   YES ___
   NO ___

C. Does the project site involve contributions from groups or agencies that will reduce the need to utilize Conservation Futures Program funds?
   YES ___
   NO ___

D. Is the project sponsor prepared to provide long-term stewardship for the proposed project?
   YES ___
   NO ___
# COST WORKSHEET

## ESTIMATE OF COSTS

<table>
<thead>
<tr>
<th>Property Costs</th>
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<tbody>
<tr>
<td>Land</td>
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<tr>
<td>Improvements</td>
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<td><strong>SUBTOTAL</strong></td>
<td>$</td>
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<table>
<thead>
<tr>
<th>Reimbursable Incidental Costs</th>
<th>Quantity $</th>
<th>Notes</th>
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<tr>
<td>Applicable taxes</td>
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<td>Appraisal review</td>
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<td>Baseline inventory</td>
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<tr>
<td>Boundary survey</td>
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<tr>
<td>Closing (escrow/recording fees)</td>
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<tr>
<td>Cultural resources study</td>
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<td>Demolition</td>
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<td></td>
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<tr>
<td>Fencing</td>
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<tr>
<td>Hazardous subsidence report</td>
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<tr>
<td>Noxious weed control</td>
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<td>Other (Specify)</td>
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<td>Signage</td>
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<td>Title reports/insurance</td>
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<td>Wetland delineation</td>
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<tr>
<td><strong>SUBTOTAL</strong></td>
<td>$</td>
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| **TOTAL**                     | $          |       |
ATTACHMENT 2: EVALUATION CRITERIA

Provided for Information Only
EVALUATION CRITERIA

The following discussion describes guidelines with which the Conservation Futures Program Advisory Board will evaluate project proposals. Evaluation judgments will be made taking into consideration all the information and documentation provided in the application by the project sponsor, as well as data gathered from proponent presentations.

**NOTE:** Projects will be evaluated and points will be assigned using the CFPAB approved scoring method. For each question scored points will be assigned based on a point range of 1 – 10 with 1 being the lowest points possible and 10 being the highest possible points. Please review the evaluation criteria as you write your responses to application questions. The CFPAB, at its discretion, may apply weights to criteria it chooses to emphasize.

**SCC 4.14.100 SCORING CRITERIA**

*Fund Allocation Criteria.* To identify and select projects for acquisition by the county, each proposal shall be evaluated against the following points:

1. **TO WHAT DEGREE DOES THE ACQUIRED PROPERTY PRESERVE WETLAND RESOURCES AND/OR WILDLIFE HABITAT?**

Maximum points will be awarded to project proposals that preserve both wetland resources and wildlife habitat. Lesser points will be awarded to those project proposals that demonstrate the preservation of either a wetland resource or a wildlife habitat. The least amount of potential points will be awarded to a project proposal that does not preserve wetland resources and/or wildlife habitat.

   a. Project Preserves Wetland Resources and Wildlife Habitat (highest scoring).
   b. Project Preserves Wetland Resources or Wildlife Habitat.
   c. Project does not Preserve Wetland Resources and/or Wildlife Habitat (lowest scoring).
2. TO WHAT DEGREE DOES THE PROJECT ADDRESS THE PRESERVATION OF A STATE OF WASHINGTON PRIORITY HABITAT SPECIES, FEDERAL THREATENED OR ENDANGERED SPECIES, OR QUALIFY AS AN EARLY ACTION PROJECT WITH RESPECT TO POTENTIAL LISTING AS A THREATENED OR ENDANGERED SPECIES?

Maximum points will be awarded to a proposal which documents the preservation or protection of a WDFW identified Priority Habitat or Species, a USFWS listed Threatened or Endangered Species or that successfully argues that it may qualify as an early action project. No points will be awarded to a project that fails to demonstrate any of these criteria.

   a. Addresses preservation of WDFW Priority Habitat or Species, USFWS identified Threatened or Endangered Species, or qualifies as an early action project (highest scoring).
   b. Does not address criteria (lowest scoring).

3. TO WHAT DEGREE DOES THE PROJECT CONSERVE OPPORTUNITIES WHICH ARE OTHERWISE THREATENED BY DEVELOPMENT?

Maximum points will be awarded to projects that are immediately threatened by development or because of their truly unique or inherent physical characteristics present a preservation opportunity which may be lost. The following guidelines will guide in the scoring process:

   a. **Significantly Threatened**: Because of development, or the unique physical features of the site, this is the last opportunity, or one of the last opportunities, to acquire a property of this variety (highest scoring).
   b. **Moderately Threatened**: Other opportunities to acquire property of this variety exist, but this type of site or sites with these physical features is in fairly short supply.
   c. **Slightly Threatened**: This variety of property is reasonably common and available today, but may be threatened in the future (lowest scoring).

4. TO WHAT DEGREE DOES THE PROJECT ESTABLISH A TRAIL CORRIDOR AND/OR A NATURAL LINKAGE?

Maximum points will be awarded to project proposals that create or preserve both a trail corridor and a natural area linkage. Lesser points will be awarded to those project proposals that create or preserve a trail corridor or a natural area linkage.

   a. Establishes a **Trail Corridor** and a **Natural Area Linkage** (highest scoring)
   b. Establishes a **Trail Corridor** or a **Natural Area Linkage**
   c. Does not establish either a **Trail Corridor** or a **Natural Area Linkage** (lowest scoring)
5. **TO WHAT DEGREE DOES THE PROJECT COMPRISIE A PORTION OF A CONTINUUM OF PROJECTS WHICH COLLECTIVELY IMPLEMENT A COMPLETE PROJECT OR OBJECTIVE?**

This evaluation criterion responds to the desire that, as often as possible, funds from the Conservation Futures Program, should support well defined larger projects or objectives.

a. **Completes a Phase of a Larger Project:** Project funding plus applicable sponsor match will provide for a well-defined phase of a larger project for which there is a comprehensive acquisition and passive development plan with defined completion schedule and identified funding (highest scoring).

b. **Comprises a Portion of a Project:** Project funding plus applicable sponsor match provides for a portion of a larger project for which there is no identified funding, plan, or completion schedule (lowest scoring).

6. **TO WHAT DEGREE DOES THE PROJECT ENHANCE OR COMPLEMENT AN ONGOING CONSERVATION, OR PRESERVATION PROGRAM?**

Maximum points will be awarded to those proposals for which sponsors clearly demonstrate a relationship between the project and an adopted open space, conservation, or resource preservation program or plan. These plans and programs may be those of the sponsoring agency or a jurisdiction which has oversight regarding the property in question. The applicant must cite the applicable program or plan and show how their project proposal meets the goal in the cited plan.

a. **Enhances Documented Program:** The sponsor demonstrates that the proposed project builds upon an existing adopted open space, conservation, or resource preservation plan or program which specifically includes the project site (highest scoring).

b. **Complements Ongoing Program:** The sponsor demonstrates that the proposed project will fill a need documented by an existing adopted open space, conservation, or resource preservation plan or program without identifying a specific site.

c. **Stand-Alone Project:** The sponsor does not demonstrate a relationship between the project proposal and any existing adopted open space, conservation, or resource preservation plan or program (lowest scoring).
7. WILL THE PROJECT PROVIDE REGIONAL OR COMMUNITY-WIDE SIGNIFICANCE?

Points will be awarded with regard to the geographical service area of the project. The following definitions and standards will be used as guidelines in the scoring process:

a. **Regional Benefit:** These sites must serve large geographical areas which may encompass several towns, cities, and unincorporated communities with benefit to a significantly large population. For example, Puget Sound or all of Snohomish County (highest scoring).

b. **Community Benefit:** These sites will typically serve a single, well defined residential area and a relatively small number of people. For example, the area around a city of town, or a complex of closely associated communities such as Lynnwood and south Everett or the unincorporated area immediately surrounding Monroe (lowest scoring).

8. TO WHAT DEGREE DOES THE PROJECT COMPLY WITH ONE OR MORE OPEN SPACE PROGRAM POLICIES AND CRITERIA?

This evaluation criteria responds to the desire that projects support and promote applicable jurisdictional open space policies. Project sponsors should demonstrate degree of compliance with open space policy (ies) applicable to their jurisdictional location.

a. Project **strongly demonstrates** support of the Conservation Futures Program purpose and compliance with more than two applicable open space policies (highest scoring).

b. Project **moderately demonstrates** support of the Conservation Futures Program purpose and compliance with applicable open space policies, meeting at least one specific policy.

c. Project **generally demonstrates** support of Conservation Futures Program purpose (lowest scoring).

9. TO WHAT DEGREE DOES THE PROJECT PROVIDE MULTI-JURISDICTIONAL BENEFIT?

**Multi-jurisdictional Benefit:** Maximum points will be awarded to those proposals which serve and/or are sponsored by several jurisdictions (i.e. DNR, WDFW, County, Cities, School Districts, and Tribes) with associated multijurisdictional benefit.

a. **High Jurisdictional Benefit:** These sites serve four or more jurisdictions as listed above (highest scoring).

b. **Moderate Jurisdictional Benefit:** These sites serve two or three jurisdictions as listed above.

c. **Low Jurisdictional Benefit:** These sites serve one jurisdiction as listed above (lowest scoring).
10. **TO WHAT DEGREE DOES THE PROJECT PROVIDE FOR PUBLIC USE AND ENJOYMENT?**

**Public Use and Enjoyment:** Maximum points will be awarded to those proposals which provide for the greatest degree of public use and enjoyment. Public use and enjoyment can be defined in general as the ability of the public to access and appreciate the site (i.e. access to a river by a trailhead allows appreciation of scenery, fishing & rafting; preservation of a nesting site allows for appreciation or rare birds but may have seasonally restricted access).

d. **High Jurisdictional Benefit:** These sites allow for multiple kinds of use and appreciation as listed above (highest scoring).

e. **Moderate Jurisdictional Benefit:** These sites allow for at least one kind of access and one or more ways to appreciate the site as listed above.

f. **Low Jurisdictional Benefit:** These sites allow for appreciation of the site but may have more limited access or restricted access as listed above (lowest scoring).

11. **TO WHAT DEGREE DOES THE PROJECT REPRESENT A UNIQUE OR SPECIAL OPPORTUNITY?**

**Unique or special opportunity:** Maximum points will be awarded to those proposals which provide to the greatest degree possible a unique or special opportunity that occurs infrequently or which is one of a kind (i.e. the acquisition of a large or very rare property of great habitat, open space, recreation, or historical value). This question will be evaluated on a case by case basis to determine the significance and degree of the opportunity.

g. **Extremely Rare and Unique:** These sites allow for once in a lifetime opportunities which rarely if ever occur (highest scoring).

h. **Moderately Rare and Unique:** These sites allow for opportunities that occur once in a few decades or which are becoming increasingly rare due to growth and development.

i. **Fairly Common:** These sites allow for opportunities that are valuable to the conservation futures program but which are fairly common and readily available (lowest scoring).
OTHER BOARD SELECTED CRITERIA

A. DOES THE PROJECT PROMOTE THE GOAL OF DISTRIBUTING CONSERVATION FUTURES FUNDING, OVER TIME, THROUGHOUT THE COUNTY?

The CFPAB will evaluate how proposed projects compare with existing Conservation Futures funded sites and promote the goal of distributing Conservation Futures funding throughout the County.

Yes ___ No ___

B. DOES THE PROJECT COMPRISE AN ENTIRE PROJECT?

This evaluation criteria responds to the desire that, as often as possible, funds from the Conservation Futures Program, in tandem with matching funds and resources provided, by the project sponsor, are used to fund entire projects. Maximum points will be awarded to fully funded projects.

Comprises an Entire Project: Project funding plus applicable sponsor match will provide for a complete project.

Yes ___ No ___

C. DOES THE PROJECT SITE INVOLVE CONTRIBUTIONS FROM GROUPS OR AGENCIES THAT WILL REDUCE THE NEED TO UTILIZE CONSERVATION FUTURES PROGRAM FUNDS?

Does the project proposal include matching fund support which, as a result, will reduce the need to utilize Conservation Futures Program funds? The sponsoring agency must clearly document that the matching funds are indeed available. Documentation should accompany the proposal worksheet. Consideration will reflect the percentage of total project costs that is provided by outside resources. If match falls through, the sponsor must provide alternative resources. No Conservation Futures Program resources will be expended prior to contractual provision of match.

Yes ___ No ___
D. IS THE PROJECT SPONSOR PREPARED TO PROVIDE LONG-TERM STEWARDSHIP FOR THE PROPOSED PROJECT?

Does the Maintenance Plan guarantee long-term maintenance and upkeep of the project site? Sponsors should detail their maintenance and upkeep program including their readiness to implement the program, who will do the job, and how the job will be done. Non-profit agencies can have arrangements with local government or some other agency for long-term care of the project site.

Yes ___ No ___
Faber Riverbend Farm

Arlington, Washington

City of Arlington

Faber Riverbend Farm

November 6, 2014

Forterra Projects
Faber Riverbend Farm

Faber Riverbend Farm

Arlington, Washington

November 6, 2014

Forterra Projects
Faber Riverbend Farm

Opportunity

• Return converted farm with infrastructure to Ag use
• Leverage $585K of impact with $100K investment
• Bargain value due to legal circumstances
  (Foreclosure, UST tank/oil patch, Plat terms)

Request: $100,000

Urgency

• Auction with at least 2 offers already submitted
• Bank will accept best offer in December
Faber Riverbend Farm

Forterra Offer and Purchase of Note
- Bank to accept best bid in December
- 60 day feasibility period for financing, environmental, and other due diligence
- Likely close in March

Deed in Lieu of Foreclosure
- Agreement in place with current, delinquent owner
- Forterra takes possession of property

Farmland Protected
- County purchase of conservation easement
- Remove 13 development rights

Plat Amendment
- Remove restriction on Ag use
- Reduces 15 lots to 2 parcels
- Reconfigure parcel shapes to support Ag use

Success!
- Legal barriers to farming removed
- Property protected for Ag
- Environmental matters addressed
- Farming again economic

November 6, 2014

Forterra Projects
Faber Riverbend Farm

Logistics:

~Offer Date: Before Thanksgiving
~Acceptance Date: Before Christmas
~Feasibility Complete: Mid-February
~Closing Date: March 2015
ForteRRA

Faber Riverbend Farm

<table>
<thead>
<tr>
<th>Investment</th>
<th>Estimate</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Note Purchase Offer</td>
<td>$(350,000)</td>
<td>Blind Bid competing with at least 2 offers</td>
</tr>
<tr>
<td>Plat Agreement</td>
<td>$(80,000)</td>
<td>Incentive and ReFi costs for in-holder</td>
</tr>
<tr>
<td>Transaction Costs</td>
<td>$(50,000)</td>
<td>Estimate and contingency for Recording Fees, Title Insurance, REET, Escrow</td>
</tr>
<tr>
<td>Environmental Costs</td>
<td>$(95,000)</td>
<td>Reserved for clean up of oil patch, soil tests, other requirements with DOE</td>
</tr>
<tr>
<td>Pro bono Legal Counsel</td>
<td>$(75,000)</td>
<td>Interconnected agreements and due diligence – 250 hours @ $300/hr</td>
</tr>
<tr>
<td>Forterra Staff Costs</td>
<td>$(25,000)</td>
<td>Project management</td>
</tr>
<tr>
<td><strong>Total Project Investment</strong></td>
<td><strong>$(675,000)</strong></td>
<td></td>
</tr>
<tr>
<td>Likely Farm Sale Price</td>
<td>$600,000</td>
<td>Including clean-up costs</td>
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<tr>
<td>Contingency</td>
<td>$75,000</td>
<td>Pro bono legal work provides safety net</td>
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</tbody>
</table>

November 6, 2014  Forterra Projects
### Faber Riverbend Farm

<table>
<thead>
<tr>
<th>Value of subdivision</th>
<th>$975,000</th>
<th>Value of farm</th>
<th>$600,000</th>
<th>Market: $75,000+ for 13 lots</th>
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</thead>
<tbody>
<tr>
<td>Favorable Purchase Price</td>
<td></td>
<td>Market Value</td>
<td>$375,000</td>
<td>Ag Ground: ±$3,500/Acre and farm infrastructure</td>
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<tr>
<td>Conservation Easement</td>
<td></td>
<td>County Cost</td>
<td>$100,000</td>
<td></td>
</tr>
</tbody>
</table>

**November 6, 2014**

Forterra Projects
November 4, 2014

Dave Somers, Chair
Conservation Futures Board
Snohomish County

Dear Chairman Somers,

Thank you for agreeing to include the Deer Creek Park project as an “emerging opportunity” agenda item for our Conservation Futures Committee meeting this coming Friday.

The Town of Woodway has an exciting opportunity to finish the project we started in 2013 when we applied for Conservation Futures monies to secure a walking park within the Town. While we were awarded funding, the overall budget for the Conservation Futures grants was depleted, leaving our proposal only partially funded.

After the grant award in 2013, the remaining two parcels were sold to a private party, leaving the Town with two of the original parcels. We have been working with local residents to design trails, determine signing, access, etc. Recently we were approached by the owner of the two parcels with an offer to sell the Town one of the parcels. A willing seller letter is attached for your review.

This is a great chance for our community to receive assistance from the Conservation Futures program and to complete our original park plan for Deer Creek. It has taken on even more importance as our park planning group has determined that off-street parking is preferred. The available parcel is closest to our main road and could be configured to provide adequate and safe parking for park visitors. In short, a much better access to the park.

While the price tag might appear high, the parcel is located in an urban area and in a community that is built out. As Snohomish County taxpayers, our residents would like to receive a tangible asset from present and future funding participation in the County’s Conservation Futures Program. Given the scarce amount of open space left in South Snohomish County, this grant request would be an important asset for future generations.

The Forterra organization has visited the site and is supportive of our efforts to secure this one last parcel of land. The private owner has offered to divide the funding into two separate payments if that would assist in the decision to award this request.
I look forward to discussing this project with the Committee this Friday.

Sincerely,

[Signature]
Carla A. Nichols
Mayor

cc:  Dianne Bailey, Park Property Administrator, Conservation Futures Program
     Michelle Connor, Executive VP, Forterra
     Woodway Town Council
     Woodway Deer Creek Park Planning Committee
November 4, 2014

Bluffs End Trust
P.O. Box 1088
Edmonds, WA 98020

RE: Park Property Voluntary Acquisition Notice

Dear Mr. & Mrs. Echelbarger and Bluffs End Trust,

The Town of Woodway desires to pursue the purchase of “Lot A” of the Krebs Short Plat, 23191 Woodway Park Road, consisting of 2.46 acres located on Woodway Park Road. The property is located in the center of Town and is adjacent to the two parcels that the Town has recently purchased. The property, further described by Tax Account Number 00384700707701, has been identified as a site of interest. This letter is intended to determine your interest in selling Lot A for park purposes. As you know, the Town has relatively limited usable park acreage, and the addition of this property would be a significant new amenity for Town residents.

It is the Town’s intent to apply for a grant from bonds recently issued by Snohomish County for Conservation Futures. The bonds were allocated to a number of cities for the purchase of valuable park land, including an allocation to the Town for the purchase of the adjacent Lots C and D. Purchase of the property is subject to funding availability, and a final agreed purchase price cannot exceed fair market value.

Because state or federal money may be used in the purchase, we are required to let you know that property purchase must be voluntary. If you do not wish to sell, we will not acquire your property. The Town cannot acquire your property by condemnation (i.e., through powers of eminent domain). Because the purchase would be voluntary, you would not be eligible for relocation payments or other relocation assistance under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 or the state Real Property Acquisition Policy (Chapter 8.26 Revised Code of Washington) or any other law or regulation.

If you are interested in potentially selling the property, please complete the attached “Property Owner Response” form and return it using the enclosed return envelope addressed to Town of Woodway. If we are successful in obtaining a grant, we will need permission to enter the property for environmental studies and property appraisal purposes. Please also note that all purchases are subject to the approval by the Town Council and a successful Conservation Futures grant award.

Again, please understand that if you do not wish to sell your property, we will take no further action to acquire it. If you are willing to sell the property, you also may choose to make a tax-
deductible donation of all or a portion of the purchase price once the fair market value has been established. If you have any questions about this matter, please contact me at 206-542-4443 or by email at mayor@townofwoodway.com.

Sincerely,

[Signature]

Carla A. Nichols
Mayor
Property Owner Response

Parcel Tax Account: 00384700701701

☐ Yes, I am a willing seller at this time
☐ No, I am not a willing seller at this time

Property owner signature: [Signature]
Bluffs End Trust

Property owner phone number: 206-709-3616

Return to:
Town of Woodway
23920 113th Place W.
Woodway, WA 98020

Attn: Eric A. Faison