

# CLARK COUNTY STAFF REPORT

**DEPARTMENT:** Environmental Services / Legacy Lands

**DATE:** December 15, 2015

**REQUESTED ACTION:** Authorize continuation of the grant conversion and surplus property processes for AP #s 209739-000 and 209695-000 near Paradise Point State Park. Provide direction regarding priority replacement properties identified in the Alternatives Analysis so that staff may contact landowners to determine willingness to commence negotiation of purchase and sale agreements.

Consent       Hearing       County Manager

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## BACKGROUND

On August 11, 2015, through final staff report SR 163-15, the Board of County Councilors considered the requirements of the Washington State Recreation and Conservation Office (RCO) for consideration of grant conversion processes and the fiscal impacts of compliance with those requirements and authorized initiation of grant conversion and surplus property processes for AP #s 209739-000 and 209695-000. The required Alternatives Analysis discussing implications of avoidance of the conversion request and identifying potential replacement properties has been completed. Public comments concerning whether or not to continue with the conversion and surplus property processes and commenting on replacement properties, should the conversion proceed, have been received and are attached to this staff report.

## COUNCIL POLICY IMPLICATIONS

The action affirms prior policy. Next steps in the grant conversion process include:

- The appraisal and review appraisal of AP #s 209739-000 and 209695-000 need to be completed. The appraiser is scheduled to complete the fair market valuation by December 30, 2015.
- Fair market value of the proposed substitute property(ies) has to be established through appraisals and review appraisals of the property(ies) to assure equal market value to the property(ies) proposed for conversion and surplus.
- Substitute property(ies) may only be acquired from willing sellers and for prices substantiated by the appraisals. Notices of voluntary transactions by, and just compensation to, landowners must be provided.
- Due diligence studies, such as legal lot determinations and property boundary surveys must be completed for substitute parcels, including a level 1 environmental assessment.
- RCO would have to find that proposed replacement property(ies) are of equal market value and equivalent recreational value to the property(ies) proposed for conversion and approve the proposed replacement property(ies).
- Purchase and Sale Agreements for the approved replacement property(ies) need to be executed by the Board of County Councilors.

### **ADMINISTRATIVE POLICY IMPLICATIONS**

County staff will need to pursue acquisition of replacement properties as prescribed in RCO Manual 3, Acquisition Projects. County staff will need to provide documentation of compliance with conversion requirements as prescribed in RCO Manual 7, Long Term Obligations. Once replacement property(ies) is approved by the Recreation and Conservation Funding Board, Clark County's surplus property processes pursuant to Clark County Code Section 2.33A will need to be pursued in order to sell AP #s 209739-000 and 209695-000.

### **COMMUNITY OUTREACH**

Community outreach pertaining to the Board of County Councilors decision to initiate the grant conversion and surplus property processes is discussed in final staff report SR 163-15. An article on the Board's decision was published in The Columbian newspaper on August 11, 2015. Since the August 11, 2015, hearing, the required Alternatives Analysis document has been prepared. The Clark County Parks Advisory Board was briefed on the grant conversion process at the October 9, 2015, meeting. The Public Review Draft Alternatives Analysis document was posted on the Clark County web site on October 20, 2015, with a comment period running through November 25, 2015. A press release calling for public comments on the alternatives analysis was issued on October 26, 2015, and published in The Reflector newspaper on October 28, 2015. The Columbian published an article on November 19, 2015, discussing the property and proposed conversion and highlighting the pending public comment deadline for the Alternatives Analysis. The Washington State Recreation and Conservation Funding Board was briefed on the conversion request at the November 19, 2015, public meeting.

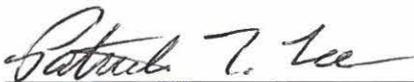
### **BUDGET IMPLICATIONS**

The budget implications of the grant conversion and surplus property processes were described in the August 11, 2015, staff report. An appraiser has been retained to establish the fair market value of AP #s 209739-000 and 209695-000. Once received, the appraisal will need to be reviewed and affirmed or changed via a review appraisal. A fiscal impact attachment was included with the August 11, 2015, staff report and additional budget capacity of \$682,500 was proposed by Environmental Services in the re-adopt of the 2015-16 budget to provide the fiscal capacity necessary to complete the grant conversion and surplus property processes. This total is still believed to be adequate in order to complete the processes. However, if the fair market appraisal indicates a higher value than current assessed value, additional budget authority may be requested through the 2016 First Quarter Supplemental Budget.

### **DISTRIBUTION:**

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid>.

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Patrick T. Lee  
Legacy Lands Program Coordinator

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Don Benton  
Environmental Services Director

**APPROVED:** \_\_\_\_\_  
**CLARK COUNTY, WASHINGTON**  
**BOARD OF COUNTY COUNCILORS**

DATE: \_\_\_\_\_

SR# \_\_\_\_\_

**APPROVED:** \_\_\_\_\_  
**Mark McCauley, Acting County Manager**

DATE: \_\_\_\_\_

Enclosures:

Summary of Comments Received on the Draft Alternatives Analysis Document

Public Review Comments

Public Review Draft Alternatives Analysis Document



## Summary of Comments Received

### Eleanor Pearson Conversion Alternatives Analysis

#### Public Information and Outreach

Community outreach pertaining to the Board of County Councilors decision to initiate the grant conversion and surplus property processes for AP #s 209739-000 and 209695-000, purchased in 1996 from Eleanor Pearson included the following:

- An article on the Board's August 11, 2015, decision to initiate the grant conversion process was published in The Columbian newspaper on August 11, 2015.
- The Clark County Parks Advisory Board was briefed on the grant conversion process at the October 9, 2015, meeting.
- Since the August 11, 2015, hearing, the Public Review Draft Alternatives Analysis document was prepared and posted on the Clark County web site on October 20, 2015, with a comment period running through November 25, 2015.
- A press release calling for public comments on the alternatives analysis was issued on October 26, 2015, and published in The Reflector newspaper on October 28, 2015.
- The Columbian published an article on November 19, 2015, discussing the property and proposed conversion and highlighting the pending public comment deadline for the Alternatives Analysis.
- The Washington State Recreation and Conservation Funding Board was briefed on the conversion request at their November 19, 2015, public meeting.

#### Summary of Comments Received

Twenty (20) comments were received during the public comment period for the Eleanor Pearson Conversion Alternatives Analysis. Of these, nineteen (19) opposed the conversion and noted that the properties had high recreational value and should not be surplus by the county.

One (1) comment did not address the proposed conversion or alternatives analysis, but, rather, called for the county to accelerate its efforts to construct the Chelatchie Prairie trail.

Copies of comments received are attached to this summary.

Reasons stated for continuing county ownership of the parcels include the following themes:

- The envisioned Greenway Trail needs access points above the floodplain that offer adequate parking, restrooms, and other amenities that support trail use. The property provides important opportunities to develop facilities that support water-oriented uses without damaging or diminishing the river, shoreline or sensitive riparian areas.
- It is short-sighted to sell this property and lose the option to develop a trailhead at this location. This is a superb piece of property and provides beautiful views of the East Fork Lewis River basin and Cascade Mountains. It has easy access from I-5 to 24<sup>th</sup> Avenue. The views and high-land setting offers a spectacular location for a visitor center, picnic shelter,

picnic areas, potential camping and could include a wheel chair accessible paved trail loop that would allow people with disabilities to also enjoy this area. The parcel will provide a much better parking lot option than the lower quarter. A vista point complementing adjacent County conservation lands can help make the most of the lower river lands.

- Retaining important conservation lands in which investments have already been made is important to our quality of life and environment. It is a dangerous precedent to reverse an earlier conservation acquisition. It is a breach of trust with the citizens of Clark County to tamper with the plans with which the county has invested more than \$20,000,000.
- When the land is withdrawn from public use its gone forever. As the county population grows, large publicly accessible park lands and trails will become more valuable than ever to maintain our quality of life, to acquaint people of all ages with our close-at-hand natural world and help ward off suburban sprawl.
- There are no viable alternative sites to this location. It is not necessary to surplus this property. The County can find ways of joining trails together using, and leveraging, conservation futures revenues as has historically been done. If there are additional properties of value to the Legacy Lands program, then the County should proceed to acquire them. Instead of surplusing the property, Clark County should move ahead, in partnership with Washington State Parks and volunteer organizations, such as the Washington Trails Association (WTA), to develop the proposed trails, trailheads, parking areas, view points and picnic area in the concept plan for the East Fork Lewis River Greenway.
- Kayaking and hiking are ever increasing recreational uses that have assisted in economic development for this Lewis River region. Several groups travel from Oregon to visit our area and consider the region to be a wonderful destination for restaurants and our growing winery businesses. An extension of trails from Paradise Point that would include the mountain views from the properties being considered for surplus would be a desirable addition to the recreational opportunities already available in the area, which in turn would increase the time staying in the area, translating into more dollars spent here in restaurants and shopping, contributing to small businesses and economic development.

#### Purported Deficiencies/Non-Compliance with Recreation and Conservation Office Requirements

In addition to the above themes, one (1) comment stated that there were some specific deficiencies and non-compliance with Recreation and Conservation Office (RCO) requirements for conversion of the subject parcels to non-recreational uses through potential surplus and sale of the property to private parties. Excerpts of the comments, and responses to them, follow:

**Comment 1:** The County's proposal makes no effort to identify and discuss potential alternatives on a sound basis. At a minimum, the County should discuss three primary options: 1) Avoidance or no action, which preserves the existing resource intact; 2) sale of the five-acre tax lot and residence but retention of the undeveloped 15 acres; and 3) the county's conversion proposal. Other options might include, for example, potential partnerships with the Washington State Parks Department to retain the park resource while transitioning management functions.

**Response 1:** The purpose of the Public Comment Draft Alternatives Analysis is to assure that the public is given a reasonable opportunity to participate in the identification, development and

evaluation of alternatives as required by RCO. A discussion of avoidance of the conversion and identification of potential replacement properties is presented. So as not to prejudice or limit the public's identification, development and evaluation of potential alternatives, no recommended alternative was presented in the alternatives analysis document.

As stated in the alternatives analysis document, a broad analysis was undertaken for two reasons: 1) the Clark County Board of Councilors wanted to consider the potential conversion and possible replacement acquisitions within the broad context of the Lower East Fork Lewis River Greenway; and 2) Contacting landowners to assess if they are potentially willing sellers will be done at a later stage. If the Board of County Councilors policy direction, informed by public comments on the alternatives analysis document, is to continue with the conversion process and locate eligible replacement properties, screening a broader selection of parcels may enhance the pool of willing sellers. Until that policy decision is made, each of the three primary options identified in Comment 1 are viable policy directions.

**Comment 2:** Under terms of the Deed of Right, the County must acquire a property that has at least equal fair market value and that has equal value in terms of location and recreation usefulness. It is impossible to know whether the County is complying with these requirements because the proposal doesn't identify a replacement site. Instead, it identifies 52 tax lots, spread over about 10 miles of shoreline and associated uplands, which might qualify as substitute sites. However, because a preferred site is not identified, the public has no opportunity to compare sites in terms of size, location, natural amenities, physical constraints, boundary configuration, water access opportunities, or land cost; nor do we know whether any of the land owners are willing sellers.

**Response 2:** The rationale for the alternatives analysis approach is discussed in Response 1.

The alternatives analysis document clearly states that, if the conversion is not avoided: 1) fair market value of the property to be converted and the substitute property recommended to the State has to be established through appraisals and review appraisals of the properties to assure equal market value; 2) Substitute properties may only be acquired from willing sellers and for prices substantiated by the appraisals; 3) Due diligence studies, such as a property boundary survey and level 1 environmental assessment would have to be completed for the recommended substitute parcel(s).

An appraiser is under contract to complete a fair market evaluation of the parcels under consideration for surplus. Short of a completed appraisal, Final Staff Report SR 163-15, through which the conversion process was initiated on August 11, 2015, clearly indicates the assessed value of each of the two Pearson Parcels that, combined, total \$605,000. The alternatives analysis document also includes assessed values for all 52 candidate replacement properties as a comparative value gauge for the two Pearson parcels.

For each of the five (5) subareas used for screening alternatives in the alternatives analysis document, the following information for each candidate replacement parcel is presented:

- Assessor's parcel number;
- zoning designation;
- size in acres;
- assessed building value;
- assessed land value;

- acres in the floodway
- acres in the floodplain
- acres in other wetlands; and
- acres greater than 25% slope.

For each of the five (5) subareas used for screening alternatives, the tabular information is supplemented by a set of five (5) graphics that illustrate the following:

- the two Pearson parcels;
- existing conservation lands;
- candidate replacement properties;
- other public lands;
- conservation easements held by the County;
- water;
- East Fork Lewis River Greenway boundaries pursuant to the Conservation Areas Acquisition Plan;
- major roads, highways, highway ramps, local roads;
- the city limits of Battle Ground, La Center and Ridgefield;
- steep slopes (greater than 25%);
- wetlands;
- topographic contours (10-foot intervals); and
- one graphic in each of the series is superimposed over an aerial photography base so reviewers could gain a sense of natural amenities and potential river access.

The tabular and graphic information provides a reasonable basis for the public to compare sites in terms of size, location, natural amenities, physical constraints, boundary configuration, water access opportunities, and land cost.

**Comment 3:** The proposal includes 52 tax lots that were selected primarily to facilitate development of a regional trail. Moreover, no preferred site is identified. Under these circumstances, it is impossible to evaluate the two basic requirements established by the Deed of Right, i.e. 1) Does the substitute property have at least equivalent fair market value? and 2) Does the substitute property have equivalent value in terms of location and recreation purpose? If the County's current proposal is simply a mechanism to screen potential sites, the proposal should say as much. If the County is presenting this as the final proposal to meet the requirement for public comment on the conversion, it does not meet requirements for public outreach.

**Response 3:** The rationale for the alternatives analysis approach is discussed in Response 1.

As indicated in the alternatives analysis document, the 52 parcels identified as potential replacement sites were the result of a screening process of property characteristics relevant to achieving the policy goal articulated by the Board of County Councilors – closing gaps in the greenway that could facilitate alignment and construction of a river-oriented regional trail the length of the greenway.

The alternatives analysis also articulated the screening criteria utilized, as follows:

- Parcels with river frontage, or that could expand a narrow strip of river frontage;

- Undeveloped, or with very low value structures;
- Contiguous, or proximate to, concentrations of land ownership that already facilitate development of extended trail segments;
- Physical characteristics reasonably able to support trail alignment.

Public information and outreach documentation provided at the beginning of this “Summary of Comments Received” articulate the County’s compliance with the RCO conversion requirements. There are several more policy decisions that the Board of County Councilors will make in public meetings including:

- The policy decision whether or not to continue with the conversion process after review of public comments received on the Alternatives Analysis.
- Prioritize candidate replacement properties, if policy direction is to continue with the conversion.
- Approve purchase and sale agreements for priority replacement properties meeting RCO criteria, including a condition that the RCO approves the property as replacement.
- Accept deed to replacement properties after fulfillment of purchase and sale agreement provisions.
- Declare the Pearson parcels surplus and direct staff to commence the auction process.
- Approve the agreement for sale of the Pearson property to the most responsive bidder.

#### Replacement Properties Comments

Fifty two (52) parcels were discussed in the Alternatives Analysis document. Only three (3) comments specifically addressed potential replacement properties. Many commenters stated that the high ground and view potential of the proposed conversion properties was an important asset and doubted that a comparable replacement property could be acquired. Commenters were also concerned that the candidate replacement properties had not been winnowed down to a more manageable number so that attributes of the conversion and replacement properties could be compared in more detail.

Of the feedback received the following options were mentioned:

- 1) Only surplus the Pearson Parcel with the house on it (AP #209739-000). Retain the surrounding fifteen acre parcel (AP #209695-000) as part of the greenway.
- 2) Acquire AP #209707-000, immediately across 24<sup>th</sup> Avenue from the two Pearson Parcels under consideration for conversion.
- 3) Acquire AP #212154-000, one of ten 20-acre parcels located between the mouth of Mason Creek on the north side of the East Fork Lewis River and the County’s Becker property, immediately downstream of the Storedahl Sand and Gravel mine.

**Option One Analysis:** When approving the acquisition of the two Eleanor Pearson parcels being considered for conversion, the then Board of County Commissioners expected that the house be re-sold. Recreation and Conservation Office Policy is that for most grants, including the Water Access category, all structures must be removed or demolished.

AP #209739-000 includes a residence in good condition, thus the County is technically not-in-compliance with RCO policy. If not relocated or demolished, RCO would have to approve a re-use plan for the structure. This would best be completed within the context of development of a formal master plan for the greenway between Paradise Point and La Center Road for which resources are not budgeted.

Selling only the parcel with the home, and purchasing a replacement property meeting RCO criteria, would be consistent with RCO policy and the original intent of the Board of Commissioners and would resolve the existing non-compliance issue with the grant.

**Option Two Analysis:** The Pearson Trust owns a five acre AP #209707-000 on the west side of 24<sup>th</sup> Avenue, opposite the two parcels under consideration as surplus. The parcel includes a residence and two outbuildings. County has a first right of refusal to acquire 209707-000 and the trustee has recently contacted the county to inquire if we wish to exercise or forfeit our right.

Structures would have to be removed to remain consistent with RCO policy. The outbuildings are in poor shape. The residence is in fair shape, but not as good as the house on AP #209739-000 under consideration for conversion. Acquiring AP #209707-000 would square off existing county greenway ownership, including the parcels under consideration for conversion. It may provide a trail-head option and also encompasses some high ground that could provide a view opportunity.

**Option Three Analysis:** AP #212154-000 is one parcel of a cluster of ten parcels referred to as "Daybreak Ranch" on the north side of the river that the alternatives analysis cites as the highest priority acquisition on the north side of the river in Segment 3. These parcels are sandwiched between county conservation ownerships at the mouth of Mason Creek and at the mouth of Dean Creek. The owners of these parcels had approached the County a few years ago about selling the land for conservation. Appraisals for two of the parcels were completed. However, the valuations did not meet seller expectations and acquisition discussions were discontinued. The public comment on the alternatives analysis suggesting this option was submitted by a realtor who is currently marketing AP #212154-000. It is one of three parcels of the ten that have residences constructed on them.

In isolation, AP #212154-000 does not advance the policy objective of regional trail alignment very far. The ten parcels really need to be looked at together. Just upstream of the County's Dean Creek property is the Storedahl sand and gravel mine. Immediately upstream of the mine is County Public Works property. A requirement of the mine's habitat conservation permit is that upon cessation of mining activities, the land needs to be reclaimed and dedicated to a public agency or non-profit organization for conservation and recreation purposes. If the ten Daybreak Ranch parcels could be aggregated as part of the greenway, aligning a trail a distance of three miles from Mason Creek through the Dean Creek and Storedahl properties to Public Works properties in Segment 4 could be accomplished.