## STAFF REPORT

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| **Agenda Item:** | 06 | **Name:** | Mary Bourguignon |
| **Proposed No**.: | 2013-0455 | **Date:** | July 15, 2014 |
| **Invited:** | Kevin Brown, Director, Parks and Recreation Division, Department of Natural Resources and ParksConnie L. Blumen, Natural Resource Lands, Department of Natural Resources and Parks |

**SUBJECT**

Proposed Ordinance 2013-0455 would authorize the Executive to enter into an Intergovernmental Land Transfer Agreement with the Washington State Department of Natural Resources for the Little Si Natural Area.

**SUMMARY**

On May 20, 2014, the committee was briefed on proposed ordinance 2013-0455, which would authorize the transfer the Little Si Natural Area, an approximately 28-acre property that King County acquired in phases between 1986 and 1989, to the Washington State Department of Natural Resources (WADNR).

The Little Si Natural Area is located in unincorporated King County east of North Bend near the eastern edge of the Middle Fork Snoqualmie River, at the southwest corner of the Mount Si Natural Resource Conservation Area (NRCA) and approximately 250 feet west of the Little Si Trail (the County’s ownership does not include the trail, which is owned by WADNR). Attachments 4 and 5 show the locations of the Mount Si NRCA and Little Si Natural Area. Because the Little Si Natural Area is located within the approved boundary of the Mount Si NRCA, which WADNR manages, it is eligible to be included in the NRCA and to be managed by WADNR as part of that larger area.

At the May 20, 2014, meeting, Committee members asked for additional information on the mechanisms that would protect the Little Si Natural Area as forested passive open space, and also about the precedent for the County transferring open space property to other jurisdictions. That additional information is summarized in the Analysis section of this report, and in more detail in Attachment 10. In addition, Councilmembers requested additional outreach to the City of North Bend. Staff contacted officials at North Bend and the Si View Metropolitan Park District, who provided additional review and concur with the proposed transfer.

**SUPPORT OF THE STRATEGIC CLIMATE ACTION PLAN**

Although proposed ordinance 2013-0455 was not identified as a specific action in the Strategic Climate Action Plan (SCAP), it supports several of the objectives and strategies in the Forests & Agriculture Area of the SCAP by providing a mechanism to preserve valuable open space and resource lands:

 **Objective O.3.1:** Acquire and preserve forest lands

 **Strategy A:** Acquire, protect and conserve high-priority open space through a variety of means including fee simple purchase, donations and purchase of conservation easements and covenants

**BACKGROUND**

King County’s efforts to preserve the Little Si Natural Area began in the 1980s.

In March 1986, the Council passed Motion 6481, which requested the Executive acquire property on Little Mount Si. The area was forested with mature timber that was ready to be harvested, and the motion noted that harvesting timber “would have an extreme negative impact on the aesthetics of a large area around North Bend.”

In August 1986, the Council adopted Ordinance 7736, which appropriated $125,000 from Conservation Futures Tax (CFT) proceeds for Little Mount Si preservation.

In September 1986, King County acquired a 14.41-acre parcel on Little Mount Si that had been owned by the Anderson family. The Anderson Parcel was acquired using $39,682.01 of CFT proceeds.

In September 1989, the Council passed Motion 7675, which authorized the purchase of a 22.68-acre parcel on Little Mount Si from the Hankins Family. That property transaction was completed in November 1989 through: (1) a $71,400 cash payment to the Hankins family for the value of the timber rights on their property; and (2) the transfer of 8.9 acres of the Anderson Parcel to the Hankins family.[[1]](#footnote-1) Both King County and the Hankins family agreed that neither would log the properties.

The end result of these transactions was the Little Si Natural Area, a County-owned property of approximately 28 acres that borders the Mount Si NRCA on its northern and eastern boundaries, the Middle Fork of the Snoqualmie River on its western boundary, and private property on its southern boundary. A map showing the history of the property acquisitions and transfers can be found as Attachment 6 to this staff report.

The Little Si Natural Area encompasses the western slopes of Little Si Mountain, starting approximately 250 feet below the summit. Public use of the Little Si Natural Area is primarily from hikers who stray from the Little Si Trail, as well as people seeking the “blue hole,” a popular swimming location on the Middle Fork Snoqualmie River.

**Public Hearing.** The proposed ordinance requires a public hearing, which was advertised as prescribed and was held at the Metropolitan King County Council meeting of December 9, 2013. No one testified on the proposed ordinance at that hearing.

**ANALYSIS**

**Answers to Councilmember Questions.** At the May 20, 2014, committee meeting, Councilmembers requested additional information. That additional information is summarized below and provided in more detail in Attachment 10.

**QUESTION: How is Little Si currently protected and how would it be protected if the transfer occurs?**

**ANSWER:** The Little Si Natural Area is currently preserved as open space and protected from logging through the permanent covenants that accompanied its acquisition with Conservation Futures Tax (CFT) funding; through the covenant agreement the County executed with the Hankins family as part of the purchase of the property; and through its designation as an Ecological Land.

These protections would remain in placeif the transfer is approved. The proposed Intergovernmental Land Transfer Agreement covenants that WADNR would specifically agree to honor these previous restrictions (§2.1). In addition, the transfer would be governed by CFT regulations on the allowed transfer of land.

**QUESTION: If the transfer occurs, would Little Si be incorporated into the Mount Si Natural Resources Conservation Area (NRCA)? If so, what would that mean?**

**ANSWER:** The proposed transfer agreement does not commit WADNR to incorporate Little Si into the NRCA. However, it does require WADNR to manage Little Si as if it is part of the NRCA. NRCAs are regulated under RCW 79.71. More information about the provisions of the proposed transfer agreement and the regulations governing NRCAs can be found in Attachment 10.

**QUESTION: What is the cost of maintaining the Little Si Natural Area?**

**ANSWER:** As DNRP noted at the May 20, 2014, meeting, the current maintenance cost to the County is low (less than $1,000 per year) because access to the Little Si property is very constrained, and, as a result, the County provides only inspection services. Currently, WADNR has been performing most of the maintenance activities needed on site. WADNR would commit to maintain the site if the transfer proceeds.

**QUESTION: Is there a precedent for the County transferring parks or open space land without requiring payment?**

**ANSWER:** The County has had a long-time practice of transferring parks and open space land to other jurisdictions. In most cases, the impetus for the transfer has been the cost of ongoing maintenance, and the typical transfer agreement requires the receiving jurisdiction to commit to ongoing maintenance, as well as to preserve the park or open space in its current use, and, if a park, to allow access by all members of the public. The attached document “Examples of Park Transfers” lists examples of such transfers.

**Proposed Agreement and Amendment.** During the review of the proposed ordinance and Intergovernmental Land Transfer Agreement, staff identified several issues:

* **Size of property.** The legislation as transmitted notes the size of the property as 28.22 acres. However, because the property was assembled through several separate transactions in the days before Geographic Information Systems (GIS) analysis was available, and because the property is partially bounded by the flood plain, which could have led to slight changes over time, staff requested a GIS analysis form DNRP to update the measurement of the property. That analysis concluded that the acreage of Little Si Natural Area should be correctly denoted as **28.07 acres**, a difference of 0.15 acres from the amount listed in the transmitted ordinance. A description and map showing the GIS analysis can be found as Attachment 7 to this staff report. WADNR staff has reviewed the DNRP GIS analysis and concurs with its findings. Amendment 1 and Title Amendment T1 would update the acreage listed in the transmitted ordinance to the 28.07 acres identified by the GIS analysis.
* **Technical changes to Intergovernmental Land Transfer Agreement.** Legal counsel reviewed the proposed agreement and suggested a number of technical changes. These changes include:
	+ Changes to the language in the agreement to reflect the language in the proposed ordinance;
	+ Restatement of the legal bases by which King County can transfer property;
	+ Confirmation of the notice requirement for the transfer;
	+ Clarification of the allowed uses for the property; and
	+ Incorporation of the Bargain and Sale Deed, Statement of Property, and Legal Description as exhibits to the agreement.

These changes are incorporated in the revised Intergovernmental Land Transfer Agreement, which is included as Attachment A to Amendment 1 (Attachment 2 to this staff report). DNRP and WADNR concur with these proposed changes.

* **City of North Bend.** Officials from the City of North Bend contacted the Council in early 2014 to note that the Little Si Natural Area and Mount Si NRCA are crucial to the economic well-being of the surrounding community, and to ask if the agreement could affirm a spirit of ongoing communication and cooperation between North Bend and WADNR. The revised Intergovernmental Land Transfer Agreement, which is included as Attachment A to Amendment 1 (Attachment 2 to this staff report) includes the following language in response to this request:
	+ A “Whereas” clause was added to note, “WHEREAS the open space and recreation opportunities provided by the Little Si Natural Area and Mount Si Natural Resources Conservation Area are crucial to the economic well-being of the surrounding communities and particularly to the City of North Bend.”
	+ A new Section 3.4 was added to note, “In recognition of the economic benefits the Property and Mount Si NRCA provide to the City of North Bend, WADNR agrees to foster a spirit of cooperation and communication with the City of North Bend on the City’s annual Festival at Mount Si, and other City-sponsored events.”

Following the May 20, 2014, committee meeting, staff reviewed the proposed transfer with officials from the City of North Bend and the Si View Metropolitan Park District to seek any additional comments or concerns. After additional review, these officials concur with the proposed transfer.

**AMENDMENTS**

There is an amendment and a title amendment.

**Amendment 1** would update the acreage of the property from 28.22 acres to 28.07 acres to reflect the recent GIS analysis that was conducted by DNRP. It would also revise the attached Intergovernmental Land Transfer Agreement to reflect technical changes from legal counsel and the requested language from the City of North Bend. DNRP and WADNR concur with these changes.

**Title Amendment T1** would update the acreage of the property that is being transferred from 28.22 acres to 28.07 acres to reflect the recent GIS analysis.

**ATTACHMENTS**

1. Proposed Ordinance 2013-0455 including Attachment A, Intergovernmental Land Transfer Agreement Between King County and Washington State Department of Natural Resources
2. Amendment 1 including Attachment A, Intergovernmental Land Transfer Agreement Between King County and Washington State Department of Natural Resources, Revised March 25, 2014
3. Amendment T1
4. Mt. Si NRCA Map
5. Little Si Natural Area Aerial Photo Map
6. Acquisition History Map
7. Parcel Size GIS Analysis
8. Transmittal Letter, dated October 9, 2013
9. Fiscal Note
10. Answers to Councilmember questions regarding the proposed Little Si transfer
1. The 8.9 acres of the Anderson Parcel was transferred minus 0.12 acres on the western edge of the property that was reserved for King County Roads Services Division and a 20-foot wide County maintenance access easement on the southern edge of the property. [↑](#footnote-ref-1)